HOUSE OF REPRESENTATIVES—*Thursday, May 13, 1999*

The House met at 9 a.m.

The Reverend Dr. Richard Camp, Director of Ministry in Public Parks, Boston, MA, and former Chaplain at West Point Military Academy, offered the following prayer:

We stand tall in these moments to applaud You, O God. You are an awesome God, creator and sustainer of the universe. In a world uncertain about many things, we pause in this hushed moment of prayer, sure of Your goodness and mercy, certain that Your truth endures forever.

This morning in the presence of many former Members, we are conscious of echoes from the past that resound through the corridors of time, words of truth and deeds of courage. May the faithfulness of these leaders have a ripple effect, touching not only family and friends and colleagues, but also a ripple that will spill out and make history. May their presence here today serve as a cordon of encouragement to the women and men of this Congress.

And Father, we ask again this morning that You give wisdom and courage to all who serve here, that they might chart a course in accord with Your will.

In Your powerful name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. PHELPS) come forward and lead the House in the Pledge of Allegiance.

Mr. PHELPS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO REVEREND DR. DICK CAMP

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I would like to welcome my second Chaplain at West Point, the Reverend Dr. Dick Camp, who served West Point from 1973 to 1996, a total of 23 years.

Dr. Camp is currently the Director of a Christian ministry in the National Parks. Together with my current House Chaplain, Jim Ford, they have served a total of 41 years at West Point in serving the country and the Corps of Cadets.

To those of us who have had the great opportunity for their counsel, advice and prayers and their thoughts of duty, honor and country, I say thank you, God bless you, and beat Navy.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 6, 1999, the Chair declares the House in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and this Chamber, I consider it a high honor and certainly a distinct personal privilege to have the opportunity to welcome so many of our former Members and colleagues as may be present here for this occasion. Thank you very much for being here.

I especially want to welcome Matt McHugh, President of the Former Members Association, and John Erlenborn, Vice President and presiding officer, here this morning.

This is my first Former Members Day since becoming Speaker in January, and since that time I have gained an even greater appreciation for the traditions and the rules of the House. I appreciate all the efforts of the members of the association who spend so much time enhancing the reputation of the House of Representatives.

The House is the foremost example of democracy in this world. The debates we have here are important to the future of our Nation. I hope that my tenure as Speaker reflects the best traditions of this House and the best hopes of the American people.

Once again, I want to thank all the former Members for their good work in promoting the history and enhancing the reputation of the United States House of Representatives. Thank you very much for being here today.

The Chair recognizes the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Thank you, Mr. Speaker.

I, too, would like to welcome you all back home.

I see so many good friends here. I see my friend and neighbor, Jim Wright. It was not long after we took the majority and I had the privilege of assuming these duties, Jim Wright called me up and said, ''Dick, how are you getting along? Have you learned anything in your new role?'' I said, ''Yes, I learned I should have had more respect for Jim Wright.''

It was a tough job. We all have undertaken hard work and good work here. We have all made our commitment in this body on behalf of things we believed in, not always in agreement with one another.

I remember my good friend Ron Dellums. At one time I was so exasperated with Ron, I said, ''You know Ron, you are so misguided, you think I am misguided.'' He acknowledged I was probably correct on that. But we did I think for a very good part of the time manage our differences of opinion in a gentlemanly fashion.

I see Billy Broomfield there, my mentor, trying to teach me. Jim, you do not realize how much time Bill Broomfield spent trying to teach me to mind my manners.

But we did that sort of thing for one another, did we not? Encourage, restrain, sometimes advise, sometimes scold, but I think all of us can look back. You have an advantage. You have a way of looking back and saying how proud you were for what you were able to do for the vision you have held.

I think if I can speak for all of us here, I certainly know the Speaker made reference to it, we want to do our job now, and we will do it with rigor, and we will probably do it with excessive vigor, but always we want to do it in such a way that when you turn on your TV sets and you look in, you remember the honor you feel and felt that you see us, and we find that you are not embarrassed by the way we conduct business in your House.

So welcome back, and I hope you have a good day.

The SPEAKER. It is a great pleasure to introduce the gentleman from Michigan (Mr. BONIOR), a good friend of mine, who usually sits on the other side of the aisle, the minority whip of the U.S. House of Representatives.

Mr. BONIOR. Good morning. It is nice to see so many familiar faces.

Mr. Speaker, thank you for giving me the time to express my welcome to so many dear friends who I have not seen in such a long time.

DICK GEPHARDT wanted me to extend to you his very best. He is at a very special occasion today as well. His daughter is graduating from Vanderbilt, the last of his children to graduate from college, so he is down in Tennessee today on that joyous occasion. He wanted me to let you know how much he appreciates your service to this country and how honored he is that you would come back and share in this special day today.

Let me just say something about the Speaker while I am here, because I think it is appropriate. You would not be here if you did not love this institution in a very special way, and all who have served here over the years have a very special feeling for this place.

I am just very honored to serve with Speaker DENNIS HASTERT. He is a person that has brought stability to this institution in the time that he has been serving as Speaker of the House. He is trusted on our side of the aisle. He is respected. He conducts himself in a way that serves this institution proud. You can have a conversation with him, and he levels with you in a way that allows you to continue to do business. That is refreshing, and it is something that those of us on our side of the aisle appreciate.

I just wanted him to know that, and I wanted you to know that, because we have had some rough days around here, as you undoubtedly know, in the last decade. As DICK ARMEY said, we want to get on with the business of the country, and I think he is providing a chance for us to do that. I wanted the Speaker to know that and you to know that we appreciate the fact that he is leading us in a way that shows respect and decorum and respect for the other side's views on issues.

I am reminded of the enormous debt we owe to those with whom we serve and to those who came before us, because it is this continuity that this Congress provides over time that really is the fiber and the strength that endows our democracy with its resilience.

So to all of you, let me say thank you for your sacrifices that you have made, for the energy that you have devoted, for the ideas and the passions that you have brought to this institution.

Let me also at this time also thank my dear friend and my mentor, someone whom I would not be here in the position that I have today if it was not for, Jim Wright.

Mr. Speaker, I have always been inspired by your courage, by your passion, by your commitment, your idealism, your statesmanship, and I just want you to know how much I feel indebted to your service to our Nation, to this institution, and I want you to know how deeply my colleagues feel, particularly those who have served with you.

Your commitment to justice, not only in America but in Central America and other places around the world that we worked on, is something I will always remember and cherish for the rest of my life. So we thank you so much.

Let me just say in conclusion, Mr. Speaker, that we wish you all the best. We look forward to, hopefully, getting to say hello during the day and hope you have a good day with us. Thank you.

The SPEAKER. The Chair now has the great privilege to introduce and recognize the honorable gentleman from Illinois, John Erlenborn, the Vice President of the Association, to take the Chair.

Mr. ERLENBORN (presiding). Thank you, Mr. Speaker.

The Chair directs the Clerk to call the roll of former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 29TH ANNUAL SPRING MEETING, MAY 13, 1999

Bill Alexander of Arkansas;
J. Glenn Beall of Maryland;
Tom Bevill of Alabama;
David R. Bowen of Mississippi;
William Broomfield of Michigan;
Donald G. Brotzman of Colorado;
Jack Buechner of Missouri;
Albert G. Bustamante of Texas;
Elford A. Cederberg of Michigan;
Charles E. Chamberlain of Michigan;
R. Lawrence Coughlin of Pennsylvania;
N. Neiman Craley, Jr. of Pennsylvania;
Robert W. Daniel, Jr. of Virginia;
E. Kika de la Garza of Texas;
Joseph J. Dioguardi of New York;
James Dunn of Michigan;
Mickey Edwards of Oklahoma;
John Erlenborn of Illinois;
Louis Frey, Jr. of Florida;
Robert Giaimo of Connecticut;
Kenneth J. Gray of Illinois;
Gilbert Gude of Maryland;
Orval Hansen of Idaho;
Dennis Hertel of Michigan;
George J. Hochbruechner of New York;
Elizabeth Holtzman of New York;
William J. Hughes of New Jersey;
John W. Jenrette, Jr. of South Carolina;
David S. King of Utah;
Herbert C. Klein of New Jersey;
Ray Kogovsek of Colorado;
Peter N. Kyros of Maine;
Larry LaRocco of Idaho;
Claude ''Buddy'' Leach of Louisiana;
Marilyn Lloyd of Tennessee;
Catherine S. Long of Louisiana;
M. Dawson Mathis of Georgia;
Romano L. Mazzoli of Kentucky;
Matt McHugh of New York;
Robert H. Michel of Illinois;
Abner J. Mikva of Illinois;
Norman Y. Mineta of California;
John S. Monagan of Connecticut;
G.V. ''Sonny'' Montgomery of Mississippi;
Thomas G. Morris of New Mexico;
Frank Moss of Utah;
John M. Murphy of New York;
Dick Nichols of Kansas;
Mary Rose Oakar of Ohio;
Stan Parris of Virginia;
Howard Pollock of Alaska;
Marty Russo of Illinois;
Ronald A. Sarasin of Connecticut;
Bill Sarpalius of Texas;
Dick Schulze of Pennsylvania;
Carlton R. Sickles of Maryland;
Paul Simon of Illinois;
Jim Slattery of Kansas;
Lawrence J. Smith of Florida;
James V. Stanton of Ohio;
James W. Symington of Missouri;
Robin Tallon of South Carolina;
Harold L. Volkmer of Missouri;
Charles W. Whalen, Jr. of Ohio;
Alan Wheat of Missouri;
Jim Wright of Texas;
Joe Wyatt, Jr. of Texas.

The SPEAKER pro tempore. From the calling of the roll, 55 Members of the Association have registered their presence.

The Chair recognizes the gentleman from Florida, the Honorable Matthew McHugh, President of our Association—excuse me, who wrote this script? I know it is New York. The gentleman is recognized for such time as he may consume and to yield to other Members for appropriate remarks.

Mr. MCHUGH. Thank you very much, Mr. Speaker. You are a very distinguished leader, and I am ready for retirement in Florida, I suppose.

It is a delight for all of us and a real honor to be here to present our 29th annual report to the Congress.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

Mr. ERLENBORN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, we want to especially thank the Speaker for being here to greet us and to thank the Minority Leader and all the Members of Congress in fact for giving us the privilege to be here in this institution that we know and love.

We were pleased also to hear the remarks not only of the Speaker but of the Majority Leader and Minority Whip, Mr. BONIOR, not only because they welcomed us so warmly but because the positive tone of those remarks is encouraging to many of us. I think we have been concerned about the increasing partisanship that has

characterized much of the debate in Congress in recent times. Strong arguments on policy differences are healthy, and we expect that, but the negative tone has at times seemed excessive. This, together with some of the negative campaigning, I think has contributed to some of the public displeasure with politics and government.

I say that because, in this context, it was very encouraging to many of us when the Speaker and the Minority Leader opened the Congress. I am sure many of you watched this on TV, or perhaps were here yourselves personally, but they were eloquent really in pledging to work cooperatively to establish a much more positive climate in the Congress. They did not disavow their contrasting views, which was appropriate, but they did commit to restoring a more congenial spirit in which lively debate and legislative action could proceed.

I mention this in part because the Association of Former Members subsequently joined with the Council for Excellence in Government in publicly commending the leaders for getting the new Congress off to such a positive start, and we also offered to work in some constructive way with them to foster this positive climate.

For example, we proposed that we cosponsor with them a joint town meeting, perhaps on a college campus, at which the Speaker and the Minority Leader could appear together and talk about this Congress and the agenda that they will be pursuing. This was just one idea, and it is entirely up to them as to whether they want to take us up on that offer. But I think the point we want to make is that as an Association, on a bipartisan basis, we want to encourage them not to agree on all of the issues they have legitimate disagreements on, but we want to encourage them to promote even further this climate of positive debate in terms of the issues.

We discussed this issue, if you recall, at our last Association annual meeting a year ago, and at that time we talked about ways in which we might come up with some concrete proposals to help the leadership in this respect, and I report to you on this as a follow-up to that discussion.

Our most important activity perhaps is our Congress to Campus Program, which continues to reach out to citizens across the country, particularly to our college students. We believe that this effort conveys important insights about the Congress and promotes a much more positive view on the part of the public of the institution of the Congress.

As you know, what we do is send out bipartisan teams, a Republican and a Democrat who served in the Congress, to make 2½ days of meetings available to not only students on college campuses but to others in the community; and through these formal and informal meetings we share our firsthand experiences of the operations of the Congress and our democratic form of government.

Since this was initiated in 1976, 113 former Members of Congress have reached more than 150,000 students through 259 visits to 177 campuses in 49 States and the District of Columbia.

Beginning with the 96–97 academic year, the Congress to Campus Program has been conducted jointly with the Stennis Center for Public Service in Mississippi. The former Members of Congress donate their time to this program, the Stennis Center pays transportation costs, and the hosting institution provides room and board for the visiting former Members.

This is something which I know some of you have participated in. We certainly encourage others of you to let us know if you would like to do that. Those of us who have done it have enjoyed it very much, and I am sure all of you would as well.

What I would like to do at this point is yield to the gentleman from Missouri, Jack Buechner, and to the gentleman from Idaho, Larry LaRocco, who will discuss briefly their recent visits to college communities under this program. Jack.

Mr. BUECHNER. I thank our current President, Mr. McHugh, for giving you an outline about the program that has been so successful, and it has been successful not just for the students at the various colleges and universities that we have been able to meet with but also I think for us, because it gives us an opportunity to find out what the current pulse is on the campuses of America.

It is kind of funny, I just returned from Macalester College, where I worked with Jerry Patterson from California. While we were there, there was an anti-war demonstration, with American flags upside down and peace signs and body bags painted with red paint. It sort of was ''deja vu all over again,'' as Yogi Berra would say, to think back into the sixties. But it was students expressing their opinions, and they were politically active.

For 2½ days we sat down with various members of the Political Science Department, the Geography Department, the Social Studies Department, student government leaders, leaders of the Young Democrats and the two members of the Young Republicans, and we discussed the various issues that are currently before Congress, before our executive branch, talking about Kosovo, talking about why we choose to intervene in central Europe and not in Africa. But there was a vibrancy and interest in current affairs that I think would belie what a lot of people in America would consider to be a generation more interested in computers, more interested in a lot of different things, perhaps too much metooism and not enough our-ism.

I think that perhaps is just one campus in Minnesota that I can report on, but I found the same thing last year when we went down to Florida International University.

This is such a good program that I would just tell every member of the Association that you should get involved in it. The problem, of course, is that we have got more campuses want to have Members attend than we have Members to attend and finances to cover those.

But it really is a fantastic program. As we stayed up late talking with the students, we found out that there are many questions that are not being answered by our leaders today to the interests that these students have, and they are looking for a forum in which to express it.

One forum they expressed it in was a recent election in Minnesota where we saw the election of the only Reform Party Governor. I was tempted, and I succumbed to it, to buy a bumper strip as I left the airport that said ''Our Governor Can Beat Up Your Governor.''

□ 0930

But these students had basically said that the two political parties, the mainstream parties, had not offered to them either the chance to participate, and I think that was the interesting thing, the chance to be active in the campaign, not just handing out fliers, but truly active and going and getting other people involved, either working on an Internet web site program in answering responses, to going to rallies in a fashion that was more participatory than just observatory.

These students taught me a lot about why Jesse won in Minnesota, and they weren't all Minnesotans, but they were involved in that campaign, and there is a lesson for us to learn there. But we do not learn unless we talk to people like that, whether they are our children, whether they are our neighbors, whether they are our old constituents, or whether we are visiting a college somewhere else.

With that, I would like to yield to the gentleman from Idaho (Mr. LaRocco). I notice that all of these people in the gallery came here thinking that they were going to see the Indy 500, but they are seeing a used car lot.

But I yield to the gentleman.

Mr. LAROCCO. I thank the gentleman from Missouri for yielding. It is my pleasure and honor today to report to my colleagues on one example of the Association's Congress to Campus Program. The Congress to Campus Program is an innovation of the Association to send bipartisan teams of two former Members of Congress to campuses across the country to meet with students and local residents to speak about the Congress and the rewards of public service.

One such engagement took former Congressman John Erlenborn of Illinois, the gentleman in the chair, and myself to Denison University outside of Columbus, Ohio last October. This was not the first visit of our Members to Denison University, nor will it be the last, I am sure.

The visit to this outstanding institution was arranged in several ways that I would like to explain to the Members. First, many former Members express their interest to the Association in traveling to campuses across the country. They just sort of tell the Association that they are willing to pack their bags and go, and then our Association Executive Director, Linda Reed, matches the dates of the Members' availability with the dates for the visit requested by the host campus, assuring the bipartisan composition of the team.

Second, the logistics in scheduling are coordinated by William ''Brother'' Rogers at the Stennis Center for Public Service at Mississippi State University. He works with the college administrators on campuses such as Denison to ensure that our time is productively used and, indeed, it was on this occasion.

Third, someone such as Professor Emmett Buell, Jr. at Denison University coordinates the on-site visit. Professor Buell is no stranger to our Congress to Campus Program as the founder of the Lugar College Intern Program, and this program is named after Senator LUGAR of Indiana, a Denison graduate.

The Denison University visit is a premier example of what takes place on campus during such a visit. Our stay was by no means a quick one and our schedule looked a lot like schedules that we have all experienced. You get up early in the morning, you have your dates, and we go to classes all day, meeting with large classes and small classes, making arrangements to go out and meet with the residents, having interviews, for example, with the local newspaper and also the campus newspaper.

I think that our visit to Denison University could best be characterized as one where we acted a little bit like our Chaplain mentioned today, Dr. Camp, about the ripple effect, that we have served and been in public service and have been part of our government, and that ripple effect, it is our responsibility to go out and talk about public service, and we did that all day long for a day and a half.

I am reminded of our former Speaker Carl Albert's book, The Little Giant, where he was driven to public service and to serve in Congress because of a visit by a Congressman when he was in grammar school. I think that is the purpose of our visits, to go out to these campuses and make sure that people know that public service is indeed a great calling.

Now, the questions that we got at Denison University ranged all the way from campaign finance reform to, of course, the bipartisanship that is needed in Congress to effectively run the government, and the concerns about some of the lack of civility that they were observing here in the House of Representatives and in the Congress in general. We had challenges to meet those questions, but the two of us, meeting together on a bipartisan basis, I think showed that there was a way that we could come together and work together and explain our government to them.

Our experiences were totally different. John Erlenborn's experience, for example, in going to Congress, where a Democrat had never served in that seat, and my experience in Idaho, being from a marginal district, was totally different. I think the students at Denison University appreciated that, knowing that there are different districts in the United States and people come to Congress with different experiences.

This was my second Congress to Campus Program that I participated in. I have been out to Claremont, McKenna University in earlier years, and I hope to do many more. So I encourage my colleagues to look into this program, to go out and use the ripple effect that we have been admonished and encouraged to do so today by our chaplain, and let us go out and spread the word that public service is indeed a very high calling, that this Congress and this House of Representatives is the best democratic institution in the world, and that we are proud to have served here, as I know we all are.

I yield back to our President, Matt McHugh.

Mr. MCHUGH. Thank you very much, Larry and Jack. As most of you know, the Association is not funded by the Congress, and therefore, in order to conduct our educational programs, programs like the Congress to Campus Program and others, we need to initiate fund-raising efforts and raise the money ourselves. As part of that effort, in 1998, we initiated an annual fund-raising dinner and auction which we repeated earlier this year on February 23. Both of these dinners, if my colleagues attended, they know were quite successful, both socially and financially, and we owe much of that success to the chair of those two dinners, the gentleman from Florida, Lou Frey, who is our former President of the Association as well.

So I would like to invite the gentleman from Florida (Mr. Frey) to not only tell us about this year's dinner, but also to alert us to next year's dinner.

I yield to the gentleman from Florida.

Mr. FREY. I am delighted you are now a resident of Florida, Matt.

We did have a very successful Second Annual Statesmanship Award Dinner at Union Station. We had about 400 people there, including sitting Members of Congress, and it was a great evening. The auctions are fun, a lot of stuff there that people buy, which always amazes us, but a lot of things we have in our closets are really valuable, and we did something unique for the first time. Cokie Roberts was named the first honorary member of the Association. She has been wonderful working with us. We surprised her. I think it is the first time she did not know a secret up on the Hill, but she was given the award.

Lee Hamilton, who many of us served with over the years, was given the award. Lee made about a 20-minute speech. I think he told more jokes in those 20 minutes than he did in the last 35 years in the House. It was a great speech, and really again, a lot of fun.

The main beneficiary of this dinner is our Congress to Campus Program, and the University of Mississippi helps us and works with us and does some things, but it is really up to us to raise the bulk of the money. We donate our time, because there are expenses and everything involved, so this dinner is crucial to our success. I have the good fortune to tell my colleagues that the next dinner will be on the 22nd of February at the Willard Hotel.

We need your help. We really need your help. We had a great committee last time to work with it. Jack Buechner and Jim Slattery were the chairs of the dinner. Larry LaRocco chaired the auction, helped by Dick Schulze who, by the way, it was Dick's idea to get this thing going. He was the one who came up with it, and we owe a great deal to Dick for doing that.

Matt McHugh and Dennis Hertel worked on the Steering Committee. We also have, by the way, if you ever need somebody, call on Larry or Jimmy Hayes to do your auctions. They are great. They run the live auction. We do not understand what they say, but they really sold a bunch of stuff.

Tom Railsback, for instance, gave us a gavel that was used in the impeachment of Richard Nixon that Peter Rodino had given him, and that was really quite a thing. We had a picture taken at the Bush Library taken of the Presidents and all the First Ladies there, and it was autographed by every one of those people. It took us a year to get it, and that was auctioned off. We had baseballs and footballs by everybody. So look in your attics for me, will you, or your basements and find something, at least just one thing. I do not want coffee cups, I do not want key chains, and I do not want a picture of you alone. As much as I love you, I do not want it of you alone. I want it with somebody, preferably a President, or unless it is you, Sonny, your picture I can put on my wall. Big red machine, right?

It is really important that we do it, and it is important you get some tickets. We have 10 months to do this thing. Bell Atlantic, Tom Tauke of our Members, was a prime sponsor, which was a great thing, but if you would all just sell a couple of tickets it would make our job really a lot easier, and it is really key.

One other thing I would like to mention we have been working on for three years and I will just throw in, maybe some of you know or do not know, some of you have written chapters for it, we have a book we have written which will be published in October, and there are about 20 Members of the Association already who have gotten chapters in. Liz Holtzman just promised me that she would get her chapter in, and that is on the record now, Liz, and we have time if anybody else wants to do it. We have a publisher. This is not something that is not going to happen.

The need for this book came about in some of our Congress to Campus Program visits where we have great books. Jim Wright has written a great book, we have a number of people who have done it, but there is not any book that is a compendium of the Congress looking at it from a personal standpoint. All of the political science professors said hey, we really need something like this. So it is there. You have about 30 to 60 days to get a chapter written. If you want to grab me after this, please do that.

One last thing I would just like to say. I think it is just great that Speaker Wright is here. I really enjoyed the remarks that were made by the Speaker, the majority leader and the minority leader. I think like you, I love this place. It has been a real privilege to serve here, and you know, I am proud of it as you are, and it is just fun to see so many old friends. Thank you very much.

Mr. MCHUGH. Thank you very much, Lou. We hope that all of you will be at the dinner next year, February 22. Lou really has done a magnificent job in heading up that dinner for two years in a row, and it is a fun time.

We have talked about our Congress to Campus Program, which is our most important domestic activity, and we have also engaged in a wide variety of international activities which many of you have participated in and have enjoyed. We facilitate interaction and dialogue between leaders of other nations and the United States. We have arranged more than 380 special events at the Capitol for distinguished international delegations from 85 countries and the European parliaments. We have programmed short-term visits of Members of those parliaments and long-term visits here of parliamentary staff. We have hosted 45 foreign policy seminars in nine countries involving more than 1,000 former and current Members of the U.S. Congress and foreign parliamentarians, and we have conducted 17 study tours abroad for Members of Congress and former Members of Congress.

We also serve, as many of you know, as the secretariat for the Congressional Study Group on Germany, which is the largest and most active exchange program between the United States Congress and the parliament of another country. This was founded in 1987 in the House of Representatives and the following year in the Senate. It involves a bipartisan group of more than 135 Members of the House and Senate. It provides opportunities for Members of Congress to meet with their counterparts in the German Bundestag and to enhance understanding and greater cooperation between the two bodies.

Ongoing study group activities include conducting a distinguished visitors' program at the United States Capitol for guests from Germany; sponsoring annual seminars involving Members of the Congress and the German Bundestag; providing information about participation in the Youth Exchange Program that we cosponsor with the Bundestag and the Congress; and arranging for Members of the Bundestag to visit congressional districts in our own country with Members of the current Congress.

This is a program which is active and growing. The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States, and we have now gotten support, financial support from six corporations that serve as a Business Advisory Committee as well.

I would like to invite now and yield to the gentleman from Kansas (Mr. Slattery) to report on the most recent meeting in Kreuth, Germany, which was held on March 30 to April 2 for the Study Group.

Mr. SLATTERY. Mr. President, thank you very much. Let me just say that our friend from New York and our friend from Florida, Lou Frey, deserve a lot of recognition and appreciation from all of us for the work they have done with the Former Members Organization. Lou Frey, you have been relentless, relentless in this Annual Statesmanship Award Dinner in making that a success, and I think we ought to give him a round of applause, because you all do not know what he does to make that a success. And Matt McHugh, you are doing a super job as President too. We really appreciate that.

It is great to see you all. I am particularly glad to see Bob Michel here, who I think was one of the great Members of Congress in the 12 years that I had an opportunity to serve here. Bob, it is great to see you. You are looking wonderful. Former Speaker Wright I know has had a tough last few weeks with surgery, and Speaker Wright, you are an inspiration to me, you always have been and to many of us here, and I would just associate myself with the remarks of DAVE BONIOR earlier. It is great to see you, and we look forward to your involvement here in a few minutes.

From March 28 to April 2 of this year, the Congressional Study Group on Germany sponsored a delegation of five current and two former Members of Congress to travel to Germany to have meetings with German State and Federal officials and Members of the German Bundestag. The current Members of Congress in the delegation were BILL MCCOLLUM from Florida, who is this year's chairman of the Congressional Study Group on Germany in the House, and OWEN PICKETT of Virginia, who was last year's chairman and the 1998 chairman of the Study Group. GIL GUTKNECHT of Minnesota and CARLOS ROMERO-BARCELÓ of Puerto Rico and LOUISE SLAUGHTER of New York were the current Members participating in this year's event, and Scott Klug, a former Member from Wisconsin and myself represented the former Members.

The first part of the trip took the delegation to Berlin for three days where we had meetings with State and Federal officials, and in addition to that, we had dinner one evening with U.S. Ambassador John Kornblum and the President of the State Parliament of Brandenburg at Cecilienhof Manor, which was the site of the 1945 Potsdam Conference concluding World War II that was attended by Stalin and Truman and Churchill and later Attlee, and it was a very memorable evening, that evening out at the Cecilienhof Manor.

As you may know, the United States is currently involved in a debate with the government of Berlin as to the placement of our new U.S. embassy. The plans are to reconstruct the U.S. embassy on the site of the embassy where it was located prior to World War II on Pariser Platz next to the Brandenburg Gate. Unfortunately, however, because of security concerns now, some of the streets may have to be moved to accommodate the construction of the U.S. embassy, and as you might imagine, this is not something that the government of Berlin enjoys dealing with, the relocation of streets to accommodate the U.S. embassy. But hopefully, if both sides continue to visit on this, a compromise can be reached.

We also spent some time with the worldwide director of public policy for DaimlerChrysler, and it was particularly interesting to hear from them firsthand the kind of problems they are encountering in trying to merge this huge German corporation with a huge American corporation, and it was even more interesting, the site of this meeting, because we were meeting at the DaimlerChrysler new building in Potsdamer Platz.

As recently as 10 years ago, of course, this area was an area that was divided with the wall and armed guards on both sides, and it was remarkable just to be there and see the kind of construction that is going on in the heart of Berlin. It has got to be one of the greatest, if not the largest construction sites in the world, and there are reportedly some 3,000 cranes at work in downtown Berlin rebuilding the city in preparation for the return of the German government to Berlin this summer.

So it is really a remarkable time in Berlin. If you have the opportunity to travel there on any occasion, I would urge you to do it. It is truly a remarkable city.

Later on in the trip we went down to a small village south of Munich in the foothills of the Alps called Kreuth, and there we spent several days, actually four days with members of the German Bundestag, former members of the German Bundestag, American business leaders, German business leaders and talked about ongoing problems in the European Union, problems with the Euro, problems with the European Union, the role that Europe and Germany in particular will be playing in the world community as we go forward, and at the time we were there the problems in Kosovo were just starting. We had just deployed, or just commenced the bombing activity and our troops had been captured, and it was particularly interesting for me to observe the united front of all of the German political parties in their support of NATO and NATO's actions against Slobodan Milosevic. So that was particularly encouraging to me.

I believe very strongly that this activity with the German Bundestag and this exchange program, the Congressional Study Group, is a very important effort to keep communication alive between the United States, Members of this body, Members of the other body here, and the Members of the German Bundestag through this rather historic time that we are going through. I would encourage other Members, more Members, more current Members to become more actively involved in the German Congressional Study Group.

So Mr. President, I hope that is an adequate report, and again, I appreciate your leadership. Nice to see you all.

Mr. MCHUGH. Thank you very much, Jim. We hope that this is of interest to you because we are involved in a wide variety of these international-related programs and we think that is something that at one time or another you can participate in productively.

We would like to say a few words about a number of these, and I understand that we are flexible in terms of timing. So the most important thing we are doing this morning is honoring Speaker Jim Wright and we want to leave adequate time for that, but we will cover a few of these additional items since we have the time available.

One of the things that we do is act as a secretariat for the Congressional Study Group on Japan, which, similar to the Study Group on Germany, brings together Members of the U.S. Congress and the Japanese Diet and enables former Members of Congress to participate as well in these discussions of common interest. We find that to be very productive and helpful, especially at times when there is a little tension between the two countries on issues like trade.

We are in the process of trying to expand our activities as well by creating exchange programs with China and with Mexico. These are obviously two countries of great interest to the United States and the Congress in particular, and given our experience with the Study Group on Germany and the Study Group on Japan, we think that we are well positioned to serve as a secretariat for these programs as well.

In the aftermath of the political changes in Europe, the Association began a series of programs in 1989 to assist the emerging democracies in Central and Eastern Europe. With funding from the USIA, the Association sent bipartisan teams of former Members, accompanied by either a congressional or a country expert to the Czech Republic, to Slovakia, Hungary and Poland for up to two weeks. They conducted workshops and provided instruction in legislative issues for the new Members of parliament in these emerging democracies. We also worked with their staffs and other people involved in the legislative process. Public appearances were also made by Members of our delegations in these emerging democracies also.

The Association arranged briefings with Members of Congress and their staffs, meetings with other U.S. Government officials, and personnel at the Congressional Support Service organizations. Visits to congressional districts to give them the opportunity to observe the operation of district offices in our home towns.

Also with the funding of USIA the Association sent a technical adviser to the Hungarian Parliament in 1991 to 1993. With financial support from the Pew Charitable Trust in 1994, the Association assigned technical advisors to the Slovak and Ukrainian Parliaments. The initial support was supplemented by grants from the Rule of Law Program, the Mott Foundation, the Eurasia Foundation, the U.S. Agency for International Development, and we had a Congressional Fellow in Slovakia until 1996.

Our program in the Ukraine has been quite successful, and since 1995 we have managed an intern effort there, which has provided assistance to the legislators in the Ukraine Parliament, something which they would not otherwise have had without our support.

I would like to yield briefly to the gentleman from Michigan (Mr. Hertel) to report on the program in Ukraine.

Mr. HERTEL. I thank the gentleman from New York, and I will be brief in the interest of time. I do want to congratulate so many former Members of Congress for staying so very active in public affairs and taking of their time in donating it. It gives me great pleasure to report on the Association's very successful assistance program to the Ukrainian Parliament in the last 5 years. Our commitment to the Ukraine is in full recognition that this country, one of the largest in Europe with 55 million people, plays a critical role in the future stability and growth of democracy in East Europe. The recent NATO summit in Washington underscored the important role the Ukraine can play in the evolving Euro-Atlantic community.

Our program with the Ukrainian Parliament has evolved over time from its initial work as a source of technical advice to the development of a young leaders program. The staff intern program was established in the fall of 1995, following discussions with parliamentary leaders who indicated that increased staff support would be the most valuable assistance that could be provided. The initial group of 35 young Ukrainians who served as staff interns were in the 22 to 36-year age group and were drawn primarily from graduate schools in law, government, and economics. In subsequent years the age range has been slightly younger, from 22 to 28. In 1998 and 1999, with funding from the Eurasia Foundation, our program supported 60 interns. An additional 7 interns have been included in the program as a result of private sector support.

The staff interns have been placed primarily in committees where they serve as permanent staff and engage in mainline staff duties, including drafting legislation, analyzing and researching reports on potential legislation, reporting on committee deliberations, and translating vital Western documents. They also participate in a regular evening educational program.

The intern graduates, who now number approximately 200, represent a new generation of young political leaders. We have helped nurture the creation of an organization knitting together a group as a de facto Association of Young Ukrainian Political Leaders, many of whom have returned to the Parliament as permanent staff. Others are in increasingly responsible positions in the Ukrainian government, and the emerging private business sector, with nongovernmental organizations, think tanks, and the academic community.

We have now reached the point where we are seeking to increase the degree

of Ukrainian management of the program to ensure its long-term viability while maintaining the high standards of the nonpartisan selection process. Recent negotiations in Kiev have resulted in the formulation of a transition plan over the next 18 months to independent Ukrainian supervision by two outstanding organizations, one academic and the other the Association of Ukrainian Deputies. The latter is a counterpart to our Association, was established with our assistance, and includes 320 former deputies of the Ukrainian Parliament. The Association is chaired by the former vice-chair of the Parliament who, in a meeting last year with the chairman of our House Committee on International Relations, BEN GILMAN, said that the intern program ''is now training clerks for future competent politicians.'' He is committed to ensuring that the intern program maintains its high standards and continues to train an emerging new generation of Western-oriented young democratic leaders. I am visiting there during the next two weeks to meet with those interns and leaders of the program and to offer your congratulations for all of the successes that they have had under your leadership. Thank you.

Mr. MCHUGH. Thank you very much, Dennis.

One of the most significant study missions that we have done in recent years has been to Cuba. In December of 1996, the Association sent a delegation of current and former Members of Congress to Cuba on this study mission to assess the situation there and to analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings which was widely disseminated through print and visual media, and was made available to Members of the House and the Senate, as well as to officials in the executive branch. There was also a follow-up to this initial study mission which was conducted in January of this year. Again, the delegation was bipartisan; it made a report upon its return, and that report has gotten widespread dissemination, and hopefully some attention as well. We expect that there will be two additional bipartisan teams of former Members of Congress who will travel to Cuba this fall and will hold workshops in regional centers on topics of particular concern to the leaders in those areas. This program with Cuba is funded by the Ford Foundation.

At this point I would like to yield to the gentleman from Missouri (Mr. Wheat) to report on this year's study mission, and he was a participant in that.

Mr. WHEAT. Thank you, Mr. President.

Recently, as the chairman noted, I had the privilege of participating in our delegation to Cuba, sponsored by the Former Members Association, and the delegation included some very distinguished former Members, Senator DeConcini, Senator Pressler, Senator Kasten, and, of course, we were led by our former chairman, Lou Frey.

During my time in the House, I participated in numerous of these delegations all over the world, led by many capable leaders, including my former Rules Committee chairman, Claude Pepper. Unfortunately, I had to leave Congress to find out a Republican can lead a delegation as well as a Democrat. I am referring to the outstanding chairmanship of Chairman Lou Frey, whose enthusiasm, his intelligence, his insight, his probing commentary, enriched the quality of our delegation's experience and led to some very important rapport with bipartisan conclusions about steps we might take to improve our relationship with the Cuban people.

Like many aspects of our relationship with Cuba, there were difficulties with some of the things we went down to talk about. But, since our trip, some of you may have noticed a small change in our relationship, specifically, a baseball game, or rather games.

The Baltimore Orioles twice played the Cuban National Team, both in Cuba and in Baltimore. The results of these games were, well, not much. The Cubans won one, and we won one.

More importantly, international order was not threatened, and our domestic policy was not derailed. Honestly, not even that many people paid attention. It was not the World Series. Sure, 40,000 people came to the game in Camden Yards, but many of them left after the rain delay in the first inning.

Perhaps future historians will say that this game was of tremendous national importance and improved the relationship between the United States and Cuba, but, for now, it was just a baseball game, and like many other aspects of our relationship with Cuba, the negotiations leading up to it were arduous and fraught with misunderstanding and misperception.

Let me tell you just one quick thing about it. One of our main goals in our trip to Cuba was to examine the misperceptions between the two countries. To do that we met with members of the Cuban government, political dissidents, representatives of the very limited private sector, human rights groups and members of the Catholic Church, and we took a little time out for recreation.

We went to a Cuban baseball game. We found that their love of the game was very similar to ours, but everything else was different. The stadium was old and in disrepair. The 10 or 12 cars in the parking lot were of a vintage that is no longer seen in the United States. They were from the 1950s. The top players make $8 to $10 a month, a change some of us think might be good here, and we paid the admission price of 4 cents to get in the stadium.

You may remember that the negotiations about this game were hung up for a long time on what to do with the proceeds. Now, 40,000 people in Cuba at 4 cents each totals $1,600. Well, in Cuba $1,600 may be a lot of money, but you can understand that the Cuban government officials drew a little concern about whether the United States was making a real offer or commitment or whether this was just a public relations ploy.

If this game did not occur as a result, so what? It was only a baseball game. But suppose similar attitudes affected other areas of our relations with Cuba? Suppose relatives were kept apart because there were no flights between the two countries? Suppose lifesaving medical techniques and medicines were not allowed to be transported to and from Cuba? Suppose the policy of noncooperation kept illegal drugs flowing into the United States?

When our delegation returned from Cuba, we met with officials at the State Department to discuss the mixed signals that we were sending to Cuba. We do not know whether our conversations made a difference or not, but we do know the two games were played.

Let us hope similar results occur for the 12 substantive policy recommendations that we proposed. I will not bore you with them this morning, but let me just sum them up by saying they are designed to encourage greater communication and exchange between the Cuban people and the American people.

If each and every one of our recommendations made on a bipartisan basis were implemented, international order would not be threatened, our domestic policy will not be derailed, the Cubans might win a little, the United States might win a little and, hopefully, future baseball games could occur in the context of a real world series.

Thank you.

REPORT BY THE DELEGATION OF THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS: VISIT TO CUBA, JANUARY 10–16, 1999

Members of Delegation: Hon. Louis Frey, Jr., Chairman; Hon. Dennis DeConcini; Hon. Robert W. Kasten, Jr.; Hon. Larry Pressler; Hon. Alan Wheat; Mr. Walter Raymond, Jr.; Mr. Oscar Juarez

SUMMARY

The U.S. Association of Former Members of Congress sent a seven-member, bipartisan delegation to Cuba from 10 to 16 January 1999 to see first hand current political, economic and social conditions in Cuba and to engage in a series of frank discussions concerning U.S.-Cuban relations. The delegation was composed of former Representative Louis Frey, Jr., Chairman; former Senator Dennis DeConcini; former Senator Robert Kasten, Jr.; former Senator Larry Pressler; and former Representative Alan Wheat. They were accompanied by Walter Raymond, Jr., Senior Advisor of the Association and Oscar

Juarez. The trip was funded by a grant to the Association from the Ford Foundation.

The delegation pursued its objectives through formal meetings with Ministers, bureaucrats, political dissidents, independent journalists, foreign diplomats, Western businessmen and informal meetings with a cross-section of individual Cubans. Three members of the delegation had participated in a similar fact-finding mission to Cuba in December 1996 and were able to observe changes in conditions in Cuba over the past two years.

The delegation's approach was based on the realities of the current relationship of Cuba to national security objectives as well as the sensitivities of the Cuba issue in political circles in the United States. In addition, the concomitant interests of the Cuban people to meet basic human needs and to work for the development of an open society, as well as their desire to be respected according to their sense of Cuba and their national identity, were taken into consideration by the delegation in making their recommendations.

Policy Background

U.S. policy to Cuba is based on a series of long-standing Congressional and Executive Actions. The essential ingredient is the long-standing embargo, designed to put maximum pressure on Castro. This policy, which began in 1960, was in direct response to the establishment of Communism in Cuba and the development of a close security relationship with the Soviet Union. The Cuban Democracy Act of 1992 and the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 sought to further strengthen Cuba's isolation and to take advantage of that to force major political change. These policies over almost 40 years showed to the world the U.S. resolve to protect its borders and the Western Hemisphere as well as opposition to Castro and his communist dictatorship.

Times have changed. The end of the Soviet subsidy in 1992, which totaled between $5 to 8 billion per year, and the collapse of the Soviet Union have changed the strategic equation. Moscow no longer is subsidizing Cuba, the island does not represent a base of military operations against the Untied States and Cuba is not a national security threat to the United States. Increasingly, Cuba is out of step with the entire Western Hemisphere which has been engulfed by a democratic wave. On the international level, Cuba is increasingly irrelevant: the communist revolution has failed and Castro is an anachronism. On the domestic level in the United States, Cuba continues to be an important issue. The only national security threat would be a chaotic transition of power in Cuba that could lead to a mass exodus of Cuban citizens to the United States mainland.

Cuba Today

A review of Cuba begins with the understanding that the Castro regime remains very much a police state and suppresses any independent political expression. The country is controlled by Castro through the military, the Ministry of Interior and the police. There is little regard for human rights, no freedom of the press and few political dissidents because of the pressures applied by Castro. Despite U.S. policies over the past years, pending unforeseen circumstances, Castro will remain in control until his death.

Economic belt-tightening is the order of the day. The delegation was briefed on economic restructuring affecting various state-run industries designed to increase the efficiency of the state economy. At the same time, heavy taxes and other pressures have resulted in a decrease in the number of small self-employed enterprises. The management of a number of state enterprises has been taken over by former military officers. These officers are positioned to be part of a post-Castro elite. The ruling class in Cuba, while not guilty of conspicuous consumption, live comfortably and have benefited within the parameters of the controlled economy. The overall impact of developments in the past two years suggests that prospects for the economy are slightly better—but this is a result of a significant growth of tourism and the close to $1 billion of remittances sent by Cuban-Americans living in the United States to their families and friends in Cuba. Remittances have been the biggest boost to the economy at this time.

The Pope's visit made some impact and appears to have given the Catholic Church more operating space. Although the percentage of Catholics in Cuba is significantly less than Poland, the Pope's visit had an invigorating effect. Church attendance, while still comparatively moderate, has risen and the Church has been able to increase its support activities including the distribution of humanitarian assistance. Castro has been forced *de facto* to accept humanitarian assistance in a manner which reaches the Cuban people. On the basis of informal conversations, it appears that another consequence of the visit is that it has given Cuban citizens more of a sense of connection with the ''outside world'' and a greater willingness to interact. In other words, a potential key impact of the Pope's visit is that it has started a process of opening things up.

The United States is receiving only limited cooperation from its allies, including those in Europe, on key issues such as workers' rights. Foreign enterprises continue to pay the Cuban government for work performed, and the Cubans in turn pay the workers in pesos at an artificially low exchange rate. The Europeans continue to press for greater respect for human rights to be observed but with little demonstrable success.

The Cuban people retain a great deal of pride in their homeland—even those who are not happy with Castro. There is a concern about the lack of respect for Cuba by the United States which goes back to the 19th Century. The Cubans had been fighting for many years against the Spanish, yet the Americans entered the war later and called it the Spanish-American War. Little acknowledgment was given to the many Cubans who died for their country's freedom.

Much of the U.S. policy toward Cuba recently has been dictated by domestic politics. For instance, compare the difference in the current U.S. approach to three communist countries, China, Vietnam and Cuba. China has been given most favored nation trade status. Vietnam has been recognized officially, trade has been encouraged and a trade agreement is in progress. However, with Cuba there is an embargo that is close to 40 years old and continues despite the changed geopolitical circumstances resulting from the demise of the Soviet Union.

Policy Considerations

In order to understand the delegation's recommendations, it is necessary to start with a clear definition of policy objectives. The first question from the United States' standpoint should be what is in the best national security interests of the United States. Assuming that the assessment is correct that whatever the United States does will not drive Castro from office, the concentration should be on what can be done to help the Cuban people in the short term by meeting certain basic human needs and by helping enfranchise economically an ever larger group of independent Cubans. In the longer term, these steps will contribute to laying a framework for a peaceful transition toward an open society compatible with the emerging democratic world throughout the Western Hemisphere.

The United States can not let Castro dictate its actions on non-actions; U.S. policy must be determined on its own merits. Some actions may be taken unilaterally that could benefit the United States or actions could be designed to benefit the Cuban people without expecting any concessions from the Castro government. However, there may be some proposed actions, such as those set forth in the Helms-Burton Act, which should be taken only if the Castro government acts or reciprocates.

U.S. leaders must endeavor to do away with a schizophrenic approach to Cuba. U.S. policy has been stated expressly as designed to help Cuban political development by supporting the growth of an independent sector and a middle class. The delegation supports this. At the same time, U.S. policies also should strive to meet certain basic needs of the Cuban people. For instance, if it makes sense to send medical supplies or food to Cuba, a maze of rules and regulations should not be attached which often result in supplies not ever reaching Cuba. Castro is given a public relations victory and, more importantly, vital assistance does not reach the Cuban people. The same can be said in many other areas, including travel where the delegation believes U.S.-imposed bureaucratic limitations hamper the maximization of people-to-people contact programs. Some of these specific areas will be discussed in the body of this report. If policy were consistent with the rhetoric and the United States we intended to isolate Castro totally, then all contact should be ended, including the massive number of remittances sent from the Cuban-American community. This does not make sense—and the delegation does not favor such a drastic step—but it does illustrate the strange position that exists.

The common sense rule should be applied regarding the use of rhetoric. For instance what is important to the United States? Is it more important that a certain act be taken to accomplish a specific result, or is it more important that rhetoric be used to talk about the certain act? In some cases both may be done; in other cases it will be counterproductive to conduct foreign policy encased in domestic-focused rhetoric. As an example, political dissidents, independent journalists, representatives of religious organizations and NGOs all express concern about the way in which Washington rhetoric links NGOs and the construction of civil society in Cuba with the removal of Castro, as stated in 1992 and 1996 legislation. The rhetoric lays dissidents and independents open to the charge of being ''tools of subversion against the Castro regime.''

Conclusion

In conclusion, it is time to deal with Cuba as it is today not in terms of the Cold War which dominated post-war politics for 40 years. Does this mean the embargo should be lifted? If the sole purpose of the embargo is to drive Castro out, it has not worked and it is not going to work. And is has not impacted on Castro's leadership elite. If other legitimate ends are being accomplished, then it should be left in place. Should the Helms-Burton Act be changed? While it continues to put pressure on the Cuban Government to resolve issues of the confiscation of property,

Titles I and II of the Helms-Burton Act should be liberally interpreted as this provides help directly to the Cuban people. On this point there are differences within the delegation. The delegation does agree that Titles I and II of the Helms-Burton Act should be more liberally interpreted as this provides help directly to the Cuban people. Further consideration should be given to modifications of Title IV if EU nations provide greater recognition to U.S. property claims. Policy modifications are recommended with the full realization that Cuba continues to be a communist dictatorship. Policy adjustments which the delegation are proposing are in the interests of the United States and the Cuban people, not Castro.

The United States should exhibit a greater sense of confidence that increased contacts between the United States and Cuba will work to the advantage of the development of a more open society rather than to help Castro. People-to-people contacts, increased travel, an unlimited supply of food and medicines are not viewed by the Cuban people as an aid to Castro, but rather as support to the Cuban people.

Recommendations

1. *Remaining impediments to exchange programs should be removed. People-to-people contacts should be greatly expanded, including on a two-way basis.* The issuance of general licenses should be expanded to a wide range of fields including educational, cultural, humanitarian, religious and athletic exchange. Cuban-American residents in the United States should be included under a general licensing provision with no limit to the number of visits to Cuba per year. The two-way aspect of this program is important, permitting Cubans (including Cuban officials) to have an increased exposure to the United States so they have a shared educational and cultural experience to help dispel stereotypes. Such exchanges are not a threat to US national security. If the Cuban Government is reluctant to sanction such exchanges to the United States, it could reflect concern over defections resulting from dissatisfaction with conditions in Cuba.

2. *Direct, regularly scheduled flights between the United States and Cuba should be authorized and established.* This is the best way to maximize person-to-person contacts and to facilitate humanitarian assistance. The delegation recognizes that such a move may necessitate a Civil Air agreement. the gains outweigh concerns about enhanced recognition that this may give Castro. An alternative could be the approval of foreign airlines to make stops in the United States enroute to Cuba, a step that could be pursued through IATA.

3. *Pressures should be sustained on Cuba to release political prisoners and to ameliorate prison conditions. The delegation recommends continued contacts with the International Committee of the Red Cross and other Human Rights Groups in Latin America and Europe to press them to seek prison visits and to pressure the Castro regime to recognize basic human rights standards for prisoners of conscience.* There has been no perceptible change in human rights conditions since the Pope's visit, despite an initial release of some prisoners.

4. *All restrictions on the sales and/or free distribution of medicines and medical supplies should be removed.* A general license should be given for donations and sales to non-governmental organizations and humanitarian institutions, such as hospitals. Considerations should be given to identifying a U.S. purchasing agent who could serve as an expediter and independent bridge between the U.S. pharmaceutical firms and Cuban ''customers'' to facilitate sales and to monitor delivery.

5. *Unrestricted sales of food and agricultural inputs should be authorized.* This policy, if unencumbered by regulations that undercut the effectiveness of this initiative, will help the Cuban people. Even operating within the parameters of the Presidential Statement, there are steps that can be taken to increase agricultural production and the capabilities of the farmers. The delegation has commented on this in some detail in the report and believes that creative ways can be found to accomplish the objectives.

6. *Commercial shipping carrier companies (such as DHL, UPS or other shippers) should be authorized regular delivery stops in Cuba.* Accompanying arrangements would need to be made in Cuba for safe delivery to meet carrier standards, including a contractual arrangement with a Havana-based representative organization. *Regular sea transportation also should be authorized.* Expanded air and sea shipping will facilitate the delivery of gifts of food, agricultural supplies, medicines and medical equipment. These new transportation links also would facilitate humanitarian efforts by private Americans to ship larger ''care packages'' directly to Cuban citizens and thus supplement support from remittances.

7. *The delegation supports a policy to expand remittances in amounts allowed and to permit all U.S. residents, not just those with families in Cuba, to send remittances to individual Cuban families.* Greater utilization of the Western Union office in Havana should be considered as a means to expand the number and diversity of remittances.

8. *The delegation believes a regional effort should be studied to reduce the flow of pollutants into the Gulf of Mexico* with its concomitant impact on sea wildlife environmental damage to the shores of various countries affected by raw sewage outflows from Cuba.

9. *An independent group should review Radio Marti broadcasting to insure that the news package is balanced, meets all required professional standards and covers major international stories.* This is the second Association trip to Cuba in which the delegates found no independent Cuban citizens who had seen TV Marti. It is recommended that funds supporting TV Marti be redirected to an enrichment of Radio Marti or dedicated to an expansion of telecommunications linkages. (See Recommendation 10)

10. *Technical breakthroughs in the telecommunications industry should be explored to increase information links to Cuba.* Internet, e-mail, cell phones and other state-of-the-art communications slowly are bringing information and ideas to the country. *It is recommended that the U.S. Government and Congress consider authorizing U.S. telecommunications companies to explore possibilities for establishing more open and diverse communications between the United States and Cuba.*

11. *Consideration should be given to opening property settlement discussions and establishing a process with a payment schedule, even if actual funding is deferred to a future date.* The Cubans acknowledged that this is an outstanding issue in the bilateral relationship and they claimed that they were prepared to discuss settlement. There may be a role for a third party arbitrator to facilitate this negotiation.

12. *Policy steps which are just pinpricks should be avoided, as they accomplish little and impact negatively on a policy to open Cuba up to change.* As an example, the proposal for a baseball exchange is a positive step, but the U.S. announcement explicitly dictates how proceeds for games in both Baltimore and Havana are to be used. Each country should decide how the proceeds will be spent. The ticket price in Havana is approximately four cents, so the issue is largely irrelevant.

BACKGROUND TO POLICY RECOMMENDATIONS AND OTHER OBSERVATIONS BY THE DELEGATION

Political Conditions

Cuba remains very much a police state under the tight domination of a single ruler. The post-Castro era could involve a conflict between nomenklatura elements (younger, middle-to-senior level officials), who have vested interests in the system and are prepared to consider steps toward economic reform, and a law-and-order wing, largely housed in the military and the Ministry of Interior. Equally possible, however, could be the lack of an effective leadership to fill the space, largely as a result of Castro's failure to allow reasonable political development in the country as a preparatory step for a peaceful and constructive transition. An alternative course, however, might occur if time and circumstances permit the growth of an increasingly independent economic infrastructure in which more citizens become economically enfranchised and a broader segment of society has a vested interest in a stable transition.

The lack of a political opening was palpable. Castro remains opposed to any alternative system or actions independent of the system. Internal crackdowns against crime are designed to improve the command economy, not to change it. In meetings with a number of intellectuals, independent journalists and political activists, several interesting points were raised. However, among these representatives of the political opposition there were some differences of opinion. The political dissidents underscored in very personal terms that there was a continued crackdown. They said the probability was very real that, although they had spend time in jail in the past, this might happen again in the upcoming year. They also described the regime's procedure of arresting people and detaining them for up to 30 days without trial and then releasing them. They added that Cuban authorities are aware that trials may draw major Western press and that they seek to make their message known by selective detention. They acknowledged the lack of coordination among the dissidents. They may represent a moral force but, at this point, they do not occupy significant political space.

The political independents did not see much, if any, improvement in living or working conditions as a result of the Pope's visit, although independent journalists thought there was a bit more flexibility vis-a-vis journalists. All agreed that the economy is in bad shape. The dissidents described the existence of two embargoes—the one imposed by the U.S. Government and the other imposed by the Cuban Government against its own people. They were underwhelmed by support from the EU and noted that some workers had tried unsuccessfully to block Western investments unless the Europeans pressed for adherence to the Arcos principles. At the same time, they said that there were more than 300 foreign businesses in Cuba, that this increases foreign influence and in the long run could be a plus.

The delegation was rebuffed in its efforts to visit four leading dissidents, who were seized without charges in 1997 and still have not been brought to trial. The dissidents in question were Marta Beatrix Roque, Rene

Gomez Manzano, Felix Bonne and Vladimiro Roca. The delegation had a particular interest in meeting with them as the earlier Association delegation had met the four dissidents in Havana in 1996. The delegation also pressed the Cuban authorities to allow the International Committee of the Red Cross to make prison visits. Although some other groups have, on occasion visited Cuban prisons, the ICRC has not been allowed into Cuba for ten years. ICRC visits—with their subsequent confidential report to the host government—would be a positive step.

It is hard to evaluate the degree to which the Pope's visit has emboldened the local population to exercise more independence, but the delegation sensed that the post-Pope visit atmosphere was somewhat more positive. There is active interest in more contacts and communications. Some looked to President Clinton's declarations on January 5 as a potentially important step to expand contacts and access. Others thought increased possibilities exist for telecommunications breakthroughs, including internet, which will permit more extensive communications with persons outside of Cuba. Representatives of NGOs also believe that they have developed more operating space, a potentially encouraging sign for the future.

Economics—Cuban Style

The delegation was given a comprehensive review of the Cuban Economy by Economics Minister Jose Rodriguez. Rodriguez came from the academic world and his presentation did not include a self-defeating propagandistic spin. The 1996 Association delegation met with Rodriguez and his earlier analysis has substantively held up quite well. He underscored that growth recorded in 1996 and 1997 had flattened out in 1998 to 1.2 percent. The Government is engaged in a major restructuring of the industrial sector, seeking to increase productivity by cutting subsidies to unprofitable state-owned enterprises. This causes unemployment and other adjustment problems. A number of state-owned companies are being taken over and operated by former military officers.

Rodriguez claimed that 81 percent of the state enterprises now are profitable, as opposed to 20 percent in 1993.

An exception to the pattern has been the critical sugar industry, where production lags because of poor production techniques and devastating weather. A reorganization of the production capacity is underway and some less productive mills will be closed. This will cause labor dislocation and the need for labor retraining to demonstrate how to increase unit yield. This reorganization also includes a shift from a vertical to a horizontal system. Instead of all instructions and all infrastructural support coming from one central point, the reorganization gives self-supporting industrial elements, such as shipping and packing units, greater ability to make decisions.

The Minister indicated that incentives programs were being installed in agriculture and other areas. He suggested there was a role for farmers with an entrepreneurial flair but that such people—the emerging independent cooperative farmers—need to understand about incentives and to be motivated to work for them. He said that by appreciating their role, these independent farmers can strive to earn foreign currency and sales. The farmers need new modern equipment to replace the old, obsolete and often broken Soviet agricultural equipment. The question was raised about the free market. Rodriguez referred to incentives within the socialist system where quotas were provided to the enterprise and the worker and once they achieved that quota, the additional production could be taken to the market for sale. Returns would be shared by the workers and the enterprise which would keep a portion of the funds received to enhance further production rather than turn revenue over to the State. However, Castro tends to undercut some of the potentially positive aspects of this trend by trying to eliminate or minimize the ''middle men'' who help the independent farmers send their product to the markets.

Tourism is the largest income producer for Cuba. Rodriguez said that there were 1.4 million tourists in 1998, a 17 percent growth is expected in 1999 and a total tourist inflow of two million is anticipated in 2000. He said tourism helped compensate for the sharp decline in sugar exports. He made no reference to the decisive impact that accelerated remittances from the United States have had on the Cuban economy. The delegation raised the question of the tourist industry—such as foreign owned or operated hotels—paying the government for the salaries of its employees. He responded that this was the way the socialistic system works. He added, however, that there might be some alterations to the payments system, but the state would continue to monitor and control it. The delegation stated that such procedures were unacceptable to most businessmen and disadvantaged the employee.

Rodriguez maintained that the private sector is growing, but it has to react to stiffer competition. Paladares (private restaurants) continue to be active, although some have closed because of competition. Others have opened. Castro continues to hinder each effort to establish even the rudiments of a private sector. For example, the paladares not only are limited to only 12 customers a night, but they also are not allowed to sell lobster or steak, although some do. The delegation expressed concern that the number of small private enterprises had dropped; Rodriguez said the private sector was growing. Our figures indicated that the number had gone down from approximately 215,000 to about 150,000. He acknowledged small private activities were heavily taxed, noting that private rooms—totaling 8,000 according to Rodriguez—can be rented if the owner receives a license and pays a tax. Cuban officials do not see these as punitive taxes, underscoring that the taxes are essential to provide dollars to the state. They state that clearly the private sector would not continue to rent rooms and open paladares if they did not think it provides economic gain for them.

In a subsequent discussion, a senior official of the Ministry for Foreign Investment emphasized that there is a new Cuban law concerning foreign investment which reportedly will make it easier for foreign investors. He stated that now there are about 360 joint ventures in the country. While the Helms Burton Act has retarded investment, the official believes that foreign investment now is increasing. He cited recent foreign investments in the development of an electric generation plant, financial commitments to joint ventures to establish business centers—principally to be occupied by foreign companies—condominiums, free trade zones and industrial parks.

In addition to the massive infusion of remittance dollars, ordinary Cuban citizens are finding other ways to receive dollars. People appeared to be coping, possibly a bit better than two years ago. Western companies have found ways to supplement the salaries which they pay to workers via the state by a system of hard currency bonuses. Castro's desperate need for dollars means that he is prepared to look the other way and let dollars come from these various sources. However, through severe taxation and the construction of a shopping mall selling Western goods to Cuban citizens, Castro seeks to gain access to some of the dollars flowing into the island.

The construction of a major new modern airport (with Canadian funding) and a large shipping terminal to berth cruise ships are two additional examples of steps that will increase travel to Cuba and contact between the Cuban population and visitors. These facilities also will increase the amount of dollars in circulation, some of which will reach the Cuban citizens. Tourism is the number one income producer for the regime. At the same time, some farms and industries have established a greater profit share with workers receiving dollar bonuses and farmers, many of whom now are defined as ''independent'' farmers, are able to sell on the market an increasing share of their production. It should be noted that everything is relative in Cuba and the standard of living and the infrastructure lag far behind its potential and/or its place in the Caribbean compared to where it was 40 years ago.

In a conversation with the Chairman of the National Assembly's Foreign Relations Committee, the delegation raised the question of the restoration of confiscated properties and asked if there were any movement within the Cuban Government to address this issue. The Chairman said that, under the law nationalizing property, every country has been paid except the United States. He stated that Cuba was prepared to discuss settlement of the property. The problem is the retroactivity of the Helms-Burton Act which gives the right to Cuban citizens, who have been nationalized as Americans, to claim property with the help of the U.S. Government. It would cost the Cuban Government over $6 billion, an amount beyond their capabilities. The delegation asked whether a third party—possibly a Latin American country—might serve as an arbitrator to resolve these claims.

Cuban Comments about the Helms-Burton Act

During discussions in Havana with non-official Cubans, the delegation raised the question of U.S. policy with specific reference to the Helms Burton Act. The delegation said that political realities in the United States suggest that the Helms-Burton Act will remain in place for the foreseeable future and planning should be developed with this reality in mind. It should be recorded, however that most of those queried argued in favor of a basic change in the Helms-Burton Act. For example, the Catholic Church, echoing the Pope, urged that the embargo be terminated. Western businessmen thought that the future was discernible, economic prospects were encouraging and the United States should decide if it were to be a player or not. The U.S. embargo, at this juncture, was a strong moral statement and *de facto* it aided foreign business access. They did not understand why the United States did not want to be a player in Cuba's future which could be better achieved with normal economic and social relations.

Dissident and NGO representatives took particular exception to the way in which the Helms-Burton Act and the recent Presidential announcements have been wrapped in a rhetorical package which has the effect of labeling all efforts to build ''civil society'' as a move to overthrow Castro. As one Western

NGO representative said, the NGOs are identified as tools of subversion against Castro and this backfires on the NGOs. The dissidents are, to some degree, divided. The majority believe that the Helms-Burton Act gives Castro an excuse for everything that goes wrong in Cuba and by lifting it, the world (and the Cuban people) could see the bad management, corruption and failure of the Cuban regime. Several said, however, that modification of the embargo would need to be made in a way that does not take the pressure off Castro.

Policy formulations need to reflect sensitivity to the Cuban mind set. Even men-on-the-street Cubans have some support for Cuban nationalism, as distinct from Castro's regime. Dissidents repeated a view heard in several circles that they were concerned about substituting Miami for Havana. They would like to participate in democratic change and welcome close relations with the United States, they do not want foreign dominance which played too large a part in their past.

In sum, the delegation recognizes that Cuba remains a repressive society, but believes that the state system will undergo major changes after Castro dies. The experiences reflected in the many transitions that have taken place in the past ten years in Central and East Europe, as well as the states formerly composing the USSR, indicate that changes can take many different directions ranging from democracy to domestic instability to authoritarianism. It is in both the Cuban and U.S. national interest to encourage peaceful evolution to an open society. The delegation believes steps should be initiated to reduce Cuba's isolation and to communicate with many different elements of Cuban society. Further, pain and suffering on the island should be eased through humanitarian support, particularly in the areas of flood and medicine. The delegation does not believe it either politically possible to challenge the Helms-Burton Act, nor does it believe it is warranted in light of continued political oppression by Castro, but further practical policy and program steps are possible during this interim phase of history.

Food and Agriculture

The delegation favors unrestricted sales of food and agricultural equipment. Food sales and gifts do not strengthen Castro. They may give him a limited propaganda stick, but they give the Cuban people food.

The policy announced by the White House on January 5, 1999 on food sales places a very sharply focused emphasis on the independent agricultural sector in Cuba. The language of the announcement is unnecessarily circumscribed and the potential benefit of this policy initiative will be effected by the manner in which the implementing regulations are drafted. Very restrictive drafting could make this initiative virtually meaningless. The delegation observed food shortages and is aware that supply is very tight in Cuba. It believes that the sales of food and equipment to independent nongovernmental entities is desirable and should be pressed where practicable. It should not be restrictive. The delegation does not favor sales at subsidized concessionary rates—no U.S. Government underwriting should be engaged in these transactions. Even if one works through the state trading system, the food will still reach the Cuban people—and the ultimate purpose is to help the Cuban people—even if some of the cash proceeds end up with the Cuban Government. Realistically speaking that is where most of the remittances sent by Cuban-Americans to their families ultimately end up. The delegation believes that gifts of food to needy persons and groups should be continued through responsible humanitarian channels, such as Caritas. Such gifts do benefit directly the Cuban people.

The delegation used the January 5 policy statement as a starting point for discussions on this subject with Cuban officials and with representatives from the private sector, foreign and domestic. A number of important points emerged in these conversations.

A large number of Cubans are defined as ''independent'' by the Cuban Government and by Western businessmen and NGO representatives. The key is how to define the so-called independent farmers who are in cooperatives where the land is owned by the state but who, after meeting a production quota for the state, have the freedom to sell their own produce. These farmers need enhanced fertilizers, pesticides and equipment, but they have a serious cash shortfall. There is a skepticism in Cuba as to whether these ''private'' farmers will be able to buy many supplies and equipment. For this proposal to have any positive impact, it is essential to have a broad rather than a legalistic interpretation of what is an independent farmer.

The establishment of at least a quasi-independent agricultural sector is key to the success of the policy and it will be necessary to design creative ways to sell agricultural supplies. The implementers of the policy should be flexible and should consider the development of agricultural machinery cooperatives to service many farms and/or independent farmers. Caritas currently is developing an agricultural project in conjunction with the semi-official Association of Small Farmers (ANEP). Under this project, the feed, fertilizer and equipment purchases are made through a state enterprise, but an agreement is made that the farmers, who actually make the purchases, will be able to sell a portion of the produce on the private market. This is a constructive and realistic approach as it does not attempt to circumvent the Cuban Government, which would not work in this situation, but finds a formula that develops a quid pro quo by operating, at least in part, through the Cuban foreign trade system.

Other arrangements paralleling this pilot should be possible and might be of interest to certain U.S. agricultural companies. The feed, fertilizer and equipment purchases by farmers are facilitated by funds provided by Caritas. U.S. agricultural firms, if they become involved, initially would need to play a similar charitable role.

The policy of supporting the gifts of food should continue. Representatives of charitable organizations, such as Caritas maintain that the receipt of food as gifts is easier for them to handle than the purchase of food supplies. They have negotiated arrangements with the Cuban Government to verify the majority of its distributions of humanitarian assistance—food and medicine, but it will not be possible to replicate the same process if these supplies were to be bought by Caritas. Even under current arrangements, Caritas has to engage in extensive negotiations with the Cuban Government regarding each shipment received.

Medicines and Medical Supplies

U.S. policy should be to eliminate all restrictions on the sale and/or free distribution of medicines and medical supplies.

The current program, supported primarily by Caritas but also by several other international NGOs, has developed an extensive distribution system to over 100 hospitals throughout the country. In consultation with the Cuban Government, a viable system of monitoring the distribution of the medicines and insuring that they are used for the purposes intended has been established. Caritas prefers to receive medicines and medical supplies as gifts. From their operational point of view, purchases would necessitate establishing an artificial and counter productive process. Outside charities, primarily the Catholic Relief Service, would need to supply the funds to make the purchases. Caritas then would need to work through the Cuban foreign trade system to gain access to the goods and to arrange procedures for further sales and/or distribution. Regardless of what happens vis-a-vis sales, medical gifts should continue to be supplied to Cuba via Caritas and other NGOs.

The issue of sales is extremely complicated. Officials in the Castro Government repeatedly stated that they are prepared to buy medicinal drugs but the process is hindered by the regulatory maze imposed upon the Cuban Government and Western pharmaceutical companies. In addition, they allege that the United States does not respond to specific requests. The delegation is aware that U.S. spokesmen, both at the U.S. Interests Section and in the Department of State, believe that the United States has removed all impediments, that the licensing process is straight forward for U.S. pharmaceutical companies and that, in the last analysis, the Cuban Government either does not have the funds to make the purchases or for political reasons does not want to make the purchases. In a personal meeting with National Assembly President Ricardo Alarcon, the delegation requested that the Cubans provide specific examples where the Cubans have sought medicines or medical supplies and the U.S. Government has been an obstacle.

While a protracted argument could take place as to whether there is a bureaucratic problem from the U.S. side, the delegation believes this is not the basic issue. All restrictions should be lifted for the sale of medicines and medical equipment. The delegation does not believe that this will result in any particular economic or political gain for Castro, but it could help the Cuban people. Without being too quick to judge, the delegation believes the threat of medicines and medical supplies being diverted for ''apartheid medical treatment'' has been somewhat overstated. It would appear that at least some of these cases are for specialized treatment and may not be competing for resources that could go to the local population. While the delegation members do not accept at face value the more modest numbers that the Cubans say are treated this way nor the protestation that all such revenues go into the Cuban medical system, they do believe that, in the main, increased medicines and medical supplies will have positive benefits to the Cuban people. This is one of the policy objectives of the delegation.

An alternative would be to simplify the regulatory process from the U.S. side by reworking the key control paper, the ''Guidelines of Sales and Donations for Medicines and Medical Supplies to Cuba.'' In discussions, Paragraph 24 appeared to be a particularly troubling paragraph. This will, inter alia, make it easier for pharmaceutical companies and make the Cuban market somewhat less bureaucratic and potentially more attractive.

Under any circumstance, the delegation believes consideration should be given to establishing a general license for donations and sales of medicines and medical supplies to non-governmental organizations and humanitarian institutions, such as hospitals.

The delegation suggests, if the alternative were pursued, that a general license be developed outlining a few basics including: where the medicine is going; types of people for whom intended; certification from the sending/receiving organization of us. Consideration should be given to identifying a U.S. purchasing agent who could serve as an expediter and independent bridge between the U.S. pharmaceutical firms and Cuban ''customers'' to expedite sales and monitor delivery.

The delegation does not accept the statement that the impact of the embargo has severely harmed the Cuban health system, as argued by Castro's spokesmen, but accepts the fact of shortages. Further, it is recognized that U.S. policy does make the purchase of materials for U.S. producers more difficult. The procedure now in place is sufficiently cumbersome and bureaucratic resulting in diminishing interest in the U.S. companies selling to Cuba. A particular problem is the acquisition in the United States of spare parts, a very specialized need that a purchasing agent could help solve. The U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) needs to examine how money transfers of sales can be expedited. The licensing process must be made unambiguous and clear.

Under current circumstances, the bulk of the deliveries of food and medicines are handled today by the Catholic Relief Services. With the new executive actions in Washington, additional suppliers may increase their assistance and/or sales. Means of access to Cuba remain limited. Although the Administration has suggested that licensed goods could be eligible for transit on charter flight, the delegation has recommended steps be taken to permit more direct transportation, including by DHL, UPS or other air shippers and by U.S. ships that could be authorized—without penalty—to make Cuban port calls. The current system that requires Caritas to haul medicines, medical supplies and food from U.S. points of collection—particularly from Florida sources—to Canada for shipment to Havana verge on the absurd.

Remittances

Remittances are an extremely valuable support mechanism for the Cuban people. They should be supported not only for delivery to individual Cubans but also to independent humanitarian organizations. I should be recognized that the ultimate beneficiaries will be both the individual recipients and the Cuban Government. Such funds will be used to meet basic human needs. The purchase of necessary items in Cuba will result in some portion of the cash remittances flowing into state controlled economic outlets. In this sense, Castro does make some gains. Nevertheless, the delegation believes this is a very important step not only to help Cuban citizens but also to start the economic enfranchisement of a larger number of Cubans.

According to information received, remittances sent from Dade County can not go directly to the Western Union office in Havana. If true, this restriction should be lifted, as it would facilitate remittances and be less costly for the sender.

Counter Narcotics Programs

The delegation has not listed this issue as a recommendation because the facts concerning the recent report of Cuban drug running by the Colombian police at the port of Cartagena are not clear. During the visit, the delegation raised the drug question with the Foreign Ministry and it was, in turn, raised with the delegation by the Minister of Justice, who is the Chair of the Cuban National Commission on Drugs. The delegation believes that, at the appropriate moment, a more energetic effort should be made to test Cuban willingness to engage in counter-narcotics programs. U.S. representatives have proposed an experts meeting to discuss specifics as a preface to any formal agreement. The delegation understands the importance of proceeding on a step-by-step basis but believes that the United States should be flexible in its approach to this issue. The recent crackdown against prostitutes, drug pushers and crime in Havana is an indication that Castro recognizes that steps are necessary to stop drugs. The United States should seek the right time to introduce an agenda item that is in the best interests of both countries. The Cubans have indicated interest in a formal agreement and U.S. officials could present this as a bargaining chip. There may be some value in considering Caribbean narcotics flows in a broader multinational context as well.

Environmental Cooperation

A number of environmental issues could be the basis for cooperation. The delegation focused on one specific issue during the January visit: the pollution of the Gulf of Mexico and states such as Florida adjoining the Gulfstream caused by raw sewage pouring into the Gulf from Havana and under north shore sites. A number of scientific studies are being considered and/or are underway examining pollution issues in the Gulf, including near Cuba. The delegation believes this subject requires further study with the purpose of determining whether an action plan can be crafted of mutual interest to the United States and to Cuba.

Radio

The political dissidents as well as several Cubans with whom the delegation had chance encounters in the countryside said Radio Marti was an important medium. An independent journalist said he and his colleagues regularly passed stories to Radio Marti and it was the biggest ''megaphone'' for their articles. Nevertheless, the delegation received considerable criticism about Radio Marti's program content. As one dissident said, ''Radio Marti does not need to belabor the Cuban people with what is wrong in Cuba. We live here. We know that.'' There was also a frustration, by a leading human rights activist, that the ''people who went to Miami do not speak for Cubans and should not dominate the radio.'' Another said the radio was unnecessarily polemical.

There was interest in more balanced news and commentary. Listeners are anxious to have solid comprehensive reporting on world affairs, as well as comment on developments in science, the arts and other things that are of interest but from which they are cut off. They also would favor more cultural and music programs. For the second time (the first being the Association's trip in December 1996), no one in the independent sector was found who had ever seen TV Marti.

Telecommunications

The Cuban phone company ETECSA was formed as a state monopoly in 1994 and is complete controlled by the Cubans, although the Italian company, STET, has a 29 percent interest. STET and ETECSA have a 20-year concession from the Cuban Government and a 12-year exclusive concession. A target is to have the Cuban phone system ''modernized'' by the year 2005. Penetration levels are about 1 telephone for 27 Cubans; the 2005 target is a 1 to 10 ratio. STET reportedly made an initial investment of $200 million and is scheduled to send an additional $800 million over the course of the contract. The funds are provided from Italy's foreign aid program; STET reportedly receives special tax considerations for this investment.

The Cuban Minister of Communications and the Director of Telecommunications expressed a strong interest in more foreign investments in all areas of telecommunications. They are, however, reluctant to give the citizens complete access to Internet. As an example, while cellular phones are being developed under the rubric CUBACEL with a Mexican partner, security concerns significantly have slowed this effort.

Castro and his Minister of Interior have succeeded in implementing a program of very tight control of Cuba's access to the Internet and are opposed to expanding the telecommunications sector and Internet. The Cubans also completely control the Internet server provider (ISP). The Cubans have an intra-island Internet with which university-approved people and others have access. In addition, there are several Internet sites within Cuban which are available. In terms of international internet, individual Cubans can access only those sites approved for them. For example, a medical university may have access to certain medical sites, but each is encrypted, monitored and recorded.

At the same time, the rapid technical advances in the world telecommunications industry create a serious dilemma for the Cuban regime. They need to have their key people on Internet for scientific and educational reasons, but are hesitant to grant unlimited access. To restrict this, they have worked with a German encryption and monitoring firm to keep track of ''who does what'' on Internet in Cuba. The Castro regime is making a strong effort to record all e-mail and all other computer transmissions. The delegation was advised that while Cubans now eagerly exchange e-mail transmissions—each delegation member received calling cards with e-mail addresses—all e-mail is monitored and recorded through one central server. While Cuban officials would not acknowledge this, the delegation was advised that only about 200 Cubans have complete, unfettered access to the Internet. *The Cuban government has not resolved the basic conflict of how it can aspire to being a modern technological state without allowing more of its people access to the complete international internet* With—technological advances proceeding to mind-numbing speed, it is reasonable to assume that Castro will not be able to deter major information flows arriving in Cuba. It should be U.S. policy to foster this information revolution.

There is, however, an immediate threat to expanding telecommunications links to Cuba stemming from a decision by a U.S. District Court to award $187 million in damages to the families of the aborted 1996 ''Brothers to the rescue'' mission. These funds are frozen Cuban assets in the United States. The Cubans have threatened that if these assets are seized that they would cut direct telephone service between the United States and Cuba. This would clearly set back the many faceted opportunities that are just now emerging in terms of telecommunication links to Cuba and the provision of a rich and diversified body of information to the Cuban people. Such action would neither be in U.S. national interests nor helpful to Cuban citizens.

Vignettes and Personal Experiences

The delegation's strong endorsement for a more simplified system by which Americans

can travel to Cuba is founded on personal experience. Armed with all necessary travel documents—from the Department of Treasury (OFAC) and from the Cuban Government (a visa)—the delegation sought the simplest and most direct travel route. All options were explored. Direct Miami charter flights were the first option. Only four flights were scheduled per week—now it is up to 11 and rising—with three leaving Miami at 8:00 in the morning with a requested check in time of 3:00 a.m. Logistics, red-tape and over bookings prompted the concerned travel agency to recommend close attention to the recommended check-in time. At the time of request, flights only went on Monday, Friday and Saturday. Aside from the fact that the delegation was scheduled to fly on a Sunday, no seats were available for Saturday or Monday. The delegation passed up this option, made available by the March 20 Presidential action, and traveled from Miami to Cancun, changed planes and flew onward to Havana. The elapsed time from Washington was nine hours. The return was a similar nine hours. This is not an efficient system and totally unnecessary. Of more importance then the delegation's inconvenience is that this type of an awkward system impacts negatively on expanded travel between the two countries, as called for in the January 5 declaration.

The 50,000 seat baseball stadium is an excellent place to meet Cubans in an informal basis. There is much congeniality and beer drinking in the stands. The four cent seat price makes the fight about the exhibition game revenues for the home game with Baltimore an absurdity. Even if the price is tripled for the game, the gate receipts in Cuba will be minimal.

The delegation visited Pinar del Rio Province, the capital by the same name and the small town of Vinales. The visit was undertaken in an unstructured and unofficial capacity and in a relaxed atmosphere. Although the following comments appear random, they do provide a general commentary concerning conditions, as seen by the delegation.

The delegation learned that bookings for the bus from Vinales to Havana during the time of the Pope's visit were made many days in advance and could not meet the demand. The Government found eight extra buses from somewhere and each was filled for the trip to Havana to see the Pope. The Catholic Church in Vinales has grown some since the Pope's visit, although now only has a congregation of 50 persons. There is a Spanish priest assigned to Vinales. Several delegates walked into the cultural center and were briefed by a bilingual Cuban program director who welcomed the chance to show his center to Americans. Responding to a delegation suggestion, the Cuban program director took three delegation members into a computer center where four computers were being used by ten year olds in an after school program. Such computer training is integrated into school activities. The group also visited a repair center where all sorts of electronic equipment—TV, radio, computers—were being repaired. When spare parts did not exist, they were being created. Several of the young service man in the electronics shop had engineering degrees and one also had a CPA and business degree. Several of the Cuban technicians accepted the delegation's invitation for a further discussion in a local bar where an active exchange occurred. As an example of progress. As one example of progress beer which was largely imported several years ago, now is produced in Cuba and at each restaurant visited, Cuban beer was sold. It is competitive in quality to the various imported beers.

The young technicians described that each had or would have compulsory military service: two years are required if the Cuban has had no college training and one year, if college educated. One of the engineers said that he was living in a house given him by the government that was empty but had been the house of a Cuban now in exile. He did not want to give up his house—the exiles are history, he said.

The young men thought that conditions were better now than in 1991, a theme heard repeated in several other informal conversations. In the country, the people neither look downtrodden or undernourished. Tourism has helped. They all listen to Radio Marti but do not find it interesting; the radio appears to assume the listeners are stupid. They would prefer music and real news. The delegation offered the Cubans an opportunity to ask questions and the young men responded with tough questions about Vietnam, Iraq, Israel and Impeachment. After two hours of open dialogue during which no animosity to Americans was displayed, they expressed their appreciation for the candid talk because they only receive one side of the news and they wanted to hear the American side.

Despite the appearance of more goods in the countryside, an arrival of a shipment of shoes at a local store in the Pinar del Rio capital city resulted in a mad scramble by the local citizens to buy new inexpensive shoes. This suggests a certain lack of everyday clothing in that provincial center. At the same time, the pharmacy was stocked fully with medicines and a hardware store had all the needed paint and building supplies that one would see in an American suburb—the only problem is that only licensed people could buy in this store.

Driving to Pinar del Rio from Havana demonstrated the shortage of transportation. Individuals or groups waited along the road—much of the 80 mile stretch—for a lift. Buses are infrequent and always filled to capacity. Open-back trucks always could be seen hauling between 3 to 20 people. It is the law to stop to collect passengers. Police check points were every 10 to 15 miles. In the Pinar del Rio area and in Vinales, a town eight kilometers away, the principal means of transportation was bicycle, although walking and hitchhiking were very popular ''modes of transportation.'' An occasional car, or an even less frequently old decrepit Soviet tractor would be seen.

An interesting footnote: Che is the national ikon. Handsome dashing portraits, T-shirts and other reproductions of a chic 32 year old revolutionary cult figure abound. No personality cult of Castro is evident.

The delegation was advised by Church figures that the high abortion rates were primarily a result of poverty and used as population control.

A spontaneous stop at a tobacco firm was very revealing. The farm was totally self-sufficient. A family of at least three, possibly four generations, all living under one roof—with no electricity, indoor plumbing or telephone—yet all appeared healthy and happy. The nine children (in all age groups) were well dressed and engaged actively in school. Beginning in fifth grade, many students learn English and they practice their new skills on the Association visitors. They were positive about their education and free medical treatment. A doctor visits to the house whenever needed. The delegation was told that ''Fidel not only helps the Cubans but gives medicines and doctors to the world.'' The farm is a family operation. Pesticides are state supplied and the land is owned by the government. Wood plows are pulled by cattle or oxen. Tobacco production netted the farmer visited about $113 per year, but he and his family accepted their existence. It is easy to overstate need when our finds subsistence farmers who can care for themselves, have the basics and have education and medicine provided. One would think the young students would receive a broader perspective through their educational experience, but it was not immediately apparent in a short visit.

A Final Note

The delegation believes that the contacts developed, the on-the-ground discussions and general observations have provided each of the members with valuable insights into Cuban realities. The delegation members will seek to contribute their views to the public debate concerning U.S. policy to Cuba. The bipartisan quality of the group, its liberal to conservative construction, and its ability to be one step removed from direct domestic political pressure may permit the group as a whole, and individuals speaking from the basis of their own unique insights, to contribute to a greater national understanding of this critical subject. The time is right for such a discussion.

Representative Louis Frey, Jr., Republican-Florida (1969–1979), Chairman of Delegation; Senator Dennis DeConcini, Democrat-Arizona (1977–1995); Senator Robert Kasten, Republican-Wisconsin, House 1975–1979; Senate 1981–1993; Senator Larry Pressler, Republican-South Dakota (1979–1997); Representative Alan Wheat, Democrat-Missouri (1983–1999); February 22, 1999.

SCHEDULE OF CUBAN PROGRAM ACTIVITY, 10–16 JANUARY 1999

Sunday 10 January

10:15 PM: Arrive Joe Marti International Airport (Havana), via Miami and Cancun. Welcome by Cuban Ministry of Foreign Affairs official Raul Averhoff.

Monday 11 January

10:00 AM: Roundtable with MPs of the National Assembly, chaired by Jorge Lezcano Perez, Chairman of the International Relations Commission. Three other MPs participated including Ramon Pex Ferro, Vice Chair of the International Relations Commission and Jose Luis Toledo Santander who is also the Dean of the Law School at Havana University. The roundtable also included Miguel Alvarez, Advisor to the President of the Parliament and Julio Espinosa, the Coordinator General of the International Relations Commission.

11:30 AM: Meeting with Roland Suarez, Director, Caritas Cubana.

1:00 PM: Visit to Havana City Planning Office with briefing by Director Mario Coyula Cowley.

2:30 PM: Meeting with Vice Minister of Foreign Affairs Carlos Fernandez de Cossio.

4:00 PM: Meeting with Papal Nuncio Benjamino Stella at the Residence of the Apostolic Nuncio.

7:00 PM: Dinner at a Paladares.

Tuesday 12 January

8:15 AM: Breakfast with Western journalists including representatives or stringers representing CNN, ABC, BBC, US News and World Report, Sun Sentinel and Clarin.

9:30 AM: Meeting with Jose L. Rodriguez, Minister of Economy and Planning.

11:00 AM: Visit to the William Soler Children's Hospital. Briefed by Dr. Diana Martinez, Director; Ramond E. Diaz, Deputy Minister of Health and Dr. Paulino Nunez Castanon, cardiovascular surgeon.

12:30 PM: Luncheon with Western businessmen hosted by US Interests Section Principal Officer Mike Kozak, including Konrad Hieber (Mercedes Benz), Ian Weetman (Caribbean Finance Investments, Ltd), Hans Keyser, (Danish Consul) and Jan Willem Bitter (Dutch international lawyer).

4:00 PM: Meeting with Miguel Figueras, Advisor to the Minister, Ministry for Foreign Investment and Economic Cooperation.

5:30 PM: Discussion at US Deputy Chief of Mission John Boardman's residence with diplomatic representatives from Portugal, France, the UK, Italy, Sweden, Spain, Germany and the Netherlands.

8:00 PM: Baseball game at Latinoamericano Stadium.

10:00 PM: Dinner at Hemingway favorite—Bodgueda del Medio.

Wednesday 13 January

9:30 AM: Tour of historical sites of Old Havana, inspected docks and terminals for cruise ships, informal discussions and conversations in old city.

12:30 PM: Luncheon with independent democrats in local restaurant.

2:30 PM: Visit and tour of Carlos J. Finlay Institute (split delegation).

3:00 PM: Tea with independent journalists (split delegation).

5:00 PM: Meeting with Robert Diaz Sotolongo, Minister of Justice.

7:00 PM: Reception at US Interest Section residence in honor of three visiting US groups including students, unviersity officials and cultural groups.

Thursday 14 January

Day trip to Pinar del Rio and Vinales. Series of impromptu meetings with a broad cross range of local citizens, including sugar farmers, church attendants, computer technicians, engineers and store keepers.

Friday 15 January

AM: Free time in Havana. An opportunity to see shops, small craft stores and museums.

12:00 noon: Briefing at US Interests Section by Mike Kozak and a cross-section of mission officers.

3:00 PM: Meeting with Minister of Communications Silvano Colas Sanchez, Vice Minister Oswaldo Mas Pelaez and Director of Telecommunications Hornedo Rodriguez Gonzalez (partial delegation).

5:00 PM: Meeting with Oxfam/Canada representatives.

7:00 PM: Meeting with National Assembly President Ricardo Alarcon and the group of parliamentarians who met the delegation on Monday 11 January.

Saturday 16 January

7:15 AM: Depart Havana by air to Cancun enroute to Miami, Orlando and Washington.

Mr. MCHUGH. Thank you very much, Alan.

As I mentioned earlier, one of the things we do is organize study tours to a variety of countries in which Members and their spouses at their own expense participate in educational and cultural experiences. We have had a number of very interesting study tours, including ones to Canada, China, Vietnam, Australia, New Zealand, the former Soviet Union, Western and Eastern Europe, the Middle East and South America.

I want to alert the membership that later this year in the fall we are going to be planning a study tour to Italy. This should be fascinating, not only because of Italy itself, but we have three former Members of Congress who are presently in Rome as ambassadors. Tom Foglietta is our Ambassador to Italy; Lindy Boggs, a former Chair of our Association, is the Ambassador to the Holy See at the Vatican; and George McGovern is our Ambassador to the Food and Agriculture Association. So we anticipate we will be well treated and that the study tour will be a very interesting one when we go in the fall.

In September of 1998 the Association conducted a study tour of Vietnam, and I would like to invite the gentleman from Virginia, Bob Daniel, to report briefly on that trip.

Mr. DANIEL. Thank you, President McHugh.

This fall, as was mentioned, a delegation of four former Members of Congress visited Vietnam for 6 days. In Hanoi, meetings were held with former Representative, now U.S. Ambassador, Pete Peterson and the embassy staff, representatives of the U.S. Missing in Action Office, members of the Vietnamese Foreign Ministry and Assembly, representatives of the non-governmental organizations and others in leadership positions.

In Ho Chi Minh City, the former Saigon, the delegation met with American and Vietnamese businessmen, bankers and lawyers, the head of the International Relations Department at the Vietnam National University, the publisher of a major newspaper and staff at the U.S. consulate. Time also was provided to visit cultural attractions and observe Vietnamese people and their lifestyle in everyday settings. In addition, trips were taken away from the city to the Mekong River and its Delta and to other rural and industrial areas.

We found Vietnam a difficult country to understand. There is no question that it is a poor third world country with minimal infrastructure and tremendous economic problems.

It is in many ways a land of contrasts. It has a Communist government whose importance seems to diminish the farther one goes into the countryside or the farther one goes away from Hanoi. The average yearly income in the North is $300 a year. In the South, it is $1,000 a year. However, a great many people in Vietnam own expensive motorbikes that cost up to $2,500. Obviously, there must be a large underground economy.

The Vietnamese seem to want foreign investment, especially from the United States, but the many rules, huge bureaucracy and rampant corruption sent out a different message.

There is relatively little investment from the United States and very little U.S. aid of any kind. Vietnam is probably 5 to 10 years away from being attractive to many foreign investors, although the large number of literate workers and the very low pay scale have attracted some companies.

Despite the poverty, most people have the basic essentials such as food, mainly rice, and minimal housing. While there is dissatisfaction, the economic problems appear to be accepted as a normal part of life.

Sixty percent of the population is 26 years of age or under. Eighty percent is under the age of 40. The Vietnamese are working to establish a banking and legal system and are attempting to privatize basic industries. Government representatives are cooperating with the U.S. Embassy and the Missing in Action Office to identify the remains of 1,564 Americans still missing in action.

Vietnam is the fourth largest country in Southeast Asia with a population of 77 million people. It seems to be a low priority in terms of U.S. foreign policy. It appears that a small amount of interest, exchange programs and aid money could go a long way in building relations with a country that, despite the war, does not harbor strong anti-U.S. feelings.

REPORT OF STUDY TOUR TO VIETNAM OCTOBER 8–14, 1998

(By Louis Frey, Jr., Immediate Past President)

INTRODUCTION

A delegation of former Members of Congress, their spouses and guests visited Vietnam from Thursday, October 8 through Wednesday, October 14, 1998. The delegation included: former Representative Robert Daniel and Linda Daniel, former Representative Louis Frey and Marcia Frey, former Senator Chic Hecht, former Representative Shirley Pettis-Roberson and Ben Roberson, and Irene and Teryl Koch (friends of the Robersons). The group was accompanied by Edward Henry of Military Historical Tours, who arranged the visit. The trip focused on Hanoi in the northern part of Vietnam and Ho Chi Minh City in the south. Three days were spent in each area.

In Hanoi, meetings were held with: former Representative now U.S. Ambassador Pete Peterson and staff of the U.S. Embassy; representatives of the U.S. MIA office; members of the Vietnamese Foreign Ministry and Assembly; members of the American-Vietnamese Friendship Society; the Executive Vice President of the Vietnam Chamber of Commerce; local business leaders; and Tom Donohue, President of the American Chamber of Commerce, who was speaking in Hanoi.

In Ho Chi Minh City, the delegation met with: American and Vietnamese business leaders, bankers and lawyers; staff of the U.S. Consulate; members of the American Chamber of Commerce in Vietnam; an American hotel manager; Vice Chairman of the Red Cross in Vietnam; head of the International Relations Department at the Vietnam National University; and the publisher of a major Ho Chi Minh City newspaper. Time also was provided to visit the cultural and war museum and to observe Vietnamese people and their lifestyle in everyday settings. In addition, trips were taken outside the city to the Delta area and the Mekong

River, to small villages that produced pottery and to an industrial area that had factories producing, among other items, Nike shoes.

A list of people the delegation met in Vietnam is appended to this report.

OVERALL IMPRESSIONS

Vietnam is a difficult country to understand. There is no question that it is a poor Third World country, with minimal infrastructure and tremendous economic problems. It is, in many ways, a land of contrasts.

It has a Communist government, whose importance seems to diminish the farther one goes into the countryside or the farther one is from Hanoi.

The average yearly income in the North is U.S. $300; in the south it is U.S. $1,000. However, a great many people in Vietnam own motorbikes that cost from U.S. $1,000 to U.S. $2,500. Obviously, there is a large underground economy.

The Vietnamese seem to want foreign investment, especially from the United States, but the many rules, huge bureaucracy and corruption send out a difference message. There is relatively little investment from the United States and very little U.S. aid of any kind. Vietnam probably is five to ten years away from being attractive to many foreign investors, although the large number of literate workers and the very low pay scale have attracted some companies.

Despite the poverty, most people have the basic essentials, such as food (rice) and minimal housing. While there is dissatisfaction, the economic problems appear to be accepted as a normal part of life.

Sixty percent of the population is 26 years of age or under; 80 percent is under the age of 40.

The Vietnamese are working to establish a banking and legal system, and are attempting to privatize basic industries.

Government representatives are cooperating with the U.S. Embassy and the U.S. MIA office to identify the remains of the 1,564 Americans still missing in action.

Vietnam is the fourth largest country in Southeast Asia (77 million people), but seems to be a low priority in terms of U.S. foreign policy. It appears that a small amount of interest, exchange programs and aid money could go a long way in building relations with a country that, despite the war, does not harbor strong anti-U.S. feelings.

U.S. EMBASSY BRIEFING

Ambassador Peterson assembled all the key members of his staff to brief the delegation. The Ambassador indicated at the beginning that one of the primary missions of the Embassy is to find any Vietnam veterans who are alive, or the remains of the MIAs. They have found 50 sets of remains in the last 17 months that have been repatriated to the United States. There are 1,564 Americans missing in Vietnam, 2,081 in Southeast Asia. The U.S. MIA office has concentrated on 196 cases that are called ''last known alive cases.'' They have reduced these cases to 43, U.S. volunteers go to Vietnam periodically to help excavate crash sites. Young people from Vietnam and the United States do much of the work. Ambassador Peterson said he is proud of the job that is being done. He said the United States also aids Vietnam in identifying their missing. The Vietnamese have over 300,000 MIAs, a fact which the Ambassador believes is not generally recognized. It is important that the veteran groups in the United States understand what is being done. At the present time, it appears there is a split in the veteran groups regarding the effectiveness of this process. There is no question in the Ambassador's mind that this is the number one priority, and that it must be resolved satisfactorily before the United States can move ahead in other areas with Vietnam. As Ambassador Peterson stated, ''Never before in the history of mankind has any nation done what we are doing. The efforts of the Joint Task Force Full Accounting to honor the U.S. commitment to our unaccounted-for-comrades, their families and the nation are unprecedented.''

The Political Counselor has four officers. The main thrust in the political area is on human rights in an attempt to move the Vietnamese in the right direction and encourage them to initiate people-to-people programs. The problems created by Agent Orange still are talked about and must be addressed. Environmental matters also are being discussed with Vietnamese officials. Vietnam does not have a nuclear power plant, although apparently they want such a facility. The Vietnamese want many high-tech items, but do not have training even on the basics.

Embassy officials stated that there basically is no aid program in Vietnam, but suggested that the United States should help economically and work to keep Vietnam healthy. Major responsibilities of the Economic Counselor are to promote U.S. exports to Vietnam and to arrange trade shows and missions. Three economic officers are working on the trade agreement, which is the key to U.S.-Vietnamese economic relations. Limited progress has been made so far. The copyright agreement is completed, and a narcotics agreement is in process.

The Vietnamese are working on economic reforms and are attempting to improve the legal code. They are trying to convert from a government-controlled economy to a market economy and to encourage the private sector and discourage state-owned businesses. However, many of the major industries, such as telephone and electricity, still are state-owned. Vietnam has a graduated income tax system with 10 percent tax on the first U.S. $200, 20 percent on the first U.S. $500 and 25 percent on all income over U.S. $10,000. Because of the underground economy, many people do not pay taxes. There also is a sales tax.

Agriculture is the major industry in Vietnam, with 80 percent of the people involved. They need help with genetics, bulk feed and livestock. Agricultural research can help, especially in the soybean area. Senator Thad Cochran (R–MS) sponsors a program that has brought 32 Vietnamese to the United States to learn more about agriculture. The state of Florida is reviewing the possibility of opening an office in Vietnam and initiating a college extension program. Land has been returned to the farmers, but in typical communist fashion, i.e, they own the land, but they do not. Land can be passed on to family members and apparently be leased for up to 40 years, but the state still owns the land.

The Consular Office handles the normal jobs of overseeing U.S. citizens and helping with passports and visas. This section has 11 full-time U.S. employees and six part-time local employees. They deal with many non-immigrant visas, mostly for students. They also handle health issues. Medical needs are basic, such as latex gloves, clean sheets and sterile items. The health care system is poor, with little sanitation. If an Embassy staff member has a broken bone or a serious ailment, he or she must leave the country for care.

The Embassy is located in a nine-story building that resembles a mine shaft, it has one elevator that does not always work. The Ambassador would like to have a different or new Embassy.

The Ambassador concluded the briefing by stating that there are few U.S. exchange programs and that the United States could do more in Vietnam. He believes it is in the U.S. interest to keep the population healthy and educated. The bottom line is that Ambassador Peterson thinks progress is being made and that, in ten years, the U.S. relationship with Vietnam should be as strong as it presently is with South Korea.

VIETNAM GOVERNMENT MEETINGS

The Vietnam Assembly, which has 450 Members, began in 1956 with a single house. Assembly Members meet twice per year for one month. There is a standing committee that conducts business when the Assembly is out of session. There are 120 female Members (26.7 percent), which they claim is one of the six best percentages of female representation in the world. There are 54 ethnic groups represented in the Assembly. Vietnam has 61 provinces, each of which is represented by five Members. In addition, there are Members who are former South Vietnamese military officers. Assembly Members stated that there is a great deal of discussion and dissension within the Assembly, and that it is not a rubber stamp for the government. Recommendations by the government have been defeated. Assembly Members are nominated by the national party, but the commune villages or trade unions can reject them. It is interesting that, even in Vietnam, all politics truly are local.

The Vice President of Vietnam is a woman. Fifty-four percent of the population is female. Women head 16 percent of the 40,000 businesses in Vietnam. This particularly is interesting because Confucianism does not accept women as equal. However, Vietnam was influenced by Ho Chi Minh, who declared equality between the sexes and had that fact written into the 1945 Constitution.

Education is important in Vietnam. Vietnamese government officials stated that there is a literacy rate of 90 percent, with 87 percent of the female population being literate.

The head of the Vietnam-U.S. Friendship Society (Viet My Society) is a woman who is a seasoned political veteran. She personally feels friendship with the United States even though her son was born in a shelter during the U.S. bombing raids in 1972. She believes that most people in the United States do not understand Vietnam. They have a wartime vision of Vietnam that has long since changed. In the delegation's opinion, this is an accurate observation. She believes that the U.S. veteran groups visiting Vietnam are helpful, as they personally have the opportunity to see a different and new Vietnam. It is interesting to note that many of her complaints are the same as those of politicians and voters in the United States, e.g., that there is not enough money in the budget for education—only 15 percent, that environmental problems are great and that the situation is one of the industrialist versus the environmentalist.

Vietnamese government officials stated that the population growth rate is 2.1 percent. However, it does not appear that there is any population control. In the villages, everyone wants a male child, so many families have three, four or five children until they have a son. Confucianism teaches that the job of the man is to take care of the woman. For instance, the father takes care of a

daughter until she is married. Then the husband takes care of his wife until the husband dies. Then it is the job of the son to take care of his mother. As one Vietnamese said regarding birth control, one of the problems is that in rural areas there is no television or radio. People go to bed early and do not have much else to do.

There is a tremendous problem with unemployment in Vietnam, especially as the young population ages. The government states that the unemployment rate is 6.7 percent and that the underemployment rate is 36 percent. Inflation several years ago in Vietnam was 775 percent, but was down to 3.6 percent in 1997. The Vietnamese government has issued 4,200 licenses for foreign investment. Officials stated that domestic saving has increased to 20 percent of the GDP. The GDP had a growth rate of seven to nine percent between 1991 and 1997. The problems in Asia have slowed this growth rate down to a reported 6.4 percent during the first half of 1998. Observing what is happening in Vietnam, one questions these figures. The officials were honest when they said that economic reform and political reform are necessary. They indicated that it is essential to establish a rule of law and to streamline the government apparatus. They also demonstrated how a poor infrastructure and inadequate competition between their industries have stifled growth. They have the same concern that exists in many parts of the world with the tremendous gap between the few rich and the many poor. Their goal is to privatize over 1,503 presently state owned enterprises by 2002. The economic slowdown has caused them to suspend some major projects, such as highways that require a great deal of capital.

There is a drug problem in Vietnam, mainly heroin and cocaine. The government believes that the answer is education, and they rely on families to solve the problem. Of course, they claim that drugs are not much of a problem, but admit usage is growing.

In Vietnam, a welfare system basically is nonexistent. The government will give money to help, i.e., to buy a pig to start a farm or buy some tools to help start a trade, but there is no welfare payment for food or housing. Officials' main complaint is that there is not much U.S. investment—only $1 billion—which ranks it eighth in the world in terms of foreign investment in Vietnam. A minor irritation is that Vietnamese business representatives are having problems receiving visas from the U.S. Embassy.

The Vietnamese are proud of their policy of independence. They stated that they want to have peaceful cooperation with every region of the world. They presently have friendly relations with 167 countries and diplomatic relations with 120 countries, including Russia, the United States, China and Japan. The Vietnamese are making serious efforts to promote friendship and cooperation in Asia and will host the Sixth Asian Summit in 1999 in Hanoi. Vietnam also will be a full member of APEC in 1999. There are historical problems with China, including land-related problems which they indicated should be solved by the year 2000. In addition, there are disputes over islands in the South China Sea. These problems extend beyond China to Malaysia and other Southeast Asian countries. Vietnam has agreed to settle these problems peacefully, without the use of force.

Their trade with China of $1 billion is about equivalent to their trade with the United States. They hope to improve their relations with the major powers in the world and want to become a member of the World Trade Organization. The Vietnamese have established a consulate in San Francisco and are hoping that the current modest trade with the United States will increase. They also hope that direct U.S. investment will grow from the 70 projects that presently are underway. Specifically, they desire U.S. investment in oil exploration, computers and food processing. Their focus is on improving internal economics and normalizing trade with the United States, putting the war in the past. All Vietnamese officials concur that they need a trade agreement with the United States, as the 40 percent tariff imposed by the United States hurts Vietnam-U.S. trade.

Vietnamese officials claim that military spending, which is a government secret, is reasonable. The delegation attempted to discover what ''reasonable'' meant, and the best conclusion was that it was somewhere between 30 and 40 percent of the budget.

U.S MIA OFFICE BUILDING

One of the most important parts of the trip was the visit to the U.S. MIA office in Hanoi, called the ''Ranch.'' The mission of the office was defined by President Ronald Reagan when he said, ''I renew my pledge to the families of those listed as missing in action that this nation will work unceasingly until a full accounting is made. It is our sacred duty. We will never forget that.'' The MIA office coordinates and executes all U.S. DOD efforts in Vietnam to achieve the fullest possible accounting for Americans still missing as a result of the conflict in Southeast Asia. There are two ways of accomplishing this goal. The first is to return living Americans; the second is to return identifiable remains. The total number of Americans unaccounted for in Vietnam is 1,564. Of the 1,564, it has been determined that no further action will be taken in 565 cases, including many where pilots went down at sea.

The MIA office began its work at Barbers Point, Hawaii in January 1973. The MIA office in Hanoi was opened in July 1991. The Joint Task Force Full Accounting started in January 1992, There are four detachments: one located in Thailand, one in Laos, one in Cambodia and one in Hanoi headquarters, only four full-time active duty military personnel are allowed, with the commanding officer being a Lieutenant Colonel in the Army. Lt. Colonel Charles Martin, the current commander of the office, indicated that there still are 954 active cases, which would keep the office busy until 2004. (He compared this number to the 8,100 Americans lost in Korea.)

The Recovery Elements conduct jointly filed activities approximately five times per year. During a joint field activity conducted between June 23 and July 25, 1998, 50 cases were investigated in seven provinces, the research team investigated seven cases in ten provinces and there were six recovery elements where eight cases were excavated in six provinces. Another recovery activity was conducted during September 1998. From January 23, 1992 to the time of the delegation's visit, there have been 281 remains repatriated, and identifications have been completed on 104 of the 281. The Pentagon has not announced the results of a number of cases that have been sent back to Washington when identification is possible. Since January 23, 1992, there have been 97 live sighting investigations; however, the number of reports is diminishing. As the Colonel said, ''Not one investigation had led to any credible evidence of a live American from the conflict in Southeast Asia being held against his will.'' The MIA office is now down to the priority cases of the last known alive. They repeated what the Ambassador told the delegation that there initially were 196 individuals on this list but only 43 remain.

It is important to know that Vietnam has cooperated with the U.S. search for MIAs. The MIA office has reviewed over 28,000 documents and artifacts and has conducted 200 oral history interviews, including one with Ambassador Peterson.

HO CHI MINH AREA

Ho Chin Minh City and the south have much more energy and action than the Hanoi area. Ho Chin Minh City has seven million people, five million bicycles and three million motorcycles. Negotiating busy intersections is an incredible experience, as there are very few traffic lights. Cars are in the minority and are extremely expensive: a 1997 American car costs U.S. $120,000. Most motocycles are Hondas from Japan. They cost U.S. $2,000 to $3,000 new and U.S. $300 to $1,000 used. The average annual income in the south is approximately U.S. $1,000, compared to U.S. $300 in the north. Signs of the underground economy are everywhere, with street barbers, shops, markets and even row upon row of ''Dog'' restaurants.

The Chinese are predominant in the Choulan section of Ho Chin Minh City. In 1978, the Chinese population was one million. However, many Chinese were forced to leave because of the problems between Vietnam and China so that now there are approximately 500,000 Chinese in Choulan. Before 1975, the Chinese controlled the economy in the south. They still are important, especially in areas of finance and currency.

Economic problems do exist in the south. For instance, the delegation stayed in a five-star hotel, which has 21 floors but only 47 guests! A former employee of a Sheraton Hotel said that it took two years to build the hotel and everyone had been hired. Yet, the day before the opening, Sheraton decided it did not make economic sense, closed the hotel and fired all the people.

Religion is divided in the south, the same as it is in the north, with the majority being Buddhist, four to ten percent being Catholic and the remainder with no religious preference. Many believe in reincarnation. In a number of cases, a body is buried for three years in one place and then is exhumed and buried elsewhere, as they believe that the soul finally has left the body.

As explained to the delegation, there is a difference philosophically between the people in the north and the south. The people in the north live for the future. If they acquire some money, they save it or invest in land or a business. The people in the south live for today. They acquire money, spend it and do not worry about tomorrow.

Schools are terribly crowded because of the youthful population. There are three sessions of school per day. Education is free for the frist six years. Then all students take an exam: if they pass, their education continues to be free; if they fail and wish to remain in school, their family must pay. In the rural areas, most students only attend school for the first six years. Since 1990, English has been the major foreign language taught. Prior to that, it was Russian. The Vietnamese believe English is easy, especially the written part. When students have completed high school, they must take an exam to continue on to university. Again, depending on how they do, university is free or they must pay.

The Vietnamese love to gamble. As you walk along the street, you seek workers sitting and playing cards. There is a daily lottery. They believe that nine is a lucky number for women and seven for men.

As mentioned previously, agriculture is the primary industry in Vietnam, with 80 percent of the population involved. In the south, they harvest three rice crops per year, in the north, two crops per year. Much of the land is fertile, as in the Mekong Delta, which has a population of 25 million in six provinces. The Mekong River is extremely long, starting in China and going 4,200 kilometers through Vietnam with nine branches flowing into the sea. The delegation visited the town of My Tho on the river, which was founded in 1618 by the Chinese and taken over by the French in late 1800s. It has a population of 150,000 with its commerce centered around the river. Further up the river, which was brown with silt, is Unicorn Island, which served as headquarters for the Vietcong during the war. The inhabitants of the island live on and by the river. They are fishermen and farmers, with three or four children to a family. This area receives 90 inches of rainfall per year. One opinion all of the delegation members had after seeing this area was how tragic it was to have put young Americans in such miserable conditions during the war.

It was interesting to see the importance of tourism. Even in the Mekong Delta, the tourist business is thriving. After a walk through the jungle, you find restaurants where you can sit and eat a decent meal. Tourism has slowed down considerably because of the Asian financial problems, but it still is important to the economy.

At a dinner in Ho Chi Minh City, the delegation had the opportunity to talk with some U.S nationals. One of the individuals said that the Vietnamese desperately want and need U.S technology. For instance, a Vietnamese oil well pumps 400 barrels of oil per day. Nearby, there is an oil well owned and operated by another country that pumps 4,000 barrels of oil per day. The contract the Americans have with the Vietnamese government is to pump 1,000 barrels of oil per day, which they say is easy to fulfill. All oil drilling is offshore. These Americans confirmed the statements heard before by the delegation that Vietnam is five to ten years away from much investment potential and that it is a poor, developing Third World country with a long way to go.

The Vietnamese seem to have put the war behind them. For instance, five years ago, the only job former members of the South Vietnamese army would be hired for was peddling a moped. Most of the army officers were required to go through re-education camps—the higher the rank, the longer they remained. Now, most jobs are open to everyone and there are three former South Vietnamese army officers in the Vietnam Assembly. Although this number is not large, the symbolism is important. Also, the extremely young age of the population means that many Vietnamese were not involved in nor even born during the war. The main evidence of the war is the mines and unexploded ordnance that kill at least 700 persons per year, usually farmers.

The American expatriates in Vietnam are typical, happy to be ''a big fish in a small pond.'' Some have strong negative feelings about the war and the U.S. participation in it. One of the expatriates involved in the oil business said Vietnam does not need an oil refinery because they cannot produce enough oil for it to make economic sense, i.e., their oil reserves are relatively small when compared to other sources. He said the only reason the Vietnamese want an oil refinery is the prestige that would result internationally.

There are textile mills, cement and steel factories, with 70 percent of the invested money coming from Asia. During a visit to a Nike facility, which is a joint venture with Korea and which employs 8,000 people, the manager said the Koreans are in Vietnam because of the low wages, which are set by the Vietnamese government. The delegation was told that the government had a problem with the Koreans four years ago and sued the management of the Nike plant over abusing workers. Korean supervisors allegedly were beating women workers, and the defense was that this was the way operations were conducted in Korea. The delegation was not allowed to enter the plant, even after repeated requests.

There are miles and miles of industrial parks in the area called Dong Nai. They look similar to U.S. industrial parks, but many of the buildings were vacant. There also is an industrial park just south of Ho Chi Minh City, which is called Saigon South and which they like to compare to Reston, Virginia, However, after two or three years, they are just beginning to entice businesses to locate in the park.

Similarly, a shopping mall (Cora) recently opened south of Ho Chi Minh City, but there were many vacant shops and few customers. Supermarkets are beginning to install electronic scanners. People must shop every day because they do not have refrigerators.

The roads, except those built by the United States, are terrible. There is road construction everywhere. The road the delegation took to the Delta was built on dikes and was very narrow, but incredibly had two-way traffic. It took close to three hours to travel 40 kilometers. There is a railroad that connects Hanoi and Ho Chi Minh City. The train takes about 39 hours to complete the trip. There are three classes of service on the railroad, including luxury cars. The cost is fairly inexpensive. with a one-way fare costing U.S. $62. Additional railroad lines running east and west are being built by the government. Internal air travel is subsidized by tourists. For instance, it cost U.S. $120 to fly between Hanoi and Ho Chi Minh City for a tourist, but only U.S. $30 or $40 for a Vietnamese citizen. There is not sufficient money in the budget to improve the infrastructure on a short-term basis.

The greatest asset of Vietnam is its intelligent workers who are paid extremely low wages. At an evening meeting with representatives of the U.S. business community, the delegation heard repeatedly that Vietnam has a long way to go. A banker said the only way his bank ever would loan any money in Vietnam is if the parent organization outside Vietnam guaranteed the loan. A developer who plans to construct some beachfront condominiums in Vietnam claimed that instead of the normal 70 percent foreign/30 percent Vietnamese split, he had negotiated 100 percent foreign ownership. The project was priced at $276.3 million, with $67.5 million needed to start. However, he has been unable to obtain any investors.

The Vice Chairman of the Red Cross in Vietnam with whom the delegation met made an impassioned plea for help from the United States in treating dengue fever. This disease is dramatically on the rise in Vietnam and Southeast Asia.

A Vietnamese newspaper editor the delegation met at a dinner claimed that there was a free press, although television and radio are state-owned. Interestingly enough, the next day an article appeared in a non-Vietnamese newspaper that stated the press in Vietnam is controlled totally by the government. The same problem exists in Vietnam as it did in Eastern Europe, i.e., the outside world and its economic success and political freedom cannot be hidden forever. Some Vietnamese have computers with access to the Internet and there also are televisions with satellite hookups that include programs from the United States.

An observation made by the delegation is that the Vietnamese have a great deal of ingenuity. Several stories illustrate this point.

Several years ago, there was a rat epidemic in Vietnam. The government agreed to give a cash bounty for each rat tail brought to a government office. The gestation period for rats is 30 days. Rather than killing the rats, the Vietnamese began breeding them all across the country so that instead of having fewer rats, there were more. It was a good cash crop!

There also is a scheme involving antiques. It is forbidden to take antiques out of the country. However, in some stores they say it is all right and give documentation that they state is correct. The dealer then tells a friend in customs about the antique purchased so that it is confiscated and returned to the store to be sold once again!

The underground economy of Vietnam provides a second and third income for families. The delegation met one family where the breadwinner is an accountant with a government agency. He is supporting 29 other family members who have no official jobs. Apparently, this is not unusual.

CONCLUSION

The United States should pay more attention to Vietnam. It has the fourth largest population in Southeast Asia and is growing rapidly. Older members of the government are retiring and being replaced with a younger generation who want to change the system. Even though there is only one political party, there is some dissension and discussion among the various factions of the Assembly.

The United States should enter into exchange programs, assist with health problems and eventually bring Vietnam into a trade status equal to that of most other countries in the world. This appears to be a country where a minimum amount of extra effort and money on the part of the United States could pay large dividends in the future. It may take from five to ten years to bring the political and economic machinery in Vietnam to a point where private investments from the United States increase dramatically, yet much can be done in that period of time.

Ambassador Peterson is well respected throughout the country. He has a good team, which the delegation believes is realistic in its appraisal of the tough job they face.

The Vietnamese truly are assisting with U.S. MIA cases. It appears that there is not the ill will one would expect after a long war. A major reason for this is that the population is so young. Furthermore, Vietnam's history shows that it has fought foreigners for the last thousand years. The United States is just one in a series of invaders. The Vietnamese are attracted by the Yankee dollar and know-how. One Member of the Vietnam Assembly summed it up when he said, ''What is past is past. We need to look forward and build a better future for both countries.''

PERSONS MET BY THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS DELEGATION STUDY TOUR TO VIETNAM OCTOBER 8–14, 1998

Hanoi

Tom Donohue, Head of the American Chamber of Commerce.

Ambassador and Mrs. Pete Peterson (Vi Le), U.S. Embassy—Hanoi, No. 7 Lang Ha, Hanoi, Vietnam.

Nguyen Van Hieu, Member of the National Assembly, 35 Ngo Quyen Street, Hanoi, Vietnam.

Vu Viet Dzung, Chief Officer of the Americas Desk, Ministry of Foreign Affairs, 1 Ton That Dam Street, Hanoi, Vietnam.

Tran Quoc Tuan, Vice Chairman, Office of the National Assembly, Van Phong Quoc Hoi, 35 Ngo Quyen Street, Hanoi, Vietnam.

Vu Mao, Chairman, National Assembly Office, Member of the National Assembly, Van Phong Quoc Hoi, 35 Ngo Quyen Street, Hanoi, Vietnam.

Ms. Pham Chi Lan, Executive Vice President, Vietnam Chamber of Commerce, 33 Ba Trieu Street, Hanoi, Vietnam.

Hoang Cong Thuy, Deputy Secretary General, *Viet-My Society* (Vietnam-USA Association), 105/A Quan Thanh Street, Hanoi, Vietnam.

Ho Chi Minh City

Truong Quang Giao, Vietnam News Agency, Manager, Quoc Te International Hotel, 19 Vo Van Tan Street, District 3, Ho Chi Minh City, Vietnam.

Dr. Huynh Tan-Mam, Vice Director of the Red Cross, Vietnam Red Cross—Ho Chi Minh City Chapter, 201 Nguyen Thi Minh Khai Street, District 1, Ho Chi Minh City, Vietnam.

Dr. Thai Duy Bao, Department Head, International Relations, Vietnam National University, 10–12 Dinh Tien Hoang Street, District 1, Ho Chi Minh City, Vietnam.

Adrian Love, Independent Financial Advisor, 261–263 Le Thanh Ton Street, Ho Chi Minh City, Vietnam.

Pham Tan Nghia, Director, Vietnam-USA Society, 160 Dien Bien Phu Street, District 3, Ho Chi Minh City, Vietnam.

Ronald Kiel, Managing Director, 3M Representative Office, 55 Cao Thang Street, District 3, Ho Chi Minh City, Vietnam.

Nguyen Ba Hung, Baker & McKensie International Lawyers, 10 Harcourt Road, Hong Kong.

Chuyen D. Uong, Branch Manager, Citibank, N.A., 115 Nguyen Hue Blvd., 15–F, Ho Chi Minh City, Vietnam.

William Yarmey, Senior Marketing Officer, U.S. and Foreign Commercial Service, U.S. Department of Commerce, 65 Le Loi Blvd., Ho Chi Minh City, Vietnam.

Mr. McHUGH. Thank you very much, Bob.

Mr. Speaker, as you can see, the Association conducts a wide variety of programs, some of which we have touched on this morning and which we hope to expand. This would not be possible without the support and active work of a number of people, and I would like to acknowledge the support we have had from our Board of Directors and our Counselors.

In particular, I would like to thank the officers of the Association, John Erlenborn, who is chairing this session today and is our Vice President; Larry LaRocco, who is our Treasurer; and Jack Buechner, who is our Secretary. They have done a fantastic job. As others have said, Lou Frey, as our former Chair, also serves on our Executive Board.

We also want to thank the Auxiliary, whose members have been instrumental, among other things, in making our Life After Congress seminars successful, in helping Members make the transition from the Congress to life after Congress.

We would not be able to do anything if we did not have a very capable staff, and many of you are familiar with our staff and I know are grateful for their work. I would like to acknowledge their support: Linda Reed, our Executive Director; Peter Weichlein, our Program Officer, with special responsibility for the Study Group on Germany; Victor Kytasty, who is our Congressional Fellow in Ukraine; and Walt Raymond, who many of you know is our Senior Advisor for International Programs and works to put together many of these international efforts.

We also maintain relations as an Association with the Association of Former Parliamentarians in other countries, and we are very pleased at lunch today we are going to have Barry Turner once again representing the former parliamentarians in Canada. We will hear a few words from Barry, for those of you who will join us for lunch.

Now, Mr. Speaker, it is my sad duty to inform the House of those persons who have served in Congress and have passed away since our report last year. The deceased Members of Congress are the following:

Watkins Abbitt of Virginia;
Thomas Abernethy of Mississippi;
E.Y. Berry of South Dakota;
Gary Brown of Michigan;
Lawton Chiles of Florida;
James McClure Clarke of North Carolina;
Jeffrey Cohelan of California;
George Danielson of California;
David W. Dennis of Indiana;
Charles Diggs, Jr., of Michigan;
Carl Elliott of Alabama;
Dante B. Fascell of Florida;
Barry Goldwater, Sr., of Arizona;
Albert Gore, Sr., of Tennessee;
Robert A. Grant of Indiana;
Floyd K. Haskell of Colorado;
Roman L. Hruska of Nebraska;
Muriel Humphrey of Minnesota;
Albert W. Johnson of Pennsylvania;
Joe M. Kilgore of Texas;
Walter Moeller of Ohio;
Wilmer D. Mizell of North Carolina;
Abraham Ribicoff of Connecticut;
Will Rogers, Jr., of California;
D.F. Slaughter of Virginia;
Gene Taylor of Missouri;
Morris K. Udall of Arizona;
Prentiss Walker of Mississippi;
Compton L. White of Idaho;
Chalmers Wylie of Ohio; and
Sam Yorty of California.

I would respectfully ask all of you to rise for just a moment of silence in the memory of our deceased Members.

Thank you very much.

Mr. Speaker, we have now reached the highlight of our presentation this morning. As you know, the Association presents a Distinguished Service Award to an outstanding public servant each year. The award rotates between the parties, as do the officers in our Association.

Last year, the award was presented jointly to two exceptional former Republican Senators, Nancy Kassebaum Baker and Howard Baker. This year, as you know, we are pleased to be honoring the former House Speaker, Jim Wright.

Jim Wright was born in Fort Worth, Texas, a city he represented in Congress from 1955 through 1989. He completed public school in 10 years and was on his way to finishing college in 3 years when Pearl Harbor was attacked. Following enlistment in the Army Air Corps, Jim received his flyer's wings and a commission at 19. He flew combat missions in the South Pacific and was awarded the Distinguished Flying Cross and Legion of Merit.

After the war, Jim was elected to the Texas legislature at age 23. At age 26 he became the youngest mayor in Texas when voters chose him to head their city government in Weatherford, his boyhood home.

Elected to Congress at the age of 31, Jim served 18 consecutive terms and authored major legislation in the fields of foreign affairs, economic development, water conservation, education, energy and many others.

Speaker Wright received worldwide recognition for his efforts to bring peace to Central America. He served 10 years as majority leader before being sworn in as Speaker on January 6, 1987. He was reelected as Speaker in January of 1989. A member of Congress for 34 years, Jim served with eight U.S. presidents and has met and come to know many foreign heads of state and current leaders of nations. A prolific writer, he has authored numerous books.

He currently serves as a Senior Political Consultant to American Income Life Insurance Company and Arch Petroleum. He writes a frequent newspaper column, which I hope many of you have had the chance to read. I have. They are very insightful. And he occasionally appears on network television news programs. In addition, he is a visiting professor at Texas Christian University where he teaches a course entitled ''Congress and the Presidents.''

This is a particularly difficult time for Jim. Among other things, he is moving his residence now, and that is why Betty, his wife, could not be with us. But we are really delighted that his daughter Ginger has come with him from Texas to be with us for this occasion.

Jim, if you would come up, I have two presentations to make. The first is

a plaque. I am sure Jim has no plaques at home any more. I am going to read the inscription on this plaque, Jim; and I am going to read it from the paper since my eyes cannot read the inscription on the plaque. But I hope you can.

It says: ''Presented by the U.S. Association of Former Members of Congress to the Honorable Jim Wright for his exemplary service to the State of Texas and the Nation as a combat pilot in World War II and recipient of the Distinguished Flying Cross, as a mayor and State legislator, and as a Member of the United States Congress for 34 years, including his distinguished leadership as Majority Leader and Speaker of the House of Representatives. Washington, D.C., May 13, 1999.''

On a more personal note, I am presenting Jim on behalf of all of us a scrapbook, which includes personal letters from many of us here and others who feel so strongly that Jim has contributed to the Congress and the country in ways which cannot be fully expressed but for which we are all deeply grateful.

So, Jim, these are some of the letters, and I am sure there will be others coming in the mail. We would invite you, Jim, to say whatever you would like. We are delighted you are here, and we are very proud of your service.

Mr. WRIGHT. Thank you so very much, Matt, and thanks to each of you, my former colleagues. I shall treasure and cherish these mementoes for as long as I live.

I guess I am lucky to be here in a way today. Two months ago yesterday I was fortunate to have some rather complicated surgery. Good surgeons removed this jaw, and it was cancerous, and then they reached down to my lower left leg, for the fibula bone, from which they carved a new jawbone, and this is it, and it works.

They also removed about one-fourth to one-fifth of my tongue, and that frightened my wife and others when they heard of it. I did not know about it at the time.

But in addition to that bit of modern alchemy, they took a piece of skin from the upper part of my left leg and attached it, grafted it, to the tongue, and I hope you can understand me.

All of this occasioned a comment from my long-time friend and former administrative assistant, Marshall Lynam, who said, ''You know, Mr. Speaker, we spent 40 years trying to keep your foot out of your mouth, and now it seems you got your whole leg in it.''

Words would fail me were I to try to express adequately how much I appreciate this, particularly coming from those of you, almost all of you I served with, and whom I knew and became so attached to during all of those years.

Like most of you, I guess, I had a lot more financial success before and after I served in Congress, but this experience of serving in this body will forever be professionally for me the outstanding achievement in my life. I enjoyed it thoroughly—most of the time. I think that would be true of all of us, truth to tell.

I do want to encourage our Association and encourage individuals among us to participate in these splendid activities by which we spread knowledge and understanding of this peculiar institution, so peculiarly human, maybe the most human institution on earth.

You know, the House and Congress can rise to heights of sparkling statesmanship and we can sink to levels of mediocrity, because we are human, prone to human error. But the more people are able to understand it, people abroad with whom our Nation must deal and youngsters on the college campuses, the stronger and firmer will be our hold upon the future.

Since I left Congress in 1989, almost 10 years ago, I have been on between 45 and 50 different college campuses throughout the country, and that is the most fun I have, aside from being with my grandchildren. I guess it is second, because they are so vibrant, they are so alive, they are so quizzical, they are so questioning, all over the country. I have had the privilege of being at the University of Maine and the University of San Diego State. I have had the opportunity to visit Gonzaga University and the University of Miami. So it is spread across the country, and all of them, all of them, are interesting. They are all worth spending some time with. I would encourage that.

I would hope that we, wherever we go and whatever we say and do, will have the grace to glorify this institution, so human, so imperfect, and yet so fraught with great opportunities, to uphold its standards and defend its honor, so often attacked, so frequently misunderstood, to the end that there might be a better and firmer appreciation of this hallowed form of government that was endowed by those who wrote our Constitution. Because I am convinced that, with all of its faults and flaws and human imperfections, it still is, just as it was in Abraham Lincoln's time, and may it forever remain, the last, best hope of earth.

Thank you for this great honor.

Mr. MCHUGH. It is very clear that Jim Wright is as eloquent with his second jaw as he was with his first.

Jim, we are truly proud of you and take joy in your being with us today and giving us the opportunity to honor you for your many years of service.

I would like at this point sort of extra-record to invite our former distinguished minority leader and friend, Bob Michel, to say a word.

Mr. MICHEL. Mr. Speaker and my colleagues, thank you so much for the opportunity to say just a few things, particularly prompted by our Association's giving the award this year to our former Speaker, Jim Wright. When I got the notice of it, I thought there could be no better choice and am so appreciative he has been so well received and under the conditions.

I tell you, I have been privy to several of the columns that Jim has written, very descriptive, and they move you just about to emotional tears with his eloquence.

I hope those of you who have not yet maybe had the opportunity to express your feelings in the letters that we find in the book that we have given Jim that you will do that. You can always add letters to that. It is a nice package of mementoes to keep.

You know with what sincerity Jim appeared here today with his very nice remarks, and I just want to join in congratulating him and the Association, particularly, for their choice in selecting our former Speaker to receive this honor today.

Thank you again. Jim, all the best to you.

Mr. MCHUGH. Thank you very much, Bob. Thanks to all of you for being with us today and participating, especially since it was a special opportunity to honor Jim Wright.

We have a program for the rest of the day. We hope that many of you will be able to participate in it. Of course, tonight we have our dinner.

So, again, thank you for being with us. This does conclude the 29th Annual Report of the U.S. Association of Former Members of Congress. Thank you.

Mr. ERLENBORN (presiding). The Chair again wishes to thank the members of the United States Association of Former Members of Congress for their presence here today.

Before terminating these proceedings, the Chair would like to invite any former Members who did not respond when the role was called to give their names to the reading clerks for inclusion on the role. Good luck to you all.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 28 minutes a.m.), the House continued in recess.

□ 1047

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS) at 10 o'clock and 47 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Secretary of the Senate, announces the appointment of James B. Lloyd, of Tennessee, to the Advisory Committee on the Records of Congress.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SUPPORT TAKE-HOME PAY INCREASE FOR AMERICANS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, this year Federal taxes will consume almost 22 percent of the Gross Domestic Product, which means the Federal tax burden is at an all-time high.

With the economy strong and the Federal Government running a surplus, there is no excuse for taxing the American people at a higher rate than was needed to win World War II.

On the opening day of the 106th Congress, I introduced a bill to cut taxes across the board by 10 percent. The plan is the fairest and the simplest way to cut taxes because it benefits everybody who pays Federal income taxes.

An across-the-board tax cut would save the average American family some $1,000 a year, money they can use for anything, for a down payment on a home, or to put aside for retirement. Either way, I know it would be better spent and better used by the family who earned it than by the Washington bureaucrat who yearns for it.

I urge my colleagues to support this common sense plan and increase the take-home pay of all Americans.

TRIBUTE TO NATION'S POLICE OFFICERS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to salute the police officers of this Nation, especially those of the 46th Congressional District of California, Orange County police officers.

Seven hundred thousand police officers serve the United States each day. Most Americans probably do not know that our Nation loses on an average one officer every other day. That does not include the ones that are assaulted and injured each year.

More than 14,000 officers have been killed in the line of duty. The sacrifice for California officers is the greatest: 1,205.

The calling to serve in law enforcement comes with bravery and sacrifice. The thin blue line protecting our homes, our businesses, our families, our communities pay a price. So do the loved ones that they leave behind when the tragedy strikes.

We cannot replace the officers we lose. We cannot bring them back to their families or departments. All we can do is grieve their loss.

Today we fulfill the most solemn part of our obligation to America's police officers. We promise that, when they do make the sacrifice, that he or she earns a place of the highest national distinction and respect from the United States Government.

TRIBUTE TO DUANE MASENGILL, FAVORITE TEACHER

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, last week was Teacher Appreciation Week, and I missed my opportunity to pay my respect to a favorite teacher we have in my district in Coppell, Texas. Duane Masengill teaches world geography and current events.

Duane drives 25 miles to work every day. While that puts an extra burden on his family, his wife Jennifer says she does not mind because he is so happy doing what he does.

I have had the opportunity to visit Duane and his students. I have seen the rapport he has with his students.

Duane, while you still need a haircut, and I think the youngsters will agree with me, you are in fact a devoted teacher.

I always believe that we can tell a great deal about the quality of the effort, the quality of the commitment made by a teacher when we see the quality of morale and preparation when we stand before a classroom. Duane's students are always bright, energetic, enthusiastic, and able. They quiz us hard.

So, Duane, let me just say congratulations. Some people spend a lifetime building a career. You are spending a career building lifetimes.

BRING GOD BACK TO OUR SCHOOLS AND OUR NATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Federal court ruled in Texas that a school program that allowed clergy that counsel troubled students was unconstitutional. Another Federal court ruled that a Florida policy of allowing prayer at graduation ceremonies was unconstitutional. Unbelievable.

These book-smart, street-stupid judges better look in the mirror of a troubled America, because it is clear, students can be counseled by convicts in our schools, not clergy. Students can read about devil worship, not God. Students can burn a flag at a school, but cannot say a prayer. Beam me up.

It is time to amend the Constitution of this country and not only bring God back into the schools, but bring God back into our Nation.

MARRIAGE IS A GOOD THING; ABOLISH MARRIAGE TAX PENALTY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, marriage is a good thing. This Congress has an historic opportunity to do something it should have done long ago, abolish the marriage tax penalty.

Many young couples are surprised to learn the government actually penalizes people for getting married an average of $1,400 per year for middle income families.

The people have long known the government does a lot of foolish things. Even liberals have to admit the government has thousands of stupid taxes and regulations, programs that actually make things worse instead of better, and inefficiencies that seem to be immune to reform.

The marriage tax penalty is just so wrong that it stands among the ugliest symbols of everything wrong about a government that is too big, too arrogant, and too oblivious to the concerns of the average people who struggle every day to get ahead, make ends meet, and raise their children in peace.

Why does the government make it so much harder for people who want to get married? I urge Members on both sides of the aisle to right this terrible wrong. It is high time we abolish the tax on marriage.

IN HONOR OF CZECH REPUBLIC AND POLAND FOR CONDEMNING HUMAN RIGHTS VIOLATIONS IN CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, tonight the Cuban American community honors the Czech Republic and Poland for their recent successful efforts

to condemn the ongoing human rights violations in Cuba before the United Nations Commission on Human Rights.

The Czech President said recently that both the Czechs and the Cubans encountered similar political fates, suffering the multiple adverse effects of the same ideology still advanced by the government of Cuba.

The Center for a Free Cuba event tonight will also serve to commemorate Cuban independence, which will be celebrated during the month of May, and the role of women in the struggle for freedom in Cuba.

Because of that, Elena Diaz Verson Amos will be honored for her commitment to the cause of freedom and democracy and human rights.

I urge my colleagues to join us tonight at 6 p.m. in room 106 of the Dirksen building for the Center for Free Cuba reception.

NATIONAL MISSILE DEFENSE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, as Members of Congress, we have an obligation to report that the United States is vulnerable to a missile attack. That is right. Some of the world's most dangerous and unstable dictatorships are developing weapons which could reach the United States mainland.

The bipartisan Rumsfeld Commission has said we could soon face a missile strike with little or no warning. Yet, our President is still reluctant to act on this important issue.

The North Korean missile tests last summer forced administration officials to admit grudgingly that this threat is real. But the President's response has been weak. It includes support for only a limited ground-based system with questionable value. The administration also worries that a defense shield might violate the ABM Treaty, the same pact the Soviets violated for years.

Mr. Speaker, each day we delay, the threat of a missile attack increases. Congress is taking action to deploy an effective missile defense system. I urge the President to join us in addressing this critical matter of national security.

NATIONAL POLICE OFFICERS WEEK

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, this is National Police Officers Week. I rise today to pay tribute and offer my thanks to the law enforcement officers throughout our Nation who stand at the front line protecting the American people.

These brave men and women risk their lives every day so that our community may be safe, that our children, parents, and grandparents need not live in fear of criminals.

All too often, we see the tragic consequences that come with such awesome responsibility. Hundreds of times each year, America is forced to confront the horror that one of our finest has lost his or her life.

We mourned as a Nation last year when two officers who worked right here, Officers Gibson and Chestnut, were killed trying to protect innocent tourists when a madman entered the United States Capitol with his guns blazing.

Where I live, on Staten Island, we experienced loss twice last year, and our community still grieves for Police Officer Sal Mosomillio and Officer Gerald Carter, both of whom made the ultimate sacrifice.

I can use words like hero, courage and bravery to describe these two men, but the truth is that no words can truly do them justice. In fact, I think both officers would be embarrassed by such descriptions because, in their minds, they were only doing their job.

The same could be said of Police Officer Matthew Dziergowski, a dedicated official who was killed earlier this year and has left one son and his wife who was pregnant at the time he lost his life.

Mr. Speaker, the New York City Police Department right now and the men and women who serve our city every day are under constant attack. The morale is at an all-time low. But let them know and let them stand assured that there are a lot of people out there who appreciate the job they do, the fact that they are willing to risk their life every day to protect us.

PROVIDING FOR CONSIDERATION OF H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 167 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 167

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendments the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1100

The SPEAKER pro tempore (Mr. ROGERS). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this issue only.

Mr. Speaker, House Resolution 167 is a modified open rule providing for the consideration of H.R. 1555, the Intelligence Authorization Act for fiscal year 2000. What makes the rule modified is the requirement that Members wishing to offer amendments were asked to have them preprinted in the CONGRESSIONAL RECORD prior to the consideration of this bill by the House. Notice of this restriction was given to Members last week prior to the filing of the report on this bill, and at the time of the filing, when we asked for the UC, we also reminded Members of the requirement.

This requirement makes good sense, given the unique nature of the matters

covered by the bill. In the past, we have found it works well to allow the Permanent Select Committee on Intelligence the opportunity to review potential amendments ahead of time in order to work with Members to ensure that no classified information is inadvertently disclosed during our floor debate. This is not about shutting out any debate on the bill but, rather, about an extra degree of caution and making sure sensitive material is properly protected.

As is customary, the rule provides 1 hour of general debate divided equally between the chairman and the ranking member, the gentleman from California (Mr. DIXON), of the Permanent Select Committee on Intelligence. The rule makes in order the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence as an original bill for the purpose of amendment. The amendment in the nature of a substitute shall be considered by title, and each title shall be considered as read.

The rule further waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of Rule XVI, which prohibits nongermane amendments. This is necessary because, again, the introduced bill was more narrow in scope, as it usually is, than the product reported out by the committee.

Specifically, this provision in the rule pertains to title V of the reported bill regarding the Freedom of Information Act exemption for the National Imagery and Mapping Agency, NIMA, which is, I believe, a noncontroversial provision which makes a technical correction.

As I mentioned earlier, the rule makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD and provides that each amendment that has been so printed may be offered only by the Member who caused it to be printed or his designee. Each amendment shall be considered as read.

The rule allows the Chair of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed questioned, if a vote follows a 15-minute vote. Nothing new there.

Finally, the rule provides the traditional motion to recommit with or without instructions. Again, a guarantee for the minority.

Mr. Speaker, this is certainly a fair rule and one without any controversy that I am aware of, but I am aware that the ranking member, the gentleman from California (Mr. DIXON), my colleague, friend and close working partner on the Permanent Select Committee on Intelligence, had hoped that we could delay consideration of this bill until next week, to give Members even more time to familiarize themselves with the provisions of this bill, especially its classified components. I know that every effort was made to be sensitive to his request. I agreed with it. But given forces beyond any one Member's control, particularly relating to other legislation that is still under discussion, we in fact were asked to be on the floor with this bill today.

That said, I encourage Members to vote for this fair rule and to support the underlying legislation, which I think is well prepared.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule providing for the consideration of H.R. 1555, the Intelligence Authorization for fiscal year 2000. I would, however, like to make the House aware of the concerns raised by the ranking member of the Permanent Select Committee on Intelligence with respect to the timing of the consideration of this bill and the preprinting requirement for amendments.

The gentleman from California (Mr. DIXON) does not oppose the preprinting of amendments for this bill. And, in fact, Mr. Speaker, the gentleman is generally supportive of such a requirement because of the sensitive nature of much of the bill and the need to protect its classified contents. And, in fact, Mr. Speaker, the House has considered intelligence authorizations under this kind of rule for the past 6 years. What concerns the gentleman from California, as well as the Democrats on the Committee on Rules, is the timing of the consideration of this important legislation.

Since the House conducted no business on Monday, few Members were here to read the classified portions of the bill in order that they might determine if any amendments might be appropriate. Mr. Speaker, we do not object to this rule, only to the timing of the consideration of the bill and would, as has the gentleman from California, ask that the leadership consider giving Members ample time in the future to examine this legislation prior to its consideration on the floor.

Mr. Speaker, the bill itself is not controversial and was, in fact, reported by a unanimous vote. The funding levels in the bill are approximately 1 percent above the administration request for the activities of the intelligence community, but the committee bill focuses on the future needs of our intelligence capabilities and the priorities associated with those needs in a rapidly changing but increasingly dangerous world.

Mr. Speaker, I commend my colleague from Florida (Mr. GOSS) for his work on this important matter.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I have one concern with the bill. However, I will support the bill and I want to commend the efforts of the authors of the bill.

I have been concerned about a massive trade deficit in America, and I am concerned about espionage as far as it relates to our patents, our technology, our industry, and our trade secrets. And with that, I would like to see that we can buoy up this bill in that particular regard.

I would like the Members of Congress to realize that there is a projected $250 billion trade deficit this year. Japan and China are taking $5 billion apiece, $10 billion a month out of our economy, or a quarter of a trillion dollars a year.

I am pleased that the committee will work with me on this issue, and I want to thank our distinguished leader from Texas for yielding me this time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I urge favorable consideration of this resolution to support this fair bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER TRAFICANT AMENDMENT TO H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the Traficant amendment to H.R. 1555 at the desk be made in order to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the amendment is as follows:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report describing the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development. The study shall include an analysis of the effects of such espionage on the trade deficit of the United States and on the employment rate in the United States.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore (Mrs. WILSON). Pursuant to House Resolution 167 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1555.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky (Mr. ROGERS) to assume the chair temporarily.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. ROGERS, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to bring to the attention of the House H.R. 1555, the Intelligence Authorization Act for fiscal year 2000, backed by the unanimous bipartisan recommendation of the Permanent Select Committee on Intelligence.

I would say that our committee worked diligently to conduct rigorous oversight of the programs and the activities that fall within our jurisdiction and, indeed, they are extensive responsibilities. We held numerous full committee hearings and briefings, backed up by literally hundreds of staff briefings about specific programs and items in this budget.

As Members know, we are required by law to provide an annual authorization for any intelligence or intelligence-related activity. That is because of the seriousness with which we take our oversight responsibility, making sure we understand what is going on in the intelligence community.

Because of the sensitivity of the material we deal with within this bill, and its direct implications for our national security, many of the specifics of our work and the recommendations we have made must remain secret. However, as I announced upon the filing of this bill, the entirety of our work is available to any Member wishing to review it in the committee's secure facility upstairs. Because of this arrangement and the reality of Members' schedules, all of us on the committee recognize the special responsibility that we have assumed and the trust our colleagues place in us.

I am pleased to report that we have had Members upstairs pursuing the opportunity to understand all the details, sensitive as they are, in this bill.

We know that we have the added burden of assuring our colleagues and the public that the programs and projects in this bill are worthwhile, legitimate, well-designed, properly managed, and critical to our national security. Our colleagues and our constituents trust us to conduct our oversight carefully, thoroughly and with a critical eye. I believe we have done our job, and I hope we have done it well.

Mr. Chairman, this is a solid bill. It recommends funding for the Nation's intelligence community at a rate slightly less than 1 percent higher than what the President requested. This is a very modest increase and is, frankly, the bare minimum needed to continue our effort of rebuilding our capabilities started in the 105th, and ensuring that we are best positioned to meet the diverse challenges that the century holds for American interests, as varied as they are.

We have, for the last few years, been on a course toward that goal and we are making progress, but we have had to reverse a very serious inherited trend of decline and atrophy in the core programs of some of our intelligence capabilities; of signals intelligence, of human intelligence, of imagery intelligence, of analysis and covert action.

□ 1115

These are areas where we need help. These are disciplines that require long-term investment and consistent commitment. We cannot simply turn them on and off like a light switch. We have for too long taken shortcuts and underfunded and undervalued our intelligence capabilities, and our entire defense posture, as a matter of fact.

We see this in stark terms in the world today, currently in Kosovo, but also in Iraq, North Korea, Iran, China, India, Pakistan, perhaps a number of places in the African continent, just to mention a string of other hot spots that have not yet flared up but could at any moment. I know Members can fill in their own blanks.

I know that some believe and state that we have no more use for intelligence, that investment in eyes, ears and brains has become unnecessary because the world is at peace. I adamantly reject that point of view. Intelligence is arguably the best investment we have to protect ourselves. Because good information, timely and on point, is a force multiplier and a force protector that can help us avoid crises altogether.

Recently Americans have heard about so-called intelligence failures. Specifically, just last weekend, we saw what happens when information is wrong, when a missile is directed at the wrong target. Rather than simply blaming our intelligence entities for a bad call, we on the committee have to look further and ask, how did this actually happen?

In part, this is unfortunately a predictable outcome of stretching our finite resources too thin. We have had to juggle and divert our limited assets to address the multitude of far-flung foreign policy initiatives and transnational threats that are the reality of the world today. And as a result, we have asked our intelligence community to do with less in more places, for more time, and under more complicated circumstances.

It is a formula for mistake. And this is a formula that we have been trying to rewrite these past 3 years and again in this bill today, and that is why it is so important that we have Members' support.

Mr. Chairman, we have emphasized several important themes this year. In general terms, they include recapitalizing signals intelligence. And no one should be in any way surprised by this need to spend money given the rapid advance of technology, correcting the imbalance between collection on the one hand and processing the information on the other. This has been a serious problem which we have reversed, but we have a long way to go to get more analysis involved; innovating paradigms for imagery, to include commercial resources, a great opportunity for the intelligence communities; and building a stronger and more extensive clandestine human intelligence capability worldwide and putting new tools into our covert action toolbox so that the choices our President has range more robustly and are not limited to doing nothing or bombing.

Although it is true that we may be at less risk in today's world of a direct all-out nuclear confrontation, we nevertheless face enormously complex challenges from rogue interests who continue to seek nuclear capabilities, not to mention the very real threat of chemical or biological agents that are continuing to proliferate around the world, the ''cheap nukes'' as they are called.

We also are increasingly threatened by terrorists, who do not play by the same ''Marquess of Queensbury'' rules that Americans are used to and by a whole new generation of narcotraffickers, whose deadly wares threaten the health and safety of our kids. And, tragically, that is a war that we are not doing well enough on.

The only certainty in this uncertain world, as far as I am concerned, is that the threats are out there and they are getting more dangerous and more widespread, and that is why most agree that we need to rebuild our intelligence capability.

I do not want to think of intelligence as the 9–1–1 of our defenses. To me we

should strive to prevent bad things from happening in the first place so we do not have to call 9–1–1 at all. That is what good intelligence should be about. And we have had some successes stopping bad things from happening to good people. Regrettably, those are the ones we do not read about in the paper.

Finally, Mr. Chairman, the headlines these past weeks have been replete with stories about an issue of grave concern and one that we have addressed in our bill. I am speaking about our counterintelligence capabilities, our defense, as it were, of our Nation's secrets, specifically with respect to aggressive efforts by the Chinese and others to target our crown jewels, the secrets of our nuclear program housed in our national labs.

We have addressed that in this bill. We authorized the significant funding increase to enhance DOE's counterintelligence, CI programs those would be, specifically cyber security, and to enhance the Department of Energy's ability to conduct comprehensive intelligence analysis of foreign nuclear weapons programs and proliferation, which need to be done.

We have taken strong steps to better challenge our analysts and to improve the counterintelligence abilities at FBI, DOD, Department of Defense so we can better meet the threat of nations like China who, not surprisingly, seek to steal our secrets.

In sum, Mr. Chairman, I urge my colleagues to support this bill; and I thank all members of our committee, especially my ranking member, the gentleman from California (Mr. DIXON) for their diligent, applied work, unquestioned commitment, and great wisdom to help us in our quest to improve our national security.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by commending the gentleman from Florida (Mr. GOSS) on the efforts he has made to ensure that the Permanent Select Committee on Intelligence operates in a bipartisan manner. While the unanimous vote reporting this legislation is an indication of the success of his efforts, those of us who serve on the committee know that on a daily basis, on matters large and small, the gentleman from Florida (Mr. GOSS) ensures that the views of the Democrats are solicited and considered.

The bill as reported, in the aggregate, is less than one percent more than requested by the administration. Although the committee recommends slightly more for certain programs, like those managed by the National Security Agency, and slightly less for others, like those managed by the National Reconnaissance Office, the fact remains that the total authorized for intelligence in this bill is not significantly different than that sought by the President.

This result reflects budgetary realities, but it also reflects a judgment about what the intelligence agencies can effectively and efficiently spend next year. Investments in the kind of intelligent capabilities the Nation will need in the years to come requires a steady commitment over time of resources. This legislation, as has been the case in the past, should be seen as an installment in that effort, not as its end.

H.R. 1555 provides a substantial amount of money for intelligence and intelligence-related activities. How much, even in the aggregate, is classified. I believe that no harm to the national security would be caused by making the aggregate budget request, the aggregate authorization, or the aggregate appropriations public.

The arguments for retaining the classification of these amounts, which focus on the utility of the aggregate information to the average American are irrelevant to security considerations, and the arguments which deal with the utility of the information to foreign governments are, in my judgment, not persuasive. I have in the past supported amendments to make certain budget information public, and I will do so again when presented with an opportunity.

I believe the Director of Central Intelligence was right in October of 1997 and March of 1998 when he disclosed the appropriated amounts for intelligence. I hope he will reconsider his current position with respect to additional annual disclosures.

Regrettably, publicity about intelligence activities normally centers on problems rather than successes. Problems, however, need to be acknowledged and corrected.

I want to mention my concerns in two areas, although these concerns do not affect my support for this bill. Both concerns involve the People's Republic of China. The counterintelligence shortcomings at the Department of Energy's national laboratories have over the past 20 years or so provided valuable information to the PRC and may, more recently, have allowed the PRC access to extremely sensitive information about our nuclear weapons.

The bill contains significant increases in funding for counterintelligence activities at the Department of Energy requested by the President, including additional amounts sought by the President for computer security. The bill also contains additional, more modest amounts for analytic activities related to the PRC. There may be more that needs to be done to make sure that the national labs are secure, either initiatives recommended by the Cox Committee or other proposals.

I believe that we have ample time before we go to conference on this bill to consider these matters in a deliberative way and endorse those which make sense and which will not produce unintended consequences of greater harm than the problems they seek to correct. I do not believe we know enough today about what more should be done beyond those steps already taken or proposed by the President and Secretary Richardson.

The accidental bombing of the PRC embassy in Belgrade at this point defies understanding. To be of use to policymakers and military commanders intelligence needs to be reliable. The intelligence which confused a military target with the embassy most certainly failed to meet that essential standard. Explanations which, in some cases, seem more like excuses have been offered, but it is clear that a serious mistake was made. We need to be sure we know why and take corrective action expeditiously.

The responsibility for congressional oversight of intelligence extends beyond the drafting of the authorization bill. It must vigorously review the manner in which the activities authorized each year are managed. We need to be able to assure the public that a degree of care commensurate with the importance of, and risks associated with, these activities is constantly present. Determining the cause of problems once they are identified is essential to the provision of that type of assurance. I look forward to working with our chairman, as I have in the past, to provide this kind of oversight.

In closing, I want to mention a matter concerning the committee's access to information. I am disturbed by the fact that the intelligence agencies that are funded by the national foreign intelligence program budget pursue a large number of programs and activities requiring special access which are not systematically reported to the Select Committee on Intelligence or the Committee on Appropriations. I do not mean to suggest that the intelligence community refuses to brief the committee on individual programs or activities. Rather, I mean that there appear to be many special access programs, and the executive branch does not rigorously ensure that each of them is routinely reported to Congress.

The Committee on Armed Services faced a similar situation in the Defense Department's handling of special access programs, and years ago required in law that the Department provide Congress with a written report on every program that the Secretary of Defense decided was important and sensitive enough to warrant special handling.

My impression is that this reporting system works very well and that we may need similar legislation for the intelligence community. I intend to examine this matter in more detail in the coming months and may even decide to

pursue it further in the conference committee.

Mr. Chairman, H.R. 1555 will, in my judgment, enhance the ability of the intelligence community to respond to the national security challenges we face now and which we will face in the future. I urge its adoption by the House.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the ranking member for his fine statement and particularly my full support and agreement on the last point he made with the special access programs.

Mr. Chairman, let me note that there is a mistake in the printed committee report concerning the CBO estimate. That is not an intelligence failure. This is a printing mistake.

The CBO letter provided to the Select Committee on Intelligence states that the unclassified portion of the bill ''would not affect direct spending or receipts, thus pay-as-you-go procedures would not apply.'' In the process of printing the committee report, the GPO omitted the final ''not,'' making it appear as if pay-as-you-go procedures would apply.

I would like the RECORD to reflect accurately the CBO estimate and, therefore, will submit at the appropriate time the CBO letter for inclusion in the RECORD.

Likewise, Mr. Chairman, in our review of the materials in preparation for floor action today, we also noted the inadvertent inclusion of language in the committee report that does not accurately reflect the committee's position in one instance. The offending language is found at page 15 of the published committee report and concerns the Joint Airborne's SIGINT program.

This language also indicates a cut to the program office of $1.6 million. This, too, is not an accurate accounting of the committee's intent on this program.

Mr. Chairman, I yield to my distinguished ranking member for any comment he may wish to make on this point.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from Texas (Mr. FROST) noted in the adoption of the rule, I felt that we should have had more time before we got to the floor, and the gentleman from Florida (Mr. GOSS) worked hard to at least allow us a few more days. Regardless of that, the errors that the gentleman from Florida (Mr. GOSS) talked about did occur, and it is appropriate to correct them. Specifically, with respect to the Joint Airborne SIGINT Program, the committee's intention is not accurately reflected in page 15 of the report as printed.

Mr. Chairman, I insert the following correspondence for the RECORD:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 4, 1999.

Mr. DAN L. CRIPPEN
Director, Congressional Budget Officer, Washington, DC

DEAR MR. CRIPPEN: In compliance with the Rules of the House of Representatives, I am writing to request a cost estimate of H.R. 1555, the ''Intelligence Authorization Act for Fiscal Year 2000,'' pursuant to sections 308 and 403 of the Congressional Budget Act of 1974. I have attached a copy of the bill as approved by the House Permanent Select Committee on Intelligence on April 28, 1999.

As I hope to bring this legislation to the House floor in the very near term, I would very much appreciate an expedited response to this request by the CBO's staff. Should you have any questions related to this request, please contact Patrick B. Murray, the Committee's Chief Counsel, at 225–4121. Thank you in advance for your assistance with this request.

Sincerely,

PORTER J. GOSS,
Chairman.

Attachment.

CONGRESSIONAL BUDGET OFFICE, U.S. CONGRESS,
Washington, DC, May 5, 1999.

Hon. PORTER J. GOSS,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dawn Sauter, who can be reached at 226–2840.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1555—Intelligence Authorization Act for Fiscal Year 2000

Summary: H.R. 1555 would authorize appropriations for fiscal year 2000 for intelligence activities of the United States government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CLARDS). The bill would also authorize such sums as may be necessary to fund an emergency supplemental appropriation for fiscal year 1999.

This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that enacting H.R. 1555 would result in additional spending of $194 million over the 2000–2004 period, assuming appropriation of the authorized amounts. CBO has no basis for determining the cost of an emergency supplemental appropriation for fiscal year 1999. The unclassified portion of the bill would not affect direct spending or receipts; thus, pay-as-you-go procedures would not apply.

The Unfunded Mandates Reform Act (UMRA) excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not contain intergovernmental or private-sector mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of the unclassified portions of H.R. 1555 is shown in the following table. CBO cannot obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances held by CBO employees. For purposes of this estimate, CBO assumes that H.R. 1555 will be enacted by October 1, 1999, and that the authorized amounts will be appropriated for fiscal year 2000.

[By fiscal year, in millions of dollars]

	1999	2000	2001	2002	2003	2004
Spending subject to appropriation						
Spending Under Current Law for Intelligence Community Management						
Budget Authority[1]	102	0	0	0	0	0
Estimated Outlays	104	39	9	2	0	0
Proposed Changes						
Authorization level	0	194	0	0	0	0
Estimated Outlays	0	120	58	12	4	0
Spending Under H.R. 1555 for Intelligence Community Management						
Authorization level	102	194	0	0	0	0
Estimated Outlays	104	159	67	14	4	0

[1] The 1999 level is the account appropriated for that year.

Outlays are estimated according to historical spending patterns. The costs of this legislation fall within budget function 050 (national defense).

The bill would authorize appropriations of $194 million for the Intelligence Community Management Account, which funds the coordination of programs, budget oversight, and management of the intelligence agencies. In addition, the bill would authorize $209 million for CIARDS to cover retirement costs attributable to military service and various unfunded liabilities. The payment to CIARDS is considered mandatory, and the authorization under this bill would be the same as assumed in the CBO baseline.

Section 501 of the bill would allow the Director of the National Imagery and Mapping Agency (NIMA), in coordination with the Director of the Central Intelligence Agency (CIA), to exempt certain documents from

provisions of the Freedom of Information Act (FOIA). The bill would allow exemptions for files concerning the activities of NIMA that, prior to its creation in 1996, were performed by the National Photographic Interpretation Center (NPIC) within the CIA and that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems. H.R. 1555 would also require a decennial review under rules and procedures similar to those governing operational files of the CIA.

CBO believes this section could result in discretionary savings from reduced administrative and legal costs the NIMA might otherwise incur to respond to FOIA requests. These potential savings could be partially offset by any future legal costs arising from the limited judicial review that H.R. 1555 would permit. (Judicial review would allow legal challenges of NIMA's decisions to exempt certain files.) H.R. 1555 would also require NIMA to review the exempt status of operational files every 10 years, but CBO believes that the resulting cost would be small, considering the classification reviews that occur under current law. CBO cannot estimate the budgetary impact of section 501 because we have no information about the number of files that this section would affect or the unit cost for NIMA to review them.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The Unfunded Mandates Reform Act (UMRA) excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not contain intergovernmental or private-sector mandates as defined by UMRA.

Estimate prepared by: Federal Costs: Dawn Sauter. Impact on State, Local, and Tribal Governments: Teri Gullo. Impact on the Private Sector: Eric Labs.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. BOEHLERT) a valued member of the committee.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

Mr. Chairman, the chairman, the gentleman from Florida (Mr. GOSS), and the ranking minority member, the gentleman from California (Mr. DIXON), are to be commended for the outstanding work that they have done to lead our committee to make the appropriate investments in the intelligence community in these difficult and demanding times.

□ 1130

I am now serving in the second term of my service on the Permanent Select Committee on Intelligence. Let me clear up a mystery that many might point to as we deliberate. I have never seen a committee act in a more responsible manner without regard to partisanship, and I am proud to serve under the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON). They have the best interest of our Nation at heart. We work in a truly bipartisan fashion. That does us all proud.

Let me focus in particular on one portion of our bill which will fund a substantial increase in the language training that our intelligence community will need as it rebuilds its presence around the world and rebuilds the analytic capability to cover more than just the hot spots of the day.

The need for more language skill within the intelligence community, as my colleagues on the committee are aware, is a subject of special concern to me. It is critically important that we have our people, our best talent, our most dedicated officers scattered around the world working on our behalf. It is also important that they be fluent in the language in the country in which they find themselves. I think that there is room for improvement in that area.

But we have made a step this year. I intend to help ensure that it is one of a number of steps along the path to the fluency our intelligence assets need to operate as we approach the next century and as we find ourselves with a desperate need for a presence all over the globe.

As a member of the Permanent Select Committee on Intelligence, I have closely followed the issues that have made unusual demands upon the intelligence community and the problems that have produced headlines that we sometimes would rather not see. Much has been said about these problems. That is to be expected, and I think it certainly is in order. But let me add a thought.

Central to every intelligence operation is a balance between risk and benefit. Within the committee, we are aware of the often unbelievable benefit our government derives from the operations of our clandestine service. We are aware as well of risk and, on occasion, the damage that comes from some of our operations. Given the full picture of the benefits and of the risks, we come to understand that we will inevitably hear a news report and see in the headlines the acronym CIA and sort of wince at what we read or the report on the radio. We will also appreciate as we hear this news sometimes on occasion, not news we want to hear, that intelligence officers are overseas scattered around the world putting oftentimes their very lives at risk to get the President and our policymakers the intelligence they must have to make responsible public policy.

I encourage Members to put the unfortunate headline about the bombing—and, boy, it was unfortunate—of the Chinese embassy in Belgrade in that context. I know as well as my colleagues that a mistake was made that was avoidable. I also know and encourage my colleagues to consider that hundreds of intelligence officers are overseas hard at work as we discuss that. We will never read about them, we will never know much about them, but they are doing something critically important for all of us each and every day. We should recognize that.

This bill is an attempt to give them the resources they need as this dedicated talent is scattered around the world working around the clock often under very adverse conditions to assure a safe and secure America.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, the Washington Times headline said, Greenspan's Warning Sends Stocks Reeling. Chairman Greenspan said that our economic expansion could end badly because of a ballooning trade deficit. He further said, somewhere in the future, unless reversed, our growing international imbalances are apt to create significant problems for America.

Now, I know that the trade matter is under the jurisdiction of another committee. But we all realize that there have been nations buying and spying their way into our trade secrets, our patents, our technology with a powerful impact and influence on our productivity and competitiveness. I want to thank the committee for allowing an amendment to be made in order by me that would require a report describing the effects of espionage against America conducted by other nations relative to our trade secrets, our patents, our technology development and basic competitiveness. It shall also include an analysis of the effects of such espionage on our trade deficit and on the employment rate in the United States.

This bill handles the intelligence community's needs quite well, but I think that we take a passive role when we do not look at spying and buying into our economic viability. It is not just the military aspects that produce a great national security threat. I believe a great national security threat is also present through our economic activity.

With that, I want to thank them for allowing the amendment to be made in order.

Mr. GOSS. Mr. Chairman, I am happy to yield 4 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), a more than highly valued member of the committee, chairman of one of our subcommittees, a member who has led the task force on drug efforts that have been ongoing these years, a man whose contributions through the Committee on the Judiciary and his value from that position on the committee is extraordinary.

Mr. MCCOLLUM. Mr. Chairman, I rise in support of the Intelligence Authorization Act for Fiscal Year 2000. As chairman of the Subcommittee on Human Intelligence, Analysis and

Counterintelligence, I am very pleased to report that this bill continues four key investments we must make in order for our government to be more effective against narcotics traffickers, terrorists, proliferators and rogue states.

The first investment we must make is in human intelligence. Mr. Chairman, the unintentional bombing of the Chinese embassy in Belgrade underscores what our combat pilots and our diplomats have been telling us all along. On-the-ground, human intelligence is as essential to the targeting of our bombs as it is to the drafting of our demarches. To wage an effective war or to maintain an effective peace, we must deploy intelligence officers overseas to penetrate the war rooms and the boardrooms of our adversaries.

This bill, Mr. Chairman, helps us get there. It will indeed help put more eyes and ears out into the problem areas of the world to get us the intelligence that we need to win wars, to keep the peace and to protect our national interests.

The second investment we must make is in the all-source analyst. Intelligence is the enabler of policy. The all-source analyst must provide our policymakers and our military with finished intelligence and assessments on matters from Kosovo to the Congo, from Pyongyang to Papua New Guinea.

In that light, Mr. Chairman, I am particularly pleased to report that the authorization bill continues the rebuilding of our analyst cadre. In the bill we provide for better training of our analysts, for more competitive analysis and for broader and longer term assessments than are done at present. Finally, as in past years, we provide more support for the efforts of our analysts to integrate overt with covert information and to determine what information must, in fact, be collected clandestinely.

The third investment is in counterintelligence. This bill provides more funding for the counter-intelligence programs of the FBI and the Department of Defense.

We are all aware of the serious espionage case involving the Department of Energy. For some time the committee has urged the Department of Energy to improve its counterintelligence program. In this bill we provide for better monitoring of foreign visitors to the labs, for better support of FBI investigative activities, for better cyber security and personnel security, and for better analysis of foreign intelligence threats. Those threats are real, they are growing, and they will be present with us for a long time to come. We really need to improve counter- intelligence with whatever support resources we can.

This bill takes steps in that direction. We will need to take more in future years.

Finally, Mr. Chairman, this bill invests in a major way in a matter of deep and long-standing personal interest to me, the war on international crime and on narcotics trafficking. In drafting this bill, we have worked closely with the House Committee on Armed Services in order to rebuild our intelligence community's capabilities against the world's most dangerous criminal organizations, from the United Wa State Army in Burma to the Colombia drug cartels to the Tijuana cartel in Mexico.

It strikes me that if we are going to make the efforts we did in legislation the President signed into law last year in the Western Hemisphere Drug Elimination Act come to life and be real, we need to properly support that legislation in our budget and in our funding programs both in intelligence and in terms of programs for Customs, for DEA and for the Coast Guard. We need more planes to survey the region. We need the kind of radar we do not have now. We need to have chase planes. We need to have more vessels and ships. We need to have alternative crop programs. We need to interdict drugs as well as, of course, get at the education side of this.

Intelligence is a very important part of that. If we do not have the right intelligence apparatus in place in Central and Latin America in particular, we will never be able to do what the bill calls for and that is to reduce the flow of drugs into this country by 80 percent over a 3-year period of time. I believe that can be done, I believe the intelligence component of that is in this bill, and it is very important.

In sum, this bill supports our eyes and ears overseas, assists our analysts back home and revitalizes our counterintelligence and counter-narcotics efforts throughout the intelligence community. The bill is one part of a coordinated effort against the evils of international crime.

I thank the gentleman for yielding me this time and congratulate him on a bill well done.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank our ranking member for yielding me this time and commend both the gentleman from California (Mr. DIXON) and the gentleman from Florida (Mr. GOSS) for their leadership on our committee and in conducting the proceedings, in the gentleman from Florida's case as our chairman, in a very fair and nonpartisan way.

I as one from the left of the spectrum came to the committee to subject the budget to the very harshest scrutiny, to declassify as many documents as was possible in our national interest, and also to hopefully see more diversity among the people who work in the community. I think that is important because we should have the community tap the talents of all the people in our society. I think it will lead to better intelligence because we will have resources far beyond those that we have now.

Today, I wanted to address a couple of issues which are current in my remarks about the bill, and because we may be called into the appropriations supplemental conference at any moment, I am going to talk about some of the amendments in my remarks here today. But on two issues, Chinese espionage and the mistaken bombing of the Chinese embassy in Belgrade, I wanted to make a couple of observations.

In terms of the alleged espionage at our labs, I think this is a very, very serious problem. I believe it is unfortunate that the safeguards were not in place to protect our critical advantage, our competitive advantage in terms of national security and the weapons that are at our disposal. I think that what is happening in Kosovo is a demonstration that war should be obsolete as an option. But that not being the case, we have to protect the investment we are making in our national defense and we have to, as our chairman has said, have a force multiplier in the intelligence that we have to prevent conflict and to equip our President with the best possible information.

But in dealing with the espionage issue, I hope that we will be careful not to impugn the good reputations of the many Asian Americans who are so excellent in the field of mathematics and science and who have provided great service to our country, our Asian American community. We must be very, very careful about how we deal with that issue in those terms.

We must also not impede the free flow of scientific information. I am not talking about our secrets. I am talking about that kind of information that should flow freely among scientists and it should flow internationally. I think every person and every country in the world benefits from that.

We also must not demoralize all of the scientists at the labs. We must recognize the service they have all provided to our country and not investigate any one of them because of their national origin, that we must have real cause, and it be directed toward programs that they are working on rather than, as I say, national origin.

In terms of the air strike, there are accidents that happen in war. This was not an accident. This was a stupid mistake. I think that the Chinese government—and I have never been one to pull a punch in my criticism of the Chinese government as everyone here knows—deserves the apology which it has received from the President of the United States. I think the Chinese government deserves an inquiry into how this happened to allay any suspicions that they may have that it was anything but a mistake or an accident.

I also think that our country should make reparations to the families of those who died and those who were injured in that tragedy.

□ 1145

I do not think that we should, as some in China and the China Business News have suggested, hatch some economic favors for the Chinese to make up for the bombing of the embassy, and I do think that the Chinese, in respect for all the catering to the Chinese that President Clinton has done, owed him the courtesy and the respect of showing his apology to the Chinese people far earlier so as not to inflame the sentiments of the Chinese people against the United States.

It is interesting to me to see these young people driven up in buses, corralled by the Chinese military to the front of our embassy where they threw pieces of sidewalk over a number of days at our embassy with our ambassador inside. I did not see anybody being taken away by the police except to be escorted to safety where young people 10 years ago, almost to the day, when they demonstrated peacefully in Tiananmen Square were rolled over by tanks.

So I would hope that in addition to our apology, our reparations and our inquiry that the Chinese would also look into the perpetrators of that demonstration, that violent demonstration, against the American embassy in China.

Since I do not have very much time, I am going to go on to the amendments since I might have to go to committee and I will not be here to speak on them. I think that most of the amendments offered by our colleagues should be accepted by the committee, specifically that of the gentleman from Georgia (Mr. BARR), and the gentleman from New York (Mr. ENGEL) relating to the Kosovo Liberation Army. I hope the committee will be able to accept the amendment of the gentleman from New York (Mr. HINCHEY), which I think is very well founded, about the investigation of the assassination of President Allende. I understand the gentleman from Kansas (Mr. RYUN) may or may not offer his, but I hope we can work out the amendment of the gentleman from Vermont (Mr. SANDERS), the gentleman from California (Mr. STARK) and the gentleman from Oregon (Mr. DEFAZIO), which I think is a valuable addition to the bill. I hope that the committee will accept the recommendation of the gentleman from New York (Mr. SWEENEY), and I certainly support the recommendation of the gentlewoman from California (Ms. WATERS), and I hope that that will be worked out.

With that I again commend the gentleman from Florida (Mr. GOSS) for the way he conducts our meetings and the proud leadership of our ranking member, the gentleman from California (Mr. DIXON).

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a new member of our committee, who has already established her credentials in helping us with the matters in Los Alamos, which happens to be in her district.

Mrs. WILSON. Mr. Chairman, I want to thank the chairman of the Permanent Select Committee on Intelligence, and the ranking member and the staff for their hard work on this authorization bill. I would like to take a few moments to talk about Chinese espionage directed at the Department of Energy and at our national laboratories, including Los Alamos and Sandia, which are in my home State of New Mexico.

Since the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) completed their extensive review of this issue last fall, we have been reviewing the evidence, and listening to experts and thinking about what we should do. Some facts are clear.

First, the Chinese have obtained classified information on our nuclear weapons program that has endangered American national security.

Second, while public attention has focused on a few individuals and principally Los Alamos National Lab, this was not a single instance of a lucky break by the Chinese. It is just one piece in a mosaic of Chinese espionage activity.

Likewise, the failure to protect these secrets was not just a failure of an individual, but of institutions, lousy communication between agencies, lost files, weak procedures, inadequate resources and just plain poor judgment show up again and again in the history of this incident.

Now it is up to Congress to begin to correct these failures, and let us be clear from the beginning. There are not going to be any simple solutions.

There are several elements of this authorization bill that begin to address these deficiencies.

The bill includes additional funds to subject the China-Taiwan Issues Group at the CIA to rigorous external competitive analysis, to challenge thinking more aggressively, and to report to the Congress biannually on this effort.

Second, the committee is recommending a substantial funding increase to the Department of Energy for analysis of foreign nuclear weapons programs. Special emphasis will be on the Chinese and Russian programs as well as proliferation.

The bill authorizes substantial increase in funding for the DOE Office of Counterintelligence, including new counterintelligence computer information security programs, and we increase funding for the FBI for counterintelligence and investigative training.

Finally, the committee has added substantial funding for language training to correct a serious shortage of linguists in the intelligence community.

These efforts are only the beginning of what must be done to improve our national counterintelligence activity. I believe that we need further comprehensive legislation to remedy this problem and have been working in a bipartisan way with my colleagues to begin the drafting of that legislation. There are at least a dozen recommendations that we have developed thus far, and I will include those recommendations at the appropriate point for the RECORD.

Mr. Chairman, we will be dealing with the consequences of this situation for a long time. The bill before us is the beginning of that process. I look forward to working with my colleagues to that end.

1. We must create a special set of security requirements for DOE and DOE contractor employees who have access to nuclear information. Those who have physical access to sensitive area must all be investigated, cleared and readily identifiable. As difficult as it is to believe, there are people with rather superficial background checks that have physical access to sensitive facilities who are not allowed to have access to the information in them.

2. The FBI, no contractors, should handle all Q clearances background checks.

3. Sensitive employees, as a condition of clearance must agree to take polygraphs, which would then trigger further investigation if the polygraph indicates deception.

4. The government must be allowed to monitor e-mail and telephone traffic into and out of the national laboratories an nuclear weapons plants.

5. The FBI must be allowed to search ad monitor computers and telephones within national laboratories, something we don't allow now, as incredible as that sounds.

6. Compel the FBI to inform the DOE office of counter-intelligence and the Assistant Secretary for Defense Programs within fifteen days of the initiation of an espionage investigation of any DOE or DOE contractor employee. In one of the Los Alamos cases, no notification was made for four years.

7. Require the DOE official responsible for Q clearances to be informed of all issues that might impact the issuance of a clearance, even when such issues fail to rise to the level of an indictment.

8. Improve timely communication of all such matters to the leadership of Congress and the appropriated committees of jurisdiction.

9. Set clear conditions and procedures for unclassified and classified visits to our national laboratories by foreign visitors from sensitive countries.

10. Require that DOE develop and maintain a comprehensive counterintelligence plan which must be reviewed and certified as adequate annually by the FBI to the President and the relevant committees of the Congress.

11. Establish vulnerability assessment group with responsibility or assessing and evaluating the vulnerability of DOE and the labs to espionage, including conducting classified operational tests of lab security. The group will report annually to the relevant Congressional Committees.

12. Establish in law a special assistant for counter intelligence reporting to the Secretary of Energy with responsibility for management and oversight of the DOE counter-intelligence program. This individual must have professional experience in intelligence and counter-intelligence matters. The bill that is before us today is the beginning of that process.

Mr. Chairman, we will be dealing with the consequences of this situation for some time. It is my hope that we can develop a bi-partisan consensus bill in the House that will provide real protection of America's secrets.

We have a serious problem and we need to address it. But, at the same time, we must be careful. The national laboratories are tremendous national assets which employ some of the most brilliant scientific talent in America. In our eagerness to solve a problem, we must make sure that we do not damage that which we are trying to protect.

I look forward to working with my colleagues to that end.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER), a very valuable member of our committee.

Mr. ROEMER. Mr. Chairman, I want to, first of all, thank my good friend, the ranking member, the gentleman from California (Mr. DIXON) and applaud him forever his hard work on the committee and also our chairman, the gentleman from Florida (Mr. GOSS) for the way that the majority and the minority parties work together.

With that preface, Mr. Chairman, I voted for this bill, to send it to the floor, but I do have a host of hesitations, caveats, concerns and reservations. I will vote for this bill today, but I hope these reservations and hesitations and caveats are addressed between now and the conference report. I will also vote for this bill because I think it is important for our intelligence community and our intelligence assets to cooperate with our military at a time that we find ourselves at war not only in Kosovo but at war in Iraq, and that cooperation is vital.

But my concerns are fivefold, Mr. Chairman:

One, the Chinese embassy bombing. I disagree strongly with Senator SHELBY, who has stated that this is a funding priority concern and we are not spending enough money. This is an individual mistake, this is a system mistake, this is a CIA mistake, and not updating the maps I think is a failure of the CIA to provide some basic information in this instance, and I am hopeful that the gentleman from Florida (Mr. GOSS) as our chairman will have not only a hearing on this but an open hearing followed by possibly a closed hearing.

Secondly, I am concerned about the string of failures in our missile launches and our access to space. The gentleman from Delaware (Mr. CASTLE) and the gentleman from Georgia (Mr. BISHOP) have shown their concern on this issue, and that is something that we are following up on.

Thirdly, I am concerned about the security of the national laboratories, and I hope that this is not a partisan political and wedge issue that the parties will get into. This again, Mr. Chairman, is a failure of institutions, it is a failure of administrations, and it is a failure of systems.

Fourthly, Mr. Chairman, I am concerned about something that the chairman is very, very concerned about and trying to address, and that is the ongoing need for hiring more linguists and analysts, and it is something he is very devoted to and something we need to continue to work on.

And lastly, and our ranking member said this better than I did or I could, we have concerns about the SAPs, or the special access programs, are not being systematically reported to the Permanent Select Committee on Intelligence. We do need to address this between now and the conference, and this is something that I think is important to a host of different members on the committee on both sides. We need more oversight of the SAPs, we need more reporting of the SAPs, we may even need a person in charge of this process.

So those are the five concerns I have, Mr. Chairman, and I hope that we will address those in the ensuing months with the Senate Intelligence Committee in conference and again applaud the chairman and the ranking member for their working relationship.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members to avoid personal references to Members of the United States Senate.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Let me assure the gentleman from Indiana (Mr. ROEMER) that all five of the points he made are very much on my schedule.

Mr. Chairman, I yield 4½ minutes to the gentleman from Delaware (Mr. CASTLE), another subcommittee chairman of our subcommittee system on the Permanent Select Committee on Intelligence who has served us very well and recently addressed one of the points about missiles which we may hear more about.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Florida for yielding this time to me, and, Mr. Chairman, I do rise in very strong support for this bill, and I really do commend the gentleman from Florida (Mr. GOSS), our chairman of the committee, and the gentleman from California (Mr. DIXON), our ranking member, for their efforts and the other members of this committee. They are a pleasure to work with as well as the staff which works so well together in a truly bipartisan sense, and I think that today together we have brought to the floor a good bipartisan bill that continues to work toward rebuilding our intelligence capabilities, and, Mr. Chairman, these capabilities have been seriously and dangerously hollowed out. We have been saying this for 4 years now, and unfortunately there are now stark reminders of the risks we have taken.

Mr. Chairman, our chairman has discussed the intelligence issues that contributed to the errors that related to the bombing of the Chinese embassy in Belgrade. Therefore I do not want to dwell on this except to say that I also view this issue as a result of past policies and emphasize collection at the expense of processing and analysis and emphasize tactical intelligence at the expense of strategic intelligence, and I emphasize at the expense because there is an issue of imbalance here. We cannot do one and not the other. If we collect data but do not have the wherewithal to analyze it expertly, the value of the collection is diminished regardless of how much users say it is needed.

Tactical intelligence gives a pilot the information that tells him or her when life-threatening missiles may be in the area of operations, but strategic intelligence gives us the data to know the types of missiles in the area in the first place and gives the data that distinguishes an embassy from a storage facility.

Put simply, we cannot do one without the other and be successful in protecting our security and reducing the chance of mistakes.

But there are other issues that are just as important in this debate that point to the fragility of our intelligence community.

As the chairman of the Subcommittee on Technical and Tactical Intelligence, I face some of the most perplexing and costly problems in front of the committee. I would like to mention two such problems. First is the issue that I mentioned briefly before relating to that imbalance between collection on the one side and processing and analysis on the other. This is an area of great concern to the committee and one that we specifically highlight in this bill.

Put simply: We have new imagery collection systems coming down the pike, and the administration has done virtually nothing by way of preparing for the processing and analysis of the images taken. There is supposedly a plan that is under development, but there is no budget for it. Yet experts have privately indicated that the cost over the next 5 or so years could be in the billions.

Without this investment in processing and analysis the collected imagery will be almost useless. Without this investment mistakes will continue to be made. There will be more misidentified buildings, especially as we learn from one foreign policy crisis to the next around the globe. In this

bill we have not only sent a warning shot to the administration but have also begun an investment, although modest, to try and fix this imbalance between collection and analysis.

A second area of concern is the recapitalization of our signals intelligence capabilities. Again put simply, I am afraid that we run the risk of going deaf to the worldwide explosion of communications technologies. Obviously, Mr. Chairman, I cannot go into the details in this area, but suffice it to say that there is a very serious issue here, and again we address that issue in this bill.

One last area of concern to me is our ability to launch satellites into space. The gentleman from Indiana (Mr. ROEMER) mentioned this moments ago. As many of as my colleagues know from reading recent press reports, we are having a crisis of confidence in our launch systems based on a series of failures within the past year. This is an issue that we are looking into now, and we have had a series of discussions with various experts on this particular subject already that will probably go to the hearing stage next.

□ 1200

This is an issue that we must continue to look into, but it points to the fact that intelligence resources cannot be taken for granted. Without the proper care and investment in the infrastructure, we place our resources at risk.

Mr. Chairman, the concerns that I have addressed are not the only ones we need to address. There are many more, some large, some small. It is clear, however, that a long-term commitment to investment in intelligence is needed. The administration is not doing it, so we have to.

The adds proposed in this bill are fairly modest, especially compared to the need, but it is a start. It invests in the recapitalization of our signals intelligence capabilities, it begins the process of investment for processing and analysis, and it provides the guidance and support that the Director of Central Intelligence needs but seems only to be getting from Congress.

The bill addresses the most urgent needs that get us going in the process of rebuilding our capabilities. It is a good bill. It works to both balance and invest in our national security future. It is a must, and I ask the Members of the House to give it our full support.

Mr. DIXON. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank our distinguished ranking member, the gentleman from California (Mr. DIXON), for affording me a little bit of time to clarify my position on the Sweeney amendment, which I said earlier that I had hoped the committee could accommodate.

It was more in the spirit of what the amendment says about the willful identification of U.S. intelligence agents also including such protections to cover former agents. I think there should be a stern penalty for those who would be involved in the willful identification. I do not think that, as the Sweeney amendment says, there should be minimum mandatory penalties but that should be left up to the judges.

These people put themselves in harm's way. They deserve our protection, but the minimum mandatory sentence is not what it should be.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BISHOP), the ranking member of the Subcommittee on Technical and Tactical Intelligence of the Permanent Select Committee on Intelligence.

Mr. BISHOP. Mr. Chairman, I thank the gentleman from California (Mr. DIXON) for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

I would note, first of all, that this legislation was approved unanimously in the committee, a reflection of the efforts of the gentleman from Florida (Mr. GOSS), the chairman, and ranking Democrat member, the gentleman from California (Mr. DIXON), to produce a bipartisan bill.

This year I became the ranking member of the Subcommittee on Technical and Tactical Intelligence, and in plain language this subcommittee is responsible for oversight of the ways in which intelligence is collected using machines like satellites and airplanes, rather than human beings.

The subcommittee is also responsible for intelligence systems and activities that support our military forces tactically. These systems are critically important for virtually all of the intelligence community's missions, from combatting terrorism and narcotics trafficking to supporting our troops in combat in the Balkans and the Persian Gulf.

This bill is very consistent with the request submitted by the President. In several areas, the committee recommends modest increases in the amount requested by the President.

In general, I am very supportive of these decisions. For example, this bill adds funds to help the National Security Agency reshape itself to keep pace with the incredible growth in the size and complexity of the global telecommunications network.

The committee is concerned that NSA needs some organizational and management reforms as well as some engineering expertise from industry to sustain its remarkable record in defense of the Nation.

The committee also recommends additional funding in selected areas of the National Imagery and Mapping Agency, or NIMA. NIMA faces a very large shortfall in its capacity to exploit the volume of imagery that we will be able to collect in the near future for intelligence needs and for mapmaking. The committee has recommended increased funds for NIMA to begin this expansion and to increase its productivity.

The committee has also recommended funds for additional procurement of pictures and products from the commercial sector.

On the debit side, the committee recommends a relatively modest reduction in the budget for the National Reconnaissance Office, or NRO, which builds, launches and operates the Nation's intelligence satellites. Included in the committee's recommended actions is a proposal to defer a decision until conference with the Senate on whether to continue production of an NRO satellite or to initiate a new design.

I believe that this proposal was a reasonable compromise, and I appreciate the chairman's willingness to accommodate the concerns of Democrats on it.

The committee bill also contains recommendations for increases in several important tactical intelligence missions and systems, including the RC–135 signals intelligence aircraft, the Predator and Global Hawk unmanned aerial vehicles, and tactical antisubmarine warfare programs.

Since the committee marked up this bill, there have been three successive satellite launch failures to go along with another three suffered just since last August. The Subcommittee on Technical and Tactical Intelligence held its first briefing yesterday on this very disturbing string of failures, and the gentleman from Delaware (Mr. CASTLE), the chairman of the subcommittee, along with the gentleman from Indiana (Mr. ROEMER) have pledged to continue the subcommittee's examination of this potentially serious problem over the coming months.

Mr. Chairman, this bill would provide the funds that are needed to sustain our efforts to combat terrorism, narcotics trafficking and weapons proliferation and to support our military forces. It is a responsible and prudent measure, and I am pleased to support this bill, and I urge my colleagues across the aisle, on both sides of the aisle, to support it as well.

Mr. UNDERWOOD. Mr. Chairman, there has a flurry of news articles, exposés and anti-China speeches in recent weeks over the Los Alamos Labs Espionage Case. But it didn't start with that. For months politicans have been making fantastic accusations of Chinese smuggling AK–47s into the port of Los Angeles, PLA owned businesses acquiring warehouses in Long Beach, California, Chinese bases at either entrance of the Panama Canal, Chinese campaign donations to the Democratic party and Chinese theft of dual-

use technologies. These are only some of the more outrageous of stories.

This takes us to our current crisis, recently stoked by the accidental and unfortunate bombing of the Chinese embassy in Belgrade by NATO forces. No doubt the collective sum of our concerns with Chinese, both true and imagined, have led to the souring of U.S.-China relations. The Chinese, in all likelihood do indeed spy against the United States. Just, as I would suspect, many other nations both friendly and adversarial. We should not be so alarmed, so offended. This is the reality that nation-states must accept and must employ for their own security. Accusations of Chinese espionage notwithstanding, security weaknesses in our weapons labs are a serious concern. However, these problems can and will be corrected. And they must be corrected responsibly. Legislation aimed at destroying the free exchange of scientific knowledge through our foreign visitors program would do more harm to our national security than good. We can stem the illegal flow of classified information in other, non-draconian ways. Indeed we are capable of such feats.

For the past couple of months now, committees and subcommittees have held hearings on the Los Alamos case and the allegations of Chinese espionage. As we discuss today's Intelligence Reauthorization legislation, we have to ensure that the current rash of stories and the current state of our relationship with China has no impact upon the lives and the employment or economic opportunities of individual Asian Americans around the country. We in Congress have a special responsibility to make sure that our sentiments about these matters of espionage, these matters of our relationship with China or any Asian or Pacific country in clearly separate from any reflection upon the ethnic communities in our country. As we deal with the Cox Report, as we deal with the Department of Energy revelations, let us remember that there is a very deal danger of stereotyping and stigmatizing all members of our Asian American communities.

Let us also remember the contributions Asian Pacific Americans have made to our nation. May is Asian Pacific American Heritage Month, and I encourage my colleagues to participate in the month-long activities held in honor of the Asian Pacific Americans in our districts and in our nation. Especially at this time when allegations of espionage and relations with countries like China are scrutinized and questioned, as Members of Congress, we must take measures and assure our Asian Pacific American communities that their professional advancement and employment in federal agencies will not be impeded and obstructed, that their diligence and dedication will not be erased and forgotten in the face of mere speculation.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the rule for H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000. The distinguished gentleman from Florida [Mr. GOSS] Chairman and the distinguished gentleman from California [Mr. DIXON] Ranking member of the House Intelligence Committee are to be commended for their leadership and fine work on this bill.

Intelligence, Mr. Chairman, is an enabler of policy. On occasion, where its sources and methods take us where diplomacy cannot go, intelligence is the sole enabler of policy.

Let me give you an example. Some time ago, in what used to be called the Third World, a large rebel force invaded and occupied almost a third of a country with whom we enjoyed good relations. From way back here, in Washington, it looked as if a rogue state had precipitated that invasion. Some back here, in fact, were so convinced that the invasion was the doing of that rogue state that they decried the lack of proof as an ''intelligence failure'' on the part of CIA. Only later, after looking at the Agency's reporting, did Washington realize that the facts in the field did not fit the preconception here at home: The invasion was fundamentally indigenous in cause and in makeup. This affected our actions against the rogue state and shaped our policy toward the friendly nation.

The better the intelligence, the better the policy. Our ambassadors around the world, especially those in unstable or underdeveloped countries, understand that and urge our help in obtaining or retaining an intelligence presence in their countries. In those countries, particularly, intelligence can reach beyond the bounds of diplomacy and provide the ambassador and the Department of State with the understanding they must have to make sound policy. Secretary Albright recently visited the CIA at the Bush Center for Intelligence to give the rank-and-file there this same message.

As an alumnus of the Intelligence Committee and the Vice Chairman and subcommittee chairman in the International Relations Committee, this Member well knows how important intelligence can be to the formation of policy. H.R. 1555 will help put more intelligence officers out in the field to collect the intelligence that policymakers must have. The bill will help hone the skills of the analysts who interpret and asses that intelligence for our policymakers. In short, H.R. 1555 will continue the process of rebuilding the capability of our intelligence community to support the policymaking process. This bill, and the hours of care and guidance from the Chairman and Ranking Member that produced it in its present form, deserve your support.

Finally, after hearing much in recent days about what went wrong over Belgrade last week, this Member would like to end his remarks with a recent quote from President Bush during the dedication of the Bush Center for Intelligence at Langley:

''Some people think, 'what do we need intelligence for?' My answer to that is we have plenty of enemies. Plenty of enemies abound. Unpredictable leaders willing to export instability or to commit crimes against humanity. Proliferation of weapons of mass destruction, terrorism, narco-trafficking, people killing each other, fundamentalists killing each other in the name of God. These and more. Many more. As your analysts know, as our collectors know—these are our enemies. To combat them, we need more intelligence, not less.

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''And when it comes to the mission of CIA and the Intelligence Community, Director George Tenet has it exactly right. Give the President and the policymakers the best possible intelligence product and stay out of the policymaking or policy implementation except as specifically decreed in the law.''

President Bush then closed with this:

''It has been said that 'patriotism is not a frenzied burst of emotion, but rather the quiet and steady dedication of a lifetime.' To me, this sums up CIA—Duty, Honor, Country. This timeless creative service motivates those who serve at Langley and in intelligence across the world.

''It is an honor to stand here and be counted among you.''

Mr. Chairman, this Member agrees with those words and urges support for the rule for H.R. 1555.

Mr. DIXON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to the committee amendment is in order unless printed in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate.

The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device in the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.
Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 1999.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Sense of Congress on intelligence community contracting.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Two-year extension of CIA central services program.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Protection of operational files of the National Imagery and Mapping Agency.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The National Reconnaissance Office.

(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2000, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1555 of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2000 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of $193,572,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2001.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 348 full-time personnel as of September 30, 2000. Personnel serving in such elements may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2000 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2001.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2000, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2000, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount appropriated pursuant to the authorization in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2001, and funds provided for procurement purposes shall remain available until September 30, 2002.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

(a) AUTHORIZATION.—Amounts authorized to be appropriated for fiscal year 1999 under section 101 of the Intelligence Authorization Act for Fiscal Year 1999 (Public Law 105–272) for the conduct of the intelligence activities of elements of the United States Government listed in such section are hereby increased, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased by an emergency supplemental appropriation in a supplemental appropriations Act for fiscal year 1999 that is enacted after May 1, 1999, for such amounts as are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) RATIFICATION.—For purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), any obligation or expenditure of those amounts deemed to have been specifically authorized by Congress in the Act referred to in subsection (a) is hereby ratified and confirmed.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2000 the sum of $209,100,000.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report describing the effects of espionage against the United States, conducted

by or on behalf of other nations, on United States trade secrets, patents, and technology development. The study shall include an analysis of the effects of such espionage on the trade deficit of the United States and on the employment rate in the United States.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, our intelligence community, even though they have made mistakes, is basically not patted on the back and rewarded for thousands of good things they accomplish; and I want to commend the chairman, who is a former intelligence agent and has done a great job educating many of us who have our concerns about the intelligence community, and the gentleman from California (Mr. DIXON) on the bill.

While I feel we do a great job looking at the national security aspects through military activities, we can buoy up and should buoy up our efforts to look at buying and spying of foreign interests into our competitive industrial trade scenario. With that, the Traficant amendment calls for a report from the CIA to describe the effects to Congress of buying and spying against the United States by other nations relative to our trade secrets, our patents, our technology development and our industrial competitiveness.

It also states that the study shall include an analysis of the effects of such buying and spying on our trade deficit, which is approaching one quarter trillion dollars this next year, $250 billion, with China and Japan now taking $5 billion a month each out of our economy. Unbelievable. I want to know how much of it is buying and spying.

With that, the report shall also give us an analysis of not only the negative balance of payments in the trade deficit but on the impact on employment and competitiveness of our Nation.

With that, I would hope that I would have the support of the committee. If I do not, I ask that the chairman overrule them on my behalf.

In all seriousness, I believe it is necessary. It buoys up a part of this bill that makes us look at the domestic industrial side, and I would seek and ask for the support of our chairman and ranking member.

Mr. GOSS. Mr. Chairman, I rise in support of the amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Chairman, on this side, we will accept the amendment. I think it is a good amendment.

I want to just point out one mistake that the gentleman from Ohio (Mr. TRAFICANT) made, that inadvertently he made, in that there is a lot of confusion in the terminology as it relates to the intelligence community. He used the term ''agent.'' I understand the gentleman from Florida (Mr. GOSS) was an employee of the CIA, and his title was a ''case officer.''

There is confusion about ''agent,'' ''asset,'' and ''case officers.'' In the future, this reference may be made, and I know the gentleman from Ohio (Mr. TRAFICANT) did not understand that. It just goes to show how easily, even those of us who are involved in Congress, can make a mistake.

Mr. GOSS. Mr. Chairman, I thank the gentleman from California (Mr. DIXON), the distinguished ranking member, for making that point. It actually is a very important one. It may be subtle to some, but it is extremely important, and I appreciate it.

Mr. Chairman, I am very much prepared to accept the amendment of the distinguished gentleman from Ohio (Mr. TRAFICANT). I think it is a good amendment. I think it adds substance to an area that we have already signalled an interest in, and it gets specific in some areas that, in fact, we have had some select committees working on as representative of this institution.

So I think the gentleman is on target. I am very much supportive of the amendment and happy to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 10 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer amendment number 10, which is printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. Sweeney:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. PROTECTION OF IDENTITY OF RETIRED COVERT AGENTS.

(a) IN GENERAL.—Section 606(4)(A) of the National Security Act of 1947 (50 U.S.C. 426(4)(A)) is amended—

(1) by striking ''an officer or employee'' and inserting ''a present or retired officer or employee''; and

(2) by striking ''a member'' and inserting ''a present or retired member''.

(b) IMPOSITION OF MINIMUM PRISON SENTENCES FOR VIOLATIONS.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by inserting ''not less than five and'' after ''or imprisoned'';

(2) in subsection (b), by inserting ''not less than 30 months and'' after ''or imprisoned''; and

(3) in subsection (c), by inserting ''not less than 18 months and'' after ''or imprisoned''.

Mr. SWEENEY. Mr. Chairman, before addressing my amendment, allow me to first express my strong support for the intelligence authorization bill and commend the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON), the ranking member, for their great work on this important bill.

Mr. Chairman, our intelligence community is truly our first line of defense; and we must do everything in our power to ensure that our counterintelligence operations are as strong as our potential enemies. The amendment I am offering today is intended to complement this fine bill on an important national security issue, the protection of our intelligence agents.

Mr. Chairman, my amendment simply increases the criminal penalty for individuals who expose covert agents and expands the Intelligence Identities Protection Act to protect the identities of former agents as well.

First and foremost, my amendment establishes a minimum mandatory penalty for the willful identification of a United States intelligence agent. The existing criminal penalties against such an offense are woefully inadequate. While several lesser criminal offenses require mandatory minimums, few are as consequential to the interests of our national security as the protection of those who serve our country in this capacity.

Secondly, the amendment extends the scope of these protections to former covert agents as only current agents are now covered by the law. By increasing the criminal penalties for disclosing identities for existing agents and by including former agents, my amendment accomplishes several important national security objectives and appropriately emphasizes the high priority with which we make national security. It protects agents and former agents from possible harm as a result of the disclosure of their true identities and past locations and activities. It also protects the entire intelligence network that often remains in place after an individual agent leaves his or her assignment.

□ 1215

By protecting retired agents, the amendment protects those active operatives who may have assumed the former agents' positions.

Through the Freedom of Information Act people obtain information relevant to U.S. intelligence operations. Currently no statutory protection exists to prohibit identification of retired intelligence agents. This initiative strengthens the penalties against disclosing the information that identifies covert agents. Penalties in my amendment are proportional, yet tougher to those which exist under current law.

The majority of our current and former intelligence agents serve or

have served the United States at considerable risk, Mr. Chairman, and there is absolutely no justification for exposing them to danger.

Identifying current or former agents warrants serious criminal liability, and my amendment does just that. Ensure the safety of our intelligence community and provide adequate penalties to those who jeopardize America's national security by voting yes on the Sweeney amendment to H.R. 1555.

AMENDMENT OFFERED BY MR. GOSS TO AMENDMENT NO. 10 OFFERED BY MR. SWEENEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS to amendment No. 10 offered by Mr. SWEENEY:

Strike subsection (b) of section 304, as proposed to be added by the amendment and insert the following:

(b) IMPOSITION OF MINIMUM PRISON SENTENCES FOR VIOLATIONS.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by striking ''shall be fined not more than $50,000 or imprisoned not more than ten years, or both.'' and inserting ''shall be imprisoned not less than five years and not more than ten years and fined not more than $50,000.''.

(2) in subsection (b), by striking ''shall be fined not more than $25,000 or imprisoned not more than five years, or both.'' and inserting ''shall be imprisoned not less than 30 months and not more than five years and fined not more than $25,000.''.

(3) in subsection (c), by striking ''shall be fined not more than $15,000 or imprisoned not more than three years, or both.'' and inserting ''shall be imprisoned not less than 18 months and not more than three years and fined not more than $15,000.''.

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, the perfecting amendment to the Sweeney amendment that I have offered I am told makes a technical correction. The amendment filed contained a drafting error, and as a result, would not impose a true mandatory minimum sentencing requirement, which was the intent. Whether we agree or not, the intent was to make it mandatory.

The amendment clarifies the intent of the amendment to toughen the sentencing standards and impose mandatory minimums. I understand, in plain English, it is both a penalty and mandatory time.

I would ask the gentleman from New York, is my understanding correct?

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from New York.

Mr. SWEENEY. That is correct, Mr. Chairman, that was my intent.

Mr. GOSS. Reclaiming my time, then, Mr. Chairman, and going to what that would leave us with on the Sweeney amendment if the secondary amendment is considered and approved is that we would have an amendment which would in fact deal with the Agent Identities Protection Act and put some more teeth into it.

I would point out that Mr. Solomon, our colleague from New York, former chairman of the Committee on Rules, offered a similar amendment in 1981 which I am told passed the House by some 300 votes and then disappeared in conference, as sometimes happens.

As Members will recall, the Intelligence Identities Protection Act penalizes the unauthorized disclosure of identities of covert employees and assets of the United States. This is willful disclosure, we are talking about here. We are not talking about an accident or a slip of the tongue or leaving a document someplace by a mistake. Those are bad things. We are talking about setting out to deliberately expose classified information that can result in harm to an individual, serious harm.

Mr. Chairman, I understand originally that the act was offered in 1979 by Chairman Boland in response to the disclosure of identities of CIA officers and assets by Philip Agee, Louis Wolf, and others. The Act is sharply focused upon present and former cleared employees and upon those who publish deliberate and repeated disclosures of the type found in the Covert Action Information Bulletin.

The Act has been an useful tool for prosecutors and the intelligence community, although it has not been applied aggressively, as some prefer, including me. The U.S. government has charged some current and former employees, and as an apparent consequence of that, the disclosures have been abated. But it has been a pretty weak tool. It has not been able to be used as it was originally intended.

I honestly believe that the amendment of the gentleman from New York (Mr. SWEENEY) does add extra strength, and does it in a reasonable way. We are not throwing out all the rules of judicial protection or anything like that. What we are basically doing is putting people on notice that for willful disclosure of agent identities, there is a penalty. It is a serious penalty, because it is a serious crime.

Having said that, I will urge acceptance of the Sweeney amendment, as perfected by our secondary amendment.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to congratulate the gentleman from New York (Mr. SWEENEY) on his amendment. I will not object to it, but I do have some concerns with it.

As I understand the amendment and the perfecting amendment, basically it does two things. It covers retired agents, but the concern I have is the decision to make penalties, whether they be incarceration or money fines, mandatory without hearings. Generally speaking, I am opposed to mandatory sentences. I have great faith in the Federal judiciary.

I do not think that we should move this fast without some hearings on this to find out if this type of activity should be in the class of mandatory sentences. I would tell the gentleman from New York, I will not object to it, but I would like to reserve to discuss this further at the conference.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I appreciate the gentleman's remarks. The gentleman is correct in saying that what the bill essentially does is extend the protection to retired agents.

Also, in establishing mandatory minimums, my intent was to raise the level of Section 601 to the highest levels and the highest priorities, which I believe our national security interests dictate.

I will point out that what the mandatory minimum sentences that I have prescribed in my amendment do is cut in half the mandatory maximums, so I think proportionately, it is very reasonable.

Let me also just say that in relationship to Federal mandatory minimums, there are hundreds, literally hundreds, as I am sure the gentleman knows, of Federal crimes, including food stamp fraud, including bribery of meat inspectors, that have mandatory minimum sentences.

I think in order for this Congress to send a very strong message about the protection of agents and former agents, the inclusion of the mandatory minimum is an essential part.

Mr. DIXON. Reclaiming my time, Mr. Chairman, I may ultimately agree with the gentleman from New York. I just think it is worth more than 5 minutes of time on the floor, and I will reserve to address this issue in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS) to the amendment offered by the gentleman from New York (Mr. SWEENEY.)

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HINCHEY:

SEC. 304. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN CHILE.

(a) IN GENERAL.—By not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report describing all activities of officers, covert agents, and employees of all elements in the intelligence community with respect to the following events in the Republic of Chile:

(1) The assassination of President Salvador Allende in September 1973.

(2) The accession of General Augusto Pinochet to the Presidency of the Republic of Chile.

(3) Violations of human rights committed by officers or agents of former President Pinochet.

(b) DOCUMENTATION.—(1) The report submitted under subsection (a) shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

(2) Any provision of law prohibiting the dissemination of classified information shall not apply to documents referred to in paragraph (1).

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives, and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

Mr. HINCHEY. Mr. Chairman, because of recent activities by a certain member of the Spanish judiciary, the attention of the world has once again been directed at the events which took place in Chile beginning in September of 1973 with the assassination of the duly-elected president of that country, Salvador Allende, and the subsequent ascension to power of General Augusto Pinochet to become the President of the Republic of Chile.

In the course of those events, it has been alleged in responsible venues over and over again in the intervening now more than 25 years that very inappropriate actions were taken by members of the Chilean military, assisted by others, including members of the military of the United States.

I have an amendment which requires that no later than 120 days after the date of the enactment of this act, the director of the Central Intelligence Agency shall submit to the appropriate congressional committees which are mentioned in the amendment a report describing all activities of officers, covert agents, and employees of all elements of the intelligence community with respect to the following events in the Republic of Chile:

One, the assassinations of President Salvador Allende in September of 1973;

Two, the ascension of General Augusto Pinochet to the presidency of the Republic of Chile; and

Three, the violations of human rights committed by officers or agents of former President Pinochet.

The report submitted under this subsection shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

Mr. Chairman, I think that after the passage of all of this time, it is appropriate that the United States Congress and the people of the United States and the people of the world understand with much greater clarity than they have been able to up to this moment the specific events which took place in Chile which led to the assassination of the duly-elected president and the ascension of power by a military junta.

It is important for us to understand these events because it is important for us to take action to ensure that these kinds of illegal activities do not occur in the future.

So therefore, I offer this amendment with all respect in the hopes that the Members of the House and the chairman particularly, the chairman of the Permanent Select Committee on Intelligence, will see fit to look upon it favorably.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the intent of the amendment very much, but I must say, I have some misgivings about the effect and the cost, and I want to take a minute to explain that.

First, with regard to the purpose, let me say that our committee is trying, I think through its mark on the budget and through its oversight, to help our intelligence community focus on the challenges we have got today and coming in the next century. They are incredible challenges of a sort that we are really not organized to deal with, as we are seeing, unfortunately.

We are in the process of getting that done, but we understand the Warsaw Pact is gone, and in its place we have the Osama Bin Ladens, the Milosevics, the Tijuana cartels, that type of problem.

This amendment would, I think, have us take a break from the reality we are faced with today and go back and start sifting through some history of things that happened at a different time, really under a different agency that was operating under different rules and certainly under different oversight.

That can be beneficial if it is going to yield us some lessons, but I think we ought to understand that if we are going to do this, it is going to take energy, effort, and dollars, and we want to make sure where we are prioritizing those relative to the lessons from history and whatever else we might glean from this effort.

I am a little confused with regard to the extensive ongoing effort by the administration to respond to a request by the Spanish government under its mutual legal assistance treaty with the U.S. for documents, roughly in this same period. I presume these searches are related, but I do not know whether there is any formal coordination and how this amendment would fit into it.

Going to the cost factor, legislation directing special searches, as I have said, is disruptive to the normal course of business, and the normal course of business in the intelligence communities these days, it is exceptionally challenging.

I would also point out that when we have these special searches, that they sometimes delay requests of our own constituents under the Freedom of Information Act. I do not say that to say that we should not have special requests. I think we only need to point out that that sometimes happens.

We have had considerable conversation with the head of the community, the intelligence community, about how we go about dealing with the classification and declassification process. That is ongoing. There is very definite bona fide concern about how much dollars and time and personnel we direct to that effort relative to other things that the intelligence community is being asked to provide for today's decision-makers, to get us through the day. Of course, we have to figure out, where does the money come from.

These are not new thoughts. I am only putting these on the record and getting them out of there because I do not want the gentleman to think that we are just knee-jerk reacting negatively. There are negative consequences to this amendment, in part.

□ 1230

The amendment would provide no new information to the public as far as I know, the people who are interested in the abuses of the Pinochet years. I think instead we are going to get lots of boxes going into a closed committee review, and I am not sure where that is going to lead us.

So I am concerned about, if the purpose is to get at the truth and the history and where we are doing it, I would like to do that in a reasonable way. I share the desire of the gentleman from New York (Mr. HINCHEY) to do that.

If the way we can do it passes muster with the community, and the costs are reasonable, and the expectations are reasonable given the personnel that we have, then I would possibly be in a position to accept this amendment with those understandings.

So I ask to the gentleman from New York (Mr. HINCHEY) to accept a second-degree amendment which would strike paragraph (2) of the section 304(b) in its entirety. If so, and the House agrees to the amendment amending the gentleman's amendment in that way, I would accept his amendment.

The reason I say that is the amendment I would propose would cure the constitutional problem that I see in the provision which would have overridden all the laws authorizing the DCI and the President to protect sources of national security information from disclosure and compromise. We just accepted an amendment from the gentleman from New York (Mr. SWEENEY)

to strengthen that. So I do not want to now turn right around and undercut it.

So with the offending provision omitted, any threat of the veto would be removed, we would be consistent, and I think I could see my way to supporting what the gentleman is trying to get done.

Mr. Chairman, I yield to the gentleman from New York (Mr. HINCHEY) for response on my proposal amendment.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me. As I understand it, the gentleman is offering an amendment to my amendment which would strike paragraph (2) of section 304(b) as proposed to be added by the amendment; is that correct?

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 1 additional minute.)

Mr. GOSS. Mr. Chairman, the gentleman from New York (Mr. HINCHEY) is correct.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, and I am happy to accept his amendment to my amendment.

AMENDMENT OFFERED BY MR. GOSS TO AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS to amendment No. 4 offered by Mr. HINCHEY:

Strike paragraph (2) of section 304(b), as proposed to be added by the amendment.

Mr. GOSS. Mr. Chairman, that is the amendment we have had the discussion on. I have nothing further.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Hinchey amendment and commend the distinguished gentleman from Florida (Mr. GOSS), the chairman of our committee, for his accommodation of the Hinchey amendment.

But I want this amendment to survive the conference because I think the gentleman from New York (Mr. HINCHEY) has provided some great leadership to us today in presenting this amendment. That is why I am very grateful to the gentleman from Florida (Chairman GOSS) for his amendment to accommodate the gentleman from New York (Mr. HINCHEY).

Our distinguished chairman laid out some important considerations in his observation of this amendment, and they are important. There are other equities to be balanced, and I am glad that my colleagues have come to an agreement on the amendment. But, again, I want it to survive the conference. I want to commend the gentleman from New York (Mr. HINCHEY).

Our President was in Guatemala a few months ago, or was it weeks? So much happens so fast around here. I was very proud of the statement that he made. Latin America had been in turmoil for a couple of generations, as we all know, some of it, sad to say, and in Guatemala in particular, with the involvement of the Central Intelligence Agency and other American entities there.

The President, I think very courageously, recognized what happened there and, in doing so, I think began to open the door to a better future for the intelligence community.

In Central America and in Latin America the expression ''nunca mas'' is so famous, because in Argentina, in Chile, and Central America, people are revisiting their sad recent past. An important bridge to the future has been truth commissions which have identified, not to find revenge, but to seek some level of justice and some level of openness and admission about what happened to clear a way for the future.

If we, the United States and specifically the Central Intelligence Agency, had a role in the death of President Allende, just as if any Chilean had a role in it, putting it behind us requires facing the truth about it.

So I think that, as far as Chile is concerned, this is a very important amendment, but I think it also will build credibility for us if we are not in a state of denial about the CIA's involvement but of acceptance of what the reality was. We will find out what that is as a result of the amendment of the gentleman from New York (Mr. HINCHEY).

I also, though, want to say that, unless we are forthcoming on our role, it is very hard to see why Latin Americans will be forthcoming about what their role is. I think that we can lead by example in this way.

I also would like to take the occasion to thank the gentleman from California (Mr. GEORGE MILLER) for his leadership and activity in trying to persuade our government in making the documents available for the Pinochet case to the Spanish government. I hope that this will be a message to repressive dictators everywhere that a day of reckoning comes, and that they just cannot commit these atrocities and then say, well, let us put it all behind us.

As I say again, this is not about revenge, it is about truth. It is about justice. It is about opening the way for a better future and building credibility for what we do.

I agree with the gentleman from Florida (Chairman GOSS). We should not jeopardize the safety of our sources and methods. I think that his amendment is a constructive one. These people risk their lives just the way our young people do in the military. We are proud of the military. We are proud of the people who put themselves in harm's way to gather intelligence for us.

So while we are not condoning any activities that were not legal, we cannot proceed with reasonable intelligence gathering if those who are called upon to do so are in jeopardy because of unintentional identification.

This is especially true at a time when we want more women, we want more minorities, we want more diversity, we want more language skills, we want more cultural understanding into the Central Intelligence Agency. We want them to have the same level of protection that others have had in the past.

Building that diversity with an openness and an admission of what our past has been I think will build more support for what we need to have, which is the best possible intelligence to avoid conflict and to supply whoever the President of the United States is with the information he needs to lead.

With that, again I commend the gentleman from New York (Mr. HINCHEY) and the gentleman from Florida (Mr. GOSS), our chairman, and the gentleman from California (Mr. DIXON), our ranking member, for their leadership on this issue.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from New York (Mr. HINCHEY) is absolutely correct. The minority has no problem with this amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to applaud the gentleman from New York (Mr. HINCHEY) on his amendment. It is no great secret that over the years, there have been many aspects of American foreign policy which have been wrong. It is no secret that the United States over the years has been involved in the overthrow of a number of democratic governments.

In the case of Chile in 1973, there was a democratic government elected by the people. The President of that government was Salvador Allende. His policies antagonized corporate interests in the United States. A great deal of pressure was brought to bear in seeing him overthrown.

I think it is a very positive step as we develop ideas for the future, as we try to develop a democratic foreign policy that we in fact know what we did in the past.

So I think the amendment of the gentleman from New York (Mr. HINCHEY) is a very important one. I think we should let the truth come out, and I strongly support his efforts.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of Mr. HINCHEY's amendment to require a report to Congress on information held by the United States pertaining to human rights violations in Chile carried out by Gen. Augusto Pinochet and his forces.

The 1973 military coup in Chile was a tragic interruption of Chile's proud democratic history. Thousands of innocent people were killed. Many more were tortured and imprisoned. American citizens are among the dead.

The military coup in Chile also represents a tragic chapter in American history.

It is now widely understood that the United States supported the violent overthrow of a democratically elected government. But the full details of U.S. support for the coup are still not known.

We need to know the full details.

In addition, the full details of U.S. information concerning the actions of the coup's leader, Gen. Augusto Pinochet, are not fully known.

It is widely understood that Gen. Pinochet directed the coup and the mass killings and torture that occurred during his nearly two decade long reign. But the American people deserve to know and would be better off knowing the full details of Gen. Pinochet's actions.

Only the United States at this point has the ability to fully inform its citizens of this ruthless dictator's actions.

Along with my colleagues, I have been demanding that the United States supply information about Gen. Pinochet's murderous actions to a court in Spain that has brought charges against Gen. Pinochet for violations of international law, including torture, murder and kidnapping.

The United States is believed to house records that would corroborate the charges against Gen. Pinochet.

Those records should be reviewed, declassified and turned over to the court in Spain. Some information has been turned over and after much delay the United States has established a task force to oversee this request. It is a slow process and many believe that some in the Administration would prefer that the information never see the light of day.

Without objection, I would like to submit into the RECORD a series of letters between myself, my colleague, JOHN CONYERS, and other members, including Mr. HINCHEY, and the Administration.

These letters explain the nature of the information we seek and the importance of providing the information to the Spanish court.

The actions in the 1970s of the U.S. intelligence community and the then Secretary of State, Henry Kissinger, toward Chile and other dictators in the southern cone are a disgrace that should never be forgotten by American citizens who wish to think honorably about their country and their government.

A journalist, Lucy Kosimar, recently uncovered a memo that describes how Secretary of State Kissinger coddled Pinochet after the coup.

In a recent article, Kosimar wrote:

The memo describes how Secretary of State Kissinger stroked and bolstered Pinochet, how—with hundreds of political prisoners still being jailed and tortured—Kissinger told Pinochet that the Ford Administration would not hold those human rights violations against him. At a time when Pinochet was the target of international censure for state-sponsored torture, disappearances, and murders, Kissinger assured him that he was a victim of communist propaganda and urged him not to pay too much attention to American critics.

This is what Kissinger reportedly told Pinochet in a private meeting in 1976, according to Lucy Kosimar:

In the United States, as you know,'' Kissinger told Pinochet, ''we are sympathetic with what you are trying to do here. I think that the previous government was headed toward communism. We wish your government well.

A little while later, Kissinger added: ''My evaluation is that you are a victim of all left wing groups around the world, and that your greatest sin was that you overthrew a government which was going Communist.

Kissinger decided that the international fight against communism justified the rape and torture of Chilean women, justified their mutilation. Justified their execution.

More than 20 years later new information about the U.S. role in the coup and U.S. knowledge about human rights violations by Pinochet are still coming to light. Clearly there is more information that is housed in the intelligence communities' warehouses and that information should be made public.

In 1976, an American citizen, Ronnie Moffitt, was blown up on the streets of Washington with her Chilean colleague, Orlando Letelier. Pinochet is widely suspected of having personally ordered their deaths.

This act of terrorism should never be forgotten, in the hopes that it will never be repeated. Pinochet is living in London right now, awaiting the fate of an extradition hearing for trial in Spain.

Whatever information the United States can provide on the deaths of Ronnie Moffitt and Orlando Letelier in Washington should be made available so the truth can be known once and for all and justice can be rendered in this ugly, ugly chapter of American and Chilean history.

CONGRESSIONAL LETTERS TO THE CLINTON ADMINISTRATION ON THE CASE AGAINST GEN. AUGUSTO PINOCHET

(1) November 23, 1998 Letter from Rep. George Miller to Attorney General Janet Reno.

(2) October 21, 1998 Letter from 36 Members of Congress to President Clinton.

(3) March 17, 1998 Letter from Reps. George Miller and John Conyers to President Clinton, and the President's June 3 response.

(4) April 15, 1997 Letter from Reps. Miller and Conyers to Attorney General Reno and Mr. John Shattuck, Department of State, and the Justice Department's May 23, 1997 response.

NOVEMBER 23, 1998.

Hon. JANET RENO,
U.S. Attorney General,
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL: I am writing to follow up on our telephone conversation on the afternoon of Friday, November 13 concerning the United States response to the arrest of Gen. Augusto Pinochet. I sincerely appreciate your taking the time to speak with me about this issue.

As you may recall, I raised three issues with you during our conversation. First, I expressed my belief that the United States still has not turned over to the judges in Spain all materials in its possession that are relevant to the cast against Gen. Pinochet. Second, I expressed my belief that the United States should make available to Spain Michael Townley for questioning, but that it had not yet done so. And finally, I asked if you would grant a request for a meeting that I understood was made by the widow and widower of the Letelier-Moffitt assassinations, and their attorney.

With regard to the meeting request for Isabel Letelier, Michael Moffitt and their attorney, Sam Buffone, you informed me that you were seriously considering such a meeting. I sincerely appreciate your efforts in that regard.

With regard to Michael Townley, you told me that you were looking into the status of the request to make him available. I wish to again urge that he be made available to the Spanish judges for the purposes of questioning him about Gen. Pinochet's association to criminal and terrorist activities. As you probably know, Michael Townley was formerly in the Witness Protection Program and his whereabouts are known to the F.B.I. I would also urge you to make available Fernandez Larios, a known terrorist who plead guilty to criminal charges in the United States and can provide important information about Gen. Pinochet. I would hope that the F.B.I. and the Department of Justice have kept track of Mr. Larios at least to the extent that he can be located for purposes of serving a subpoena. It is my understanding that Judge Garzon is prepared to come to the United States at any reasonable time upon notice that Mr. Larios and/or Mr. Townley are available.

And finally, with regard to the materials requested by Spain, you asked me to provide you with information about any materials that may not yet already have been provided to the judges. I am providing to you in this letter details of materials that I believe are of interest to Spain and relevant to their investigation of Gen. Pinochet but that have not yet been made available.

As you know, and as we discussed on the phone, the Spanish judges conducting the Pinochet investigation have made requests of the United States Government, through the Spanish Ministry of Justice, for the production of testimony and documents pursuant to the Mutual Legal Assistance in Criminal Matters Treaty between the Spanish and U.S. Governments. It is my understanding that a new request has just been made.

While you and your staff are already familiar with the treaty, I thought it would be important to raise a number of points here to help clarify the responsibilities of the United States in this area. There are several important provisions in the MLAT that bear on the Spanish request for cooperation. First, under Article I, Section 3, assistance is to be provided without regard to whether the act giving rise to the request for assistance is a crime in the requested country. Accordingly, so long as the Spanish court has confirmed its jurisdiction to investigate the claims against Pinochet, it is irrelevant whether or not they would be valid claims under U.S. law. The only requirement under the MLAT for dual criminality is in cases of claims for forfeiture or restitution. Under Article IV, a request for documents requires only a generalized description of what is sought for production. Under Section 3 of Article IV, additional specificity should be provided to the extent necessary and where possible. These provisions require specificity regarding individuals to be questioned, but do not contain any additional requirement of specification as to the description of evidence or documents. Article V, Section 6, requires that the requested country respond to reasonable inquiries concerning the progress towards full compliance with the request.

Confidentiality is governed in part by Article VII which would permit the U.S. to require that any information or evidence furnished under the Treaty be kept confidential or used only under specific terms and conditions by the Spanish court. Classification is further covered by Article IX which provides for the production of records of government agencies. Under Subsection 1, all publicly available documents must be provided. Subsection 2 permits the requested state to provide copies of any documents in its possession which are not publicly available to the same extent and under the same condition as copies would be made available in Spain to judicial authorities or in the United States ''to its own law enforcement and judicial authorities.'' The requested state is, however, permitted to deny a request pursuant to these provisions entirely or in part. Accordingly, while the Treaty does not deal directly with classified information, the U.S. is granted broad discretion to produce or withhold classification and should do so to the same extent that it would provide such information to domestic law enforcement or judicial authorities. Article XII requires that the U.S. use its best efforts to ascertain the location or identity of persons or items specified in a request.

As I said on the phone, there are serious questions raised as to whether the U.S. has complied with both the spirit and letter of the Mutual Legal Assistance Treaty. Despite the long pendency of several letters of request, it is my understanding that the U.S. has not discharged its obligations under Article XII to use its best efforts to ascertain the location of either persons or documents. The U.S. has failed to produce key individuals for testimony and has not conducted a complete search of documents in the possession of government agencies, including the Central Intelligence Agency, Department of Defense, and the FBI. Further, it is my understanding the U.S. has refused to produce classified documents when the letter and spirit of Article IX should permit, if not require, production to the same extent that documents were provided to the U.S. Attorneys Office during the initial Letelier-Moffitt investigation.

The Justice Department, as the convening authority, should also reassess the extent and vigor of its effort to locate and produce documents. There are certain classes of identifiable records that should be searched for and if available, immediately produced:

1. *Defense Intelligence Agency Reports*, such as ''Directorate of National Intelligence (DINA) Expands Operations and Facilities,'' April 15, 1975 along with referenced ''IRs'' and all other cables and reports from the U.S. Defense Attache's office in Santiago during the mid-1970's that relate to the Chilean Secret police, the chain of command, human rights abuses, and international terrorism.

2. *Defense Intelligence Agency Biographic Data*, the yearly commentary and career summaries on military commanders done by the DIA—in this case on General Pinochet and Col. Gen. Manual Contreras between 1974–78.

3. *State and NSC Documents* identified in ''Disarray in Chile Policy,'' July 1, 1975. This document states that ''a number of officers in the Embassy at Santiago have written a dissent'' cable arguing that all U.S. assistance to Chile be cut off ''until the human rights situation improved.'' This cable was discussed at a ''pre-IG (Interagency Group) meeting—presumably in June 1975. It was supported by the Policy Planning Office of the Bureau of Inter-American Affairs.

A specific paper trail can be ascertained, including but not limited to:

a. the ''Dissent'' cable from the U.S. Embassy officers;

b. minutes/notes/briefing papers for/of the ''pre-IG meeting;''

c. all position papers relating to this discussion prepared by the Policy Planning Office at the Bureau of Inter-American Affairs.

4. *Bureau of Intelligence and Research*, Department of State, reports, summaries, and briefing papers on the Chilean military, DINA, and human rights violations, 1973–80.

5. *The Chile Files of the Office of the Assistant Secretary of State for Human Rights*, Patricia Derian, 1977–80. These files, kept by Ms. Derian's Deputy Marc Schneider, likely contain a wealth of information on Chile's human rights atrocities, and also on the Letelier case and the issue of U.S. extradition of Chilean officials, and sanctions against Pinochet's government for lack of cooperation in the case.

In addition to the above records and document groups identified by the Spanish court, U.S. cooperation under MLAT should include reviews of other relevant files. These include:

1. A critical document on General Pinochet's role in the Letelier bombing, read by Justice Department prosecutor Eugene Propper during the federal investigation into the crime.

2. CIA Reports between 1973 and 1979 by the Agency's Office of African and Latin American Affairs (A/LA) on Chile's military, chain of command, DINA, Operation Condor, General Pinochet and human rights violations, assassination of General Carlos Prats in September 1975, and Orlando Letelier in September 1976.

3. CIA Directorate of Operations cables and reports on Operation Condor—including Chile's attempt to establish an Operation Condor office in Miami in 1974; the assassination of Carlos Prats, and Orlando Letelier, and other human rights abuses.

4. A review by the Gerald Ford Presidential Library staff (Karen Holzhausen) of the still classified Kissinger-Scowcroft files relating to Chile, terrorism and human rights violations.

5. A review by the Jimmy Carter Presidential Library staff for the still classified Bzrezinski files on Chile, human rights violations, and sanctions against Chile for the Letelier assassination; and the files of National Security Council advisor on Latin America, Robert Pastor, for similar documentation.

6. A search by the CIA–FBI Center for Counter terrorism for files, including those of the predecessor to that agency, on Chilean involvement in international terrorism.

7. A re-review of heavily censored NSC and State Department documents released during legal discovery in the Letelier-Moffitt civil suit.

A thorough review and collection of relevant U.S. documents is critical to the Spanish judges' investigation. But I hope you would agree that it is also critical for the United States to gather this material to help our own government decide whether it too should take legal action against Gen. Pincochet.

As I expressed to you on the phone, I have a long history of involvement with Chile, beginning with my participation in a congressional investigation in Chile in 1976, prior to the assassination of Orlando Letelier and Ronnie Moffitt. In fact, Mr. Letelier had helped to facilitate the congressional trip to Chile. Chile has a long and proud history of democracy. Gen. Pinochet's military coup was an aberration in Chile's history. His rule was marked by extreme violence, total disregard for human and civil rights, and by international act of terrorism, including the assassination on U.S. soil of an American citizen and a Chilean exile.

Given this Administration's stated commitment to promoting human rights and democracy and to curbing global terrorism, I consider the legal fate of Gen. Pincochet to be a matter of utmost concern for the United States Government.

Again, I sincerely appreciate your time and attention to this matter and I will appreciate being appraised of the status of these requests.

Sincerely,

GEORGE MILLER, M.C.

OCTOBER 21, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The October 17 arrest of General Augusto Pinochet in London is a good example of how the goals you outlined in your anti-terrorism speech at the United Nations can be put into practice. Indeed, when the rule of law is applied to combat international lawlessness, humanity's agenda gains.

We are writing to urge you to reinforce your eloquent words at the recent United Nations General Assembly session by joining with the British government in fully cooperating with the precedent-setting case against Chilean General Augusto Pinochet in Spain. Specifically, we call upon you to ensure that the U.S. government provides Spanish Judge Baltasar Garzon material related to Pinochet's role in international terrorism—material and testimony that the U.S. government has thus far withheld.

You will recall that on June 3, in response to a congressional request, you wrote to assure us that the United States would ''continue to respond as fully as we can to the request for assistance from the Government of Spain'' for information on the case against General Pinochet and other Chilean military officials accused of international terrorism and crimes against humanity.

It is our understanding that the United States has materials and other critical information that will help link Pinochet directly to acts of international terrorism. These materials and information were obtained during the U.S. investigation of the assassination of Orlando Letelier, a Chilean exile, and Ronni Karpen Moffitt, his American colleague. They were brutally murdered in Washington, D.C., in 1976 when a bomb exploded under their car while driving around Sheridan Circle on their way to work. The assassination was determined to be the work of the Chilean secret police. It was also alleged, but unproven at the time, that Pinochet was directly involved in the killings.

Unfortunately, we have been informed that the U.S. Justice Department has given only public documents to the Spanish judge, and has not ordered any classified material to be delivered. In addition, the Assistant United States Attorney assigned to obtain testimony from key witnesses in the case against Pinochet and other former military leaders has not elicited key testimony from people convicted in the Letelier-Moffitt killings.

We have also learned that the Spanish judge is planning to submit an expanded Rogatory Commission requesting in detail the documents and witness testimony the U.S. government should provide.

We urge you to direct the Justice Department and other relevant agencies to act with haste in delivering the appropriate solicited material. Your involvement now will send a clear signal that you plan to take all steps necessary to stop international terrorism and bring to justice those responsible for heinous crimes against humanity, including the killing of an American citizen on American soil.

We note that the Spanish judge's petitions are based on the European Convention on Terrorism that requires signatories to cooperate with each other's judicial processes in cases of terrorism. Certainly, the United States has a stake in becoming part of this process. In addition, the Justice Department previously determined that Spain properly requested documents from the United States based on the Mutual Legal Assistance Treaty, signed by Spain and the United States.

We appreciate your commitment to stop international terrorism. We strongly believe, however, that without concrete actions to back up your commitment, international terrorism will continue unabated. The case against Pinochet and his allies presents a significant opportunity to work with the world community to punish those responsible for international crimes in Chile, the United States, and elsewhere. We strongly urge you to support Britain and Spain by releasing critical information to the Spanish judge as quickly as possible. We understand that some of the materials in question are of a classified nature. We believe steps can be taken to comply with Spain's request without compromising U.S. security interests and that these steps must be taken immediately. The world is watching closely as you consider this request. Absent our firm response, terrorists will continue to believe they can act with impunity.

Sincerely,

George Miller; John Conyers; Nancy Pelosi; John Olver; Maurice D. Hinchey; Alcee L. Hastings; Cynthia A. McKinney; Howard L. Berman; Bob Filner; Anna G. Eshoo; Henry A. Waxman; Jim McDermott; George E. Brown, Jr.; Neil Abercrombie; Barbara Lee; Sam Gejdenson; Bernard Sanders; Lane Evans; John F. Tierney; Martin Olav Sabo; Rosa L. DeLauro; Lynn C. Woolsey; Carolyn B. Maloney; Barney Frank; Lloyd Doggett; Frank Pallone; Charles B. Rangel; David E. Bonior; Nita M. Lowey; Danny K. Davis; James P. McGovern; Pete Stark; Jesse L. Jackson, Jr.; Lucille Roybal-Allard; Marcy Kaptur; Elijah E. Cummings.

MARCH 17, 1998, (REVISED MARCH 19, 1998).

Hon. WILLIAM JEFFERSON, CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT, Late last year, Justice Department officials assured us that they would cooperate with a Spanish judge investigating charges against General Augusto Pinochet, former President and Commander in Chief of Chile, for terrorism, genocide and crimes against humanity. Despite the assurances of cooperation under the MLTA, it is our understanding that the Justice Department effectively stonewalled the judge when he visited the United States in January, seeking to interview witnesses and retrieve documents pursuant to his investigation.

Instead of producing the witnesses and documents, as called for under the MLTA, and despite the desire of the former prosecutors (Eugene Propper and Larry Barcella) to communicate substantive information which they had but which was still classified, we have been informed that the *Administration prevented Propper and Barcella from reviewing their notes and file material before testifying,* did not try to make confessed murders Michael Townley and Fernando Larios available, and handed over virtually no documents. Their reasoning, according to people who had talked to officials at the State Department and National Security Council, was that they were processing materials which were difficult to find and were not likely to lead to useable evidence. They would formally comply but only when the component agencies processed the materials. In private, we are told, they note that by not turning over the documents promptly and ultimately by not offering much that is useful ''the U.S. had nothing to lose.''

They assess the possible damage to your impending visit to Chile next month from not cooperating to be very low. Apparently, U.S. Embassy sources believes that the anti-Pinochet opposition does not have enough strength to mount effective demonstrations to interfere with your visit. They also assume that the Chilean press will not ask you tough questions about the U.S. refusal to hand over documents and produce witnesses. Apparently at the Justice Department and the State Department, the belief is that the United States can ''get away with'' not cooperating and receive minimum public relations damage.

The motives for not cooperating with the Spanish judge included fears that an indictment of Pinochet could put the Chilean government in a precarious position on—and we find this particularly difficult to believe at this time—that the Chilean military might initiate a military coup.

We also find incomprehensible U.S. non-cooperation in a case that involves international terrorism, specifically the most horrendous act of extraterritorial violence Washington, D.C. has witnessed in the last fifty years—the car-bombing of Orlando Letelier and Ronni Karpen Moffitt on September 21, 1976. As you know, the U.S. government indicted the head of Chile's Intelligence and Secret Police agency, who recently asserted in Chile what U.S. officials always believed: Pinochet gave the order to kill Letelier in Washington.

It seems to us that the Administration will force Members of Congress to consider changing the terms of the NAFTA debate. The assumption for admitting Chile to NAFTA membership is that she is a functioning democracy. By allowing the Chileans to put Pinochet beyond the reach of any investigation, even U.S. compliance with a Spanish request, the Administration is jeopardizing the integrity of other treaty obligations under the anti-terrorism treaties. The Administration and Congress should be alarmed at the willingness of the Chilean government to ignore the growing evidence about Pinochet's involvement in the Letelier assassination.

We will propose to our colleagues that before we debate the merits of the new NAFTA and fast track agreements vis a vis Chile, we should air the U.S. government's passivity when it comes to investigating terrorism on our own soil and crimes against humanity elsewhere.

The U.S. should either work actively to deliver the most complete set of declassified documents and witnesses to Spanish judge Garcia Castellon, or face a more profound debate on NAFTA, one that goes to the democratic nature of our partners and the critical responsibilities that must accompany any trade agreement.

We respectfully request that you look seriously and expeditiously into this troubling matter.

Sincerely,

GEORGE MILLER, M.C.
JOHN CONYERS, M.C.

THE WHITE HOUSE,
Washington, DC, June 3, 1998.

DEAR GEORGE: Thank you for your letter regarding our cooperation with a Spanish judge investigating allegations that General Augusto Pinochet and other former Chilean officials are responsible for human rights abuses against Spanish citizens as well as others.

As you know, the Spanish judge's request was made under a mutual legal assistance treaty (MLAT) we have with Spain. The Department of Justice coordinates the execution of such requests with the appropriate U.S. Government agencies. Contrary to the information you may have received, the Spanish authorities have indicated to the Justice Department that they are very pleased with the extent of our cooperation in responding to their request. The Department has facilitated for Spanish authorities the depositions of several individuals in the United States and has itself deposed several other witnesses in whom the Spanish indicated interest. While certain limits were placed on the testimony that could be offered by two of these witnesses, this was due to the fact that some of the information known by these witnesses remains classified.

In addition, the Justice Department has requested that the relevant agencies conduct a search for documents responding to the Spanish court's request. It has already transmitted four boxes of materials relating to the prosecutions of those responsible for the bombing of Orlando Letelier and Ronni Moffitt as well as numerous additional documents from the Department of State. Other agencies are continuing to conduct their searches for relevant documents and will respond in the near future.

Our cooperation on this case is consistent with the extensive efforts the United States Government has undertaken to bring to justice those responsible for the Letelier-Moffitt murders. As you know, the United States Government has successfully prosecuted several individuals responsible for these killings and indicted several others. Two of these individuals are now serving time in a Chilean prison for this crime. I believe that the efforts the United States Government has taken on this case show our resolve to deal quickly and decisively with acts of terrorism on our soil.

Finally, I want to assure you that we will continue to respond as fully as we can to the request for assistance from the Government of Spain.

Thank you again for writing to me about this important matter.

Sincerely,

BILL CLINTON.

Mr. CONYERS. Mr. Chairman, I rise in support of the Hinchey amendment.

General Augusto Pinochet rose to power in a bloody coup d'etat in 1973 that overthrew the democratically elected government of Salvador Allende. This ushered in seventeen years of military dictatorship accompanied by the death of thousands of activists, journalists and ordinary citizens.

According to the Church Committee Report of December 1975, ''The CIA attempted, directly, to foment a military coup in Chile.'' Before Allende was inaugurated, it passed weapons to coup plotters. When that failed, it undertook a massive effort to undermine the government. Senator Church found that ''Eight million dollars was spent in the three years between the 1970 election and the military coup in 1973. Money was furnished to media organizations, to opposition political parties and, in limited amounts, to private sector organizations.''

Much of this is history in the sense that the repression in Chile has stopped, and that country has made a remarkable transition to democracy over the last decade. However, many are still forced to live with the pain of General Pinochet's legacy and there is still far too much information still being withheld from the public record about the American role in Chile during those dark years.

The arrest of Pinochet in England last year was a tremendous step forward for international law, reconciliation and human rights. Much of the power to keep justice moving forward lies in the hands of the CIA, the Department of Justice and other agencies of the U.S. government who have been asked by the Spanish Judge prosecuting Pinochet, Garcia Castellon, to provide information about Pinochet's reign of terror.

Even before the arrest of Pinochet, the Department of Justice assured Congressman GEORGE MILLER and I that they were cooperating fully with Judge Castellon's inquiry. I am inserting into the RECORD an article from the New York Times of June 27, 1997 which makes this point clear.

I am neither satisfied with the Department of Justice's response thus far nor with the CIA's outright refusal to cooperate with the inquiry. This is simply inconsistent with the American commitment to the promotion of human rights.

This is especially remarkable since along with the Chileans and Europeans who were murdered by Pinochet's hand were several Americans. Ronni Moffit, a fellow at the Institute for Policy Studies, and the former Chilean ambassador, Orlando Letelier were killed in one of the worst domestic terrorism incidents ever in Washington, DC. The attack was carried out by DINA, the Chilean intelligence agency whose director has stated that Pinochet personally ordered the bombing. Even Elliot Abrams, Ronald Reagan's Assistant Secretary of State for Latin American Affairs, has suggested in the conservative journal Commentary that if Pinochet is responsible for the Letelier-Moffit bombing he should be extradited to the United States for trial. Section 304, Paragraph (a)(3) of the Hinchey Amendment and will help shed much needed light on who is responsible for this and other brutal murders.

The American people will never know the truth unless their government expresses greater enthusiasm for prosecuting the Pinochet case both in London and in Washington. The Hinchey Amendment is a critical step in that direction and I urge my colleagues to support it.

[From the New York Times, June 27, 1999]

U.S. WILL GIVE SPANISH JUDGE DOCUMENTS FOR PINOCHET INQUIRY

MADRID, June 26.—The United States has agreed to provide Government documents to a Spanish judge investigating terrorism and human-rights violations in Chile during the right-wing dictatorship of Gen. Augusto Pinochet from 1973 to 1990.

It is the first investigation of crimes against humanity in the death or disappearance of people during the Pinochet era. The judge, who functions as a prosecutor under Spanish law, is seeking evidence of genocide against Spanish citizens and descendants of Spaniards.

But the case is even broader, and could delve into abuses against at least 3,000 people of various nationalities, including Charles Horman, an American whose disappearance in Chile was depicted in the film ''Missing,'' said Juan E. Garces, a Madrid lawyer representing relatives of the victims.

The Madrid judge, Manuel Garcia Castellon, began the criminal investigation last year, and in February requested all pertinent documents from United States Government agencies. Washington will cooperate ''to the extent permitted by law,'' said a letter signed by Assistant Attorney General Andrew Fois on May 23.

The letter, addressed to Representative John Conyers, Democrat of Michigan, was also sent to the national security adviser, Sandy Berger, the State Department and ranking members of the House International Relations Committee.

Spain stands a good chance of getting useful American documents about General Pinochet's Government because the request came under a 1990 legal assistance treaty that allows a wider sweep in searching for information, said Richard J. Wilson, a law professor at American University in Washington.

The Judge has not yet charged anyone, but might seek the extradition to Spain of General Pinochet, who is still commander of the Chilean Army, Mr. Garces said.

Mr. Garces was an assistant to President Salvador Allende Gossens of Chile, a Socialist, who died in September 1973 when General Pinochet led a coup that overthrew the elected Marxist Government.

In a separate action, another Madrid judge is investigating human rights abuses against 320 Spaniards under military rule in Argentina from 1976 to 1983. The judge, Baltasar Garzon, has also requested United States Government documents for his inquiry.

The Chilean Government last month termed Spain's investigation a ''political trial'' of Chile's transition to democracy that began with elections in 1990. On Wednesday, it said the American cooperation with the Spanish judge was ''positive'' but ''would not lead anywhere.''

The Madrid court and the American Embassy said today that they had not received official confirmation of Washington's agreement to provide documents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS) to the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BARR of Georgia:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) INCLUSION OF LEGAL MEMORANDA AND OPINIONS.—The report under subsection (a) shall include a copy of all legal memoranda, opinions, and other related documents in unclassified, and if necessary, classified form with respect to the conduct of signals intelligence activities, including electronic surveillance by elements of the intelligence community, utilized by the Office of the General Counsel of the National Security Agency, by the Office of General Counsel of the Central Intelligence Agency, or by the Office of Intelligence Policy Review of the Department of Justice, in preparation of the report.

(d) DEFINITION.—As used in this section:

(1) The term ''intelligence community'' has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term ''United States persons'' has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

Mr. BARR of Georgia. Mr. Chairman, I had the honor of serving this great

land back in the 1970s, including those years in which the government of our country, in an effort to institutionalize proper oversight of our intelligence agencies, enacted public laws that established the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

In the intervening generation, these committees, including under the current leadership of the gentleman from Florida (Chairman GOSS), have provided very, very essential oversight of the intelligence activities of our government.

Hopefully in so doing, we have avoided any excesses that have given rise to some of the incidents in the past that have troubled our intelligence gathering capabilities and hurt the credibility of these great institutions such as the CIA.

However, Mr. Chairman, the oversight with which the gentleman from Florida (Mr. GOSS) and many others have worked so diligently to both implement and then preserve over the last 24 years is under attack right now, and the survivability of that oversight mechanism is threatened.

I speak particularly, Mr. Chairman, of efforts by the intelligence community to deny proper information for the House Permanent Select Committee on Intelligence to conduct oversight, meaningful oversight responsibilities.

For example, in recent communications between the chairman and the NSA, the general counsel of the NSA interposed what, by any stretch of the imagination, is a bogus claim of attorney/client privilege in an effort to deny the chairman and the committee members proper information with which to carry out their oversight responsibilities.

In particular, the gentleman from Florida (Chairman GOSS) was seeking very important information that goes to the standards whereby the intelligence community and the agencies comprising the intelligence community gather intelligence and gather information on American citizens.

One such project in particular that has recently come to light, Mr. Chairman, is a project known as Project Echelon, which has been in place for several years and which, by accounts that we have recently seen in the media, engages in the intercession of literally millions of communications involving United States citizens over satellite transmissions, involving e-mail transmissions, Internet access, as well as mobile phone communications and telephone communications.

This information apparently is shared, at least in part, and coordinated, at least in part, with intelligence agencies of four other countries: the UK, Canada, New Zealand, and Australia.

As part of our effort here in the Congress, both on the Select Committee on Intelligence, which the gentleman from Florida (Mr. GOSS) chairs, as well as others of us, while not serving on that committee, are concerned about the privacy rights for American citizens and whether or not there are constitutional safeguards being circumvented by the manner in which the intelligence agencies are intercepting and/or receiving international communications back from foreign nations that would otherwise be prohibited by the prohibitions and the limitations on the collection of domestic intelligence.

We have been trying to get information with regard to Project Echelon and others. The amendment that I propose today simply would require the intelligence community, and that is specifically the Department of Justice, the National Security Agency, and the CIA to provide to the Congress within 60 days of the enactment this Intelligence Authorization Act a report setting forth the legal basis and procedures whereby the intelligence community and the agencies comprising intelligence community gather intelligence.

This will enable the intelligence community and the Committee on the Judiciary of both Houses to properly evaluate whether or not these procedures are being implemented properly according to proper legal and constitutional standards.

It would be very interesting to see, Mr. Chairman, if the administration or the Senate opposes this very straightforward amendment, which simply requires a report on the legal basis for such interceptions to be furnished within 60 days to the Select Committee on Intelligence of both Houses and to the Committee on the Judiciary of both Houses.

I ask Members on both sides of the aisle to support this very straightforward amendment, which not only will help guarantee the privacy rights for American citizens, but will protect the oversight responsibilities of the Congress which are now under assault by these bogus claims that the intelligence communities are making. I ask for the adoption of the amendment.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to say I very much appreciate the remarks of the distinguished gentleman from Georgia (Mr. BARR). He has characterized an ongoing vigilance of oversight matters that we carry on every day. I am certainly prepared to accept his amendment. I think it is useful and indeed helpful to some problems we are having directly now.

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I also think that it is helpful in the area of the very delicate balancing act that we have to do on HPSCI, and I hope we do it well. I think we do it well.

It is, on the one hand, absolutely accepting no compromise on the rights of American citizens and, on the other hand, not tying the hands of our law enforcement people who are trying to catch people who are trying to work mischief against the United States of America. And it is not always as clear as it might be which it is at the beginning of a process involving individuals.

So this is a very difficult judgment area for us. Nobody would want us, particularly in light of the news coming out of the weapons labs today, to release or relax our efforts to catch people who are trying to steal our secrets or penetrate our appropriately applied security arrangements. On the other hand, it is intolerable to think of the United States Government, of big brother, or anybody else invading the privacy of an American citizen without cause.

I believe that the amendment offered by the gentleman from Georgia (Mr. BARR) will help in that debate, and I am prepared to accept it. I know that it is offered in that spirit, and I know that it will also be helpful to me in my current problems, making sure the intelligence community understands that penetrating oversight is here to stay. I think most of them are getting the message.

Mr. DIXON. Mr. Chairman, I move to strike the last word.

The minority will accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARR).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. TWO-YEAR EXTENSION OF CIA CENTRAL SERVICES PROGRAM.

Section 21(h)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(h)(1)) is amended by striking out ''March 31, 2000.'' and inserting ''March 31, 2002.''.

The CHAIRMAN. Are there amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) IN GENERAL.—Subchapter I of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 446. Protection of operational files

''(a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Imagery and Mapping Agency, with the coordination of the Director of Central Intelligence, may exempt operational files of the National Imagery and Mapping Agency from the provisions of section 552 of title 5 (Freedom of Information Act), which require publication, disclosure, search, or review in connection therewith.

''(2)(A) Subject to subparagraph (B), for the purposes of this section, the term 'operational files' means files of the National Imagery and Mapping Agency (hereinafter in this section referred to as 'NIMA') concerning the activities of NIMA that before the establishment of NIMA were performed by the National Photographic Interpretation Center of the Central Intelligence Agency (NPIC), that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems.

''(B) Files which are the sole repository of disseminated intelligence are not operational files.

''(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

''(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 of title 5, or section 552a of title 5 (Privacy Act of 1974);

''(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5; or

''(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(i) The Permanent Select Committee on Intelligence of the House of Representatives.

''(ii) The Select Committee on Intelligence of the Senate.

''(iii) The Intelligence Oversight Board.

''(iv) The Department of Justice.

''(v) The Office of General Counsel of NIMA.

''(vi) The Office of the Director of NIMA.

''(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

''(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating operational files from search, review publication, or disclosure.

''(C) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

''(5) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of enactment of this section, and which specifically cites and repeals or modifies its provisions.

''(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, alleges that NIMA has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5.

''(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

''(i) In any case in which information specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NIMA, such information shall be examined ex parte, in camera by the court.

''(ii) The court shall, to the fullest extent practicable, determine the issues of fact based on sworn written submissions of the parties.

''(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, NIMA shall meet its burden under section 552(a)(4)(B) of title 5, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

''(II) The court may not order NIMA to review the content of any exempted operational file or files in order to make the demonstration required under subclause (I), unless the complainant disputes NIMA's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(vi) If the court finds under this paragraph that NIMA has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NIMA to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, and such order shall be the exclusive remedy for failure to comply with this subsection.

''(vii) If at any time following the filing of a complaint pursuant to this paragraph NIMA agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

''(viii) Any information filed with, or produced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence prior to submission to the court.

''(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every ten years, the Director of the National Imagery and Mapping Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from the category of exempted files or any portion thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that NIMA has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether NIMA has conducted the review required by paragraph (1) before the expiration of the ten-year period beginning on the date of the enactment of this section or before the expiration of the ten-year period beginning on the date of the most recent review.

''(B) Whether NIMA, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by adding at the end the following new item:

''446. Protection of operational files.''.

The CHAIRMAN. Are there amendments to title V?

Are there additional amendments to the bill?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendment No. 8 printed in the May 12, 1999, CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SANDERS:

At the bill, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 2000 to carry out this Act not more than the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1999.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by Section 201.

SEC. 602. REPORT ON EFFICACY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a detailed, comprehensive report in unclassified form on the matters described in subsection (b).

(b) MATTERS STUDIED.—Matters studied for the report under subsection (a) shall include the following:

(1) The bombing in March 1991 by the Armed Forces of the United States during the Persian Gulf War of a weapons and nerve gas storage bunker in Khamisiyah, Iraq, and errors committed by the Central Intelligence Agency with respect to the location and contents of such bunker and the failure to disclose the proper location and contents to the Secretary of Defense.

(2) Errors with respect to maps of the Aviano, Italy, area prepared by the Central Intelligence Agency and used by aviators in the Armed Forces of the United States which may have resulted on February 3, 1996, in the accidental severing of a cable car device by a United States military aircraft on a training mission, which resulted in the deaths of twenty civilians.

(3) Errors with respect to maps prepared by the Central Intelligence Agency of the Belgrade, Yugoslavia, area which resulted on May 7, 1999, in the accidental bombing of the Embassy of the People's Republic of China by forces under the command of North Atlantic Treaty Organization and the deaths of three civilians.

(c) RECOMMENDATIONS.—The report under subsection (a) shall contain recommendations for such legislation and administrative actions as the Director determines appropriate to avoid similar errors by the Central Intelligence Agency.

Mr. SANDERS. Mr. Chairman, this amendment is basically about two

issues. Number one, the issue is about priorities in how we spend our national wealth; and, secondly, the issue is about accountability and what we do when an agency is not performing up to the level that we want it to perform.

Mr. Chairman, it is no secret that in our great country we are spending large sums of money where we should not be spending it and we are not spending money where we should be spending it.

Today, in the United States, 43 million Americans have no health insurance, but we do not have the money to help those people. Today, in the United States, millions of senior citizens cannot afford their prescription drugs and they suffer and they die because the United States Government does not do what other countries around the world do and help seniors with their prescription drugs. Today, in the United States, at VA hospitals all over this country, veterans who have put their lives on the line defending this country are not getting the quality of care they need because the United States Congress is not adequately funding the Veterans Administration.

I believe that within that context and the fact that we are underfunding many other important social needs we should not be increasing funding for the intelligence agencies. And what this to the amendment basically says is that we should level fund the intelligence agencies. That is the first reason.

The second part of this to the amendment is equally important, and here we are talking about accountability and responsibility on the part of our intelligence agencies. I know, and my colleagues know, that almost by definition much of what the intelligence agencies do is quiet. I expect they do a lot of good work which we do not hear about, and I applaud them for what they do which is positive.

But it is no secret that in area after area there have been major deficiencies and very, very poorly performed operations, and it is important that we talk about that and that we demand accountability.

Let me just give my colleagues a few of the examples that I think need to be talked about and that we need from the Director of the CIA an understanding of how these things occurred and an understanding that they will never occur again.

Everybody in the Congress and everybody in the United States was shocked when we heard recently about the bombing of the Chinese embassy in Belgrade. And many of us at first thought, well, it was a mistake; the pilot aimed for another building, and he hit the Chinese embassy, and those things happen. It is terrible, but it was a mistake.

But then we learned that the pilot hit what he was supposed to hit, and that was altogether shocking.

We found that the information, which was available virtually on the worldwide web, which was probably available in the Yugoslavian telephone directory, that the Chinese embassy was located at that location was apparently not available to the CIA, and their action has caused a major international crisis. We want to know how that mistake could have taken place.

Furthermore, as someone who is involved with the issue of the Gulf War illness, I, and I know all of our Members, are concerned about the explosion that took place in Kamisiyah, which is where the United States blew up an Iraqi arms depot which contained chemical weapons.

Let me quote from the April 12, 1997, New York Times. ''The report issued this week by the CIA shows that the agency actually had detailed information, including geographical coordinates, during the war to suggest that chemical weapons are at Kamisiyah, information that was not passed on to the soldiers who later blew up the depot and may have been exposed to nerve gas.''

In other words, our soldiers were exposed to nerve gas because the CIA did not communicate the information that it had.

Thirdly, we are all familiar with the terrible accident that took place in Italy regarding an American plane that went into lines that keep the gondolas moving in a ski area. I will quote from News Day. This is February 1, 1999. ''Although the gondola had been traversing the ski area for 30 years, there was no hint of it on the Prowler's crew map. While the horizontal hazard to aviation was clearly marked on Italian Air Force charts, the Pentagon agency somehow missed it.''

So our intelligence agencies were not providing our pilots with an up-to-date map, and so they had a terrible accident which could have been avoided.

Mr. Chairman, these are just three examples. The fact of the matter is, there are many more.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Mr. Chairman, it seems to me that in light of these instances, and many more which I have not gone into, there is no reason why this body should not pass this conservative, simple amendment.

We are calling for, as part of this to the amendment, a study of these three specific events; and we are also requesting recommendations from the intelligence community as to how these catastrophes could be avoided in the future.

So that is what this to the amendment does. It says level fund; and, second of all, we want some accountability on the part of the intelligence agency.

AMENDMENT OFFERED BY MR. DIXON TO AMENDMENT NO. 8 OFFERED BY MR. SANDERS

Mr. DIXON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIXON to amendment No. 8 offered by Mr. SANDERS:

On page 1, line 13 of the amendment, delete ''1999'' and insert in lieu thereof ''1998''.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Chairman, first of all, I want to make clear what the situation is here. I admire what the gentleman from Vermont (Mr. SANDERS) is trying to do as it relates to the reports. I have no problems with that. In fact, many of us have talked today about the mistake that has been made with the bombing of the embassy. There is no apparent legitimate excuse for that. The committee is going to get to the bottom of it.

As it relates to the other two instances, I think that he is right, that we should find out exactly what happened.

However, through an inadvertent, and I stress inadvertent, error, the amendment before us, as introduced, says that the authorization will be frozen at the 1999 level. In an effort to have a full debate on this, I am offering an amendment that substitutes 1998, with the consent of the author. That is because the 1999 figure is not the appropriate figure. It would be the 1998 figure, because the 2000 authorization that we are now talking about is, in fact, lower than the 1999.

So in an effort to accommodate this debate on these issues that are very important, I am offering this perfecting amendment, but I want to make it very clear that I am opposed to the authorization reduction part of the Sanders amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to thank my good friend, and I am happy to accept his amendment for the reasons that he gave, but I think the situation here tells us about another problem, and that is year after year the Members of the Congress are forced to debate the intelligence appropriation without having that concrete information out on the table.

I know that year after year Members come up and say, gee, The New York Times has the information, the Congressional Quarterly has the information, but the American people do not have it from the Congress.

So I thank the gentleman for his amendment to my amendment, and I am prepared to accept it, but I do raise that question again, that the day should come when we are public and open about how much money there is in the intelligence budget.

Mr. DIXON. Reclaiming my time just for a minute, Mr. Chairman, in my opening statement I indicated that I disagreed with the Director of Central Intelligence in his reversal of a public position he took two years ago, and that is to make the aggregate number of the appropriations public. I have indicated that I support that idea, that it should be public, and hope that he would reconsider.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

With regard to the situation we have on the floor, I am very happy to accommodate the ranking member on his secondary to the amendment. I think that is the right way to perfect the intent of what the gentleman from Vermont is trying to get done. We wish to cooperate in that because we think it is an important issue; and I think this is the right way, in a parliamentary way, to go about it.

The concern I have about some of the points that the gentleman has raised, in defense of his amendment, is one of puzzlement, a little bit. We have invited Members to come upstairs and take a look, and it is there. The numbers are there, and the staff is there, and the staff will assist Members.

I wish to assure the gentleman that the staff will assist him, in whatever his effort is. The staff will assist Members. They may or may not agree with a Member; it does not matter. If a Member has a legitimate thing they wish to accomplish as a Member of Congress to bring to the other Members, that is why our staff is there. We offer that invitation, and I want to again extend that invitation to the gentleman for next year.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Vermont.

Mr. SANDERS. First of all, Mr. Chairman, I want to thank the gentleman very much for accepting the amendment of the gentleman from California (Mr. DIXON) to my amendment. I appreciate that.

The reason that I personally, and I think a number of other Members, do not walk into that room, frankly, is that we do not want to be encumbered upon if we make a statement and somebody says, ''My goodness, you are revealing a national secret.'' I do know the room is there, and I am sure that the gentleman's staff will be very helpful. I have not gone in there for precisely that reason, so that nobody can say that I am revealing something which, in fact, I have never seen.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I understand. We do not want anybody to be intimidated, and we can generally make pretty clear what is classified and what is not. But, in any event, we can certainly help Members craft an amendment.

With regard to the three areas the gentleman mentioned, obviously, I think if the gentleman read the newspapers yesterday, he saw that I spoke on behalf of the committee in saying that we intend to pursue further the events of the unpleasant matter of the Chinese embassy.

I can tell the gentleman that there have been reports, I think they have now been made fully public, I think staff tells me on Kamisiyah and certainly on Aviano. And I would point out that that is not necessarily a CIA problem, although it is an intelligence community problem. Actually, I believe the maps were produced by NIMA, as was the case in Belgrade.

Now, that is a distinction that does not matter. It is the intelligence community. But, again, in an abundance of trying to be helpful with the vernacular and the terminology of the intelligence community, every time somebody says CIA, it does not necessarily mean CIA. It is just sort of a handy way to say something we do not know about and, apparently, it has to do with intelligence.

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The intelligence community is very varied. It has many different functions. It has a lot of accountability and a lot of responsibility. And I will tell my colleagues that the reason that I will oppose the amendment, the underlying amendment for the cut, I believe to just take an across-the-board cut, which is I believe what the intention of the gentleman is and what has now been made in order once the perfecting amendment of the gentleman from California (Mr. DIXON) is in place, really undoes all the work that the committee does to go through the many agency budgets and go line by line, which we have to do, because we are probably the only committee that operates on the basis of having to go forward to the floor and our colleagues and say, look, we have looked at this stuff, we know we cannot talk about it publicly, we have looked at it and we think we have got it at about the right level and we are prepared to defend what is in there.

If we take an across-the-board cut, it seriously disrupts that process and it hurts things that will have consequences that go well beyond a small proportionate cut. It is very hard to explain if we have an across-the-board cut like this, whatever the level is, what the consequences will be.

I would prefer to let the committee work its will and try very hard to let every member of the committee identify what they think is unnecessary and debate it upstairs. That is the process we go through. We have many briefings, many hearings, much testimony. And then when we are all through and we unanimously, in a bipartisan way, pass this out, we have the material upstairs, and anybody who wants to come upstairs and second guess us is welcome. That is always the way we have done it.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I am not arguing with the proposition that my colleague has just put forward. But what he is not dealing with is the issue of priorities of a Nation as a whole.

What I am raising the question is whether we need more money for the intelligence agencies or more money for prescription drugs for our senior citizens or college education for our middle-class families.

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 1 additional minute.)

Mr. GOSS. Mr. Chairman, to answer the gentleman, we are within our budget allocation, within our caps. We are playing by the rules. We are doing this the way we should be doing it.

There has been a great debate about reinvesting to rebuild our intelligence capability in the country. I do not think it has been just fired by some of the headline events we have seen. I would say that those are tragedies. Things have happened that we do not want to happen, bad surprises where people have been killed, embassies blowing up, nuclear testing in India, which we did not catch. It turns out probably we could not have done anything about it. Nevertheless, we should have been on top of it, the things we have been reading about lately, the penetration of the laboratories.

It seems to me that the way to deal with that is to look at it forthrightly and say, there are problems here and we need to fix them. Now, we do not fix all problems by throwing money at them. But we do need to have some resources. We need to go out and get the personnel. We need to spot, identify, train, build, education, get the right languages.

We are expected in the intelligence community to be the eyes and the ears around the world for anything we can read about anytime, anywhere. That is, basically, what the intelligence community does this day and that is a huge order. And doing that, we are not going to get there by cutting money. We have to do a reasonable amount of investing.

Mr. Chairman, I insert the following for printing in the RECORD:

DECLARATION OF GEORGE J. TENET

INTRODUCTION

I, George J. Tenet, hereby declare:

1. I am the Director of Central Intelligence (DCI). I was appointed DCI on 11 July 1997. As DCI, I serve as head of the United States intelligence community, act as the principal adviser to the President for intelligence matters related to the national security, and serve as head of the Central Intelligence Agency (CIA).

2. Through the exercise of my official duties, I am generally familiar with plaintiff's civil action. I make the following statements based upon my personal knowledge upon information made available to me in my official capacity, and upon the advice and counsel of the CIA's Office of General Counsel.

3. I understand that plaintiff has submitted Freedom of Information Act (FOIA) requests for ''a copy of documents that indicate the amount of the total budget request for intelligence and intelligence-related activities for fiscal year 1999'' and ''a copy of documents that indicate the total budget appropriation for intelligence and intelligence-related activities for fiscal year 1999, updated to reflect the recent additional appropriation of 'emergency supplemental' funding for intelligence.'' I also understand that plaintiff alleges that the CIA has improperly withheld such documents. I shall refer to the requested information as the ''budget request'' and ''the total appropriation,'' respectively.

4. As head of the intelligence community, my responsibilities include developing and presenting to the President an annual budget request for the National Foreign Intelligence Program (NFIP), and participating in the development by the Secretary of Defense of the annual budget requests for the Joint Military Intelligence Program (JMIP) and Tactical Intelligence and Related Activities (TIARA). The budgets for the NFIP, JMIP, and TIARA jointly comprise the budget of the United States for intelligence and intelligence-related activities.

5. The CIA has withheld the budget request and the total appropriation on the basis of FOIA Exemption (b)(1) because they are currently and properly classified under Executive Order 12958, and on the basis of FOIA Exemption (b)(3) because they are exempted from disclosure by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. The purpose of this declaration, and the accompanying classified declaration, is to describe my bases for determining that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

6. I previously executed declarations in this case that were filed with the CIA's motion for summary judgment on 11 December 1998. Those two declarations described my bases for withholding the budget request only. Since the CIA filed its motion for summary judgment, plaintiff has filed an amended complaint seeking release of the total appropriation also. For the Court's convenience, the justifications contained in my earlier declarations are repeated and supplemented in this declaration and the accompanying classified declaration and describe my bases for withholding both the budget request and the total appropriation for fiscal year 1999.

PRIOR RELEASES

7. In October 1997, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1997 was $26.6 billion. At the time of this disclosure, I issued a public statement that included the following two points:

''First, disclosure of future aggregate figures will be considered only after determining whether such disclosure could cause harm to the national security by showing trends over time.

''Second, we will continue to protect from disclosure any and all subsidiary information concerning the intelligence budget: whether the information concerns particular intelligence agencies or particular intelligence programs. In other words, the Administration intends to draw the line at the top-line, aggregate figure. Beyond this figure, there will be not other disclosures of currently classified budget information because such disclosures could harm national security.''

8. In March 1998, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1998 was $26.7 billion. I did so only after evaluating whether the 1998 appropriation, when compared with the 1997 appropriation, could cause damage to the national security by showing trends over time, or otherwise tend to reveal intelligence methods. Because the 1998 appropriation represented approximately a $0.1 billion increase—or less than a 0.4 percent change—over the 1997 appropriation, and because published reports did not contain information that, if coupled with the appropriation, would be likely to allow the correlation of specific spending figures with particular intelligence programs, I concluded that release of the 1998 appropriation could not reasonably be expected to cause damage to the national security, and so I released the 1998 appropriation.

9. Since the enactment of the intelligence appropriation for fiscal year 1998, the budget process has produced: (1) the fiscal year 1998 supplemental appropriation; (2) the Administration's budget request for fiscal year 1999 (a subject of this litigation); (3) the fiscal year 1999 regular appropriation (a subject of this litigation); and (4) the fiscal year 1999 emergency supplemental appropriation (a subject of this litigation). Information about each of these figures—some of it accurate, some not—has been reported in the media. In evaluating whether to release the Administration's budget request or total appropriation for fiscal year 1999, I cannot review these possible releases in isolation. Instead, I have to consider whether release of the requested information could add to the mosaic of other public and clandestine information acquired by our adversaries about the intelligence budget in a way that could reasonably be expected to damage the national security. If release of the requested information adds a piece to the intelligence jigsaw puzzle—even if it does not complete the picture—such that the picture is more identifiable, then damage to the national security could reasonably be expected. After conducting such a review, I have determined that release of the Administration's intelligence budget request or total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security, or otherwise tend to reveal intelligence methods. In the paragraphs that follow, I will provide a description of some of the information that I reviewed and how I reached this conclusion. I am unable to describe all of the information I reviewed without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

10. At the creation of the modern national security establishment in 1947, national policymakers had to address a paradox of intelligence appropriations: the more they publicly disclosed about the amount of appropriations, the less they could publicly debate about the object of such appropriations without causing damage to the national security. They struck the balance in favor of withholding the amount of appropriations. For over fifty years, the Congress has acted in executive session when approving intelligence appropriations to prevent the identification of trends in intelligence spending and any correlation between specific spending figures with particular intelligence programs. Now is an especially critical and turbulent period for the intelligence budget, and the continued secrecy of the fiscal year 1999 budget request and total appropriation is necessary for the protection of vulnerable intelligence capabilities.

CLASSIFIED INFORMATION

FOIA exemption (b)(1)

11. The authority to classify information is derived from a succession of Executive orders, the most recent of which is Executive Order 12958, ''Classified National Security Information.'' Section 1.1(c) of the Order defines ''classified information'' as ''information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure.'' The CIA has withheld the budget request and the total appropriation as classified information under the criteria established in Executive Order 12958.

Classification authority

12. Information may be originally classified under the Order only if it: (1) is owned by, produced by or for, or is under the control of the United States Government; (2) falls within one or more of the categories of information set forth in section 1.5 of the Order; and (3) is classified by an original classification authority who determines that its unauthorized disclosure reasonably could be expected to result in damage to the national security that the original classification authority can identify or describe.[1] The classification of the budget request and the total appropriation meet these requirements.

13. The Administration's budget request and the total appropriation are information clearly owned, produced by and under the control of the United States Government. Additionally, the budget request and the total appropriation fall within the category of information listed at section 1.5(c) of the Order: ''intelligence activities (including special activities), intelligence sources or methods, or cryptology.''

14. Finally, I have made the determination required under the Order to classify the budget request and the total appropriation. By Presidential Order of 13 October 1995, ''National Security Information'', 3 C.F.R. 513 (1996), reprinted in 50 U.S.C. §435 note (Supp. I 1995), and pursuant to section 1.4(a)(2) of Executive Order 12958, the President designated me as an official authorized to exercise original Top Secret classification authority. I have determined that the unauthorized disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. Consequently, I have classified the budget request and the total appropriation at the Confidential level. In the paragraphs below, I will identify and describe the foreseeable damage to national security that

[1] The severity of the damage to the national security affects the level of classification assigned to the information: information reasonably expected to cause exceptionally grave damage is classified TOP SECRET; information reasonably expected to cause serious damage is classified SECRET; and information reasonably expected to cause damage is classified CONFIDENTIAL.

reasonably could be expected to result from disclosure of the budget request or the total appropriation.

Damage to national security

15. Disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security in several ways. First, disclosure of the budget request reasonably could be expected to provide foreign governments with the United States' own assessment of its intelligence capabilities and weaknesses. The difference between the appropriation for one year and the Administration's budget request for the next provides a measure of the Administration's unique, critical assessment of its own intelligence programs. A requested budget decrease reflects a decision that existing intelligence programs are more than adequate to meet the national security needs of the United States. A requested budget increase reflects a decision that existing intelligence programs are insufficient to meet our national security needs. A budget request with no change in spending reflects a decision that existing programs are just adequate to meet our needs.

16. Similar insights can be gained by analyzing the difference between the total appropriation by Congress for one year and the total appropriation for the next year. The difference between the appropriation for one year and the appropriation for the next year provides a measure of the Congress' assessment of the nation's intelligence programs. Not only does an increased, decreased, or unchanged appropriation reflects a congressional determination that existing intelligence programs are less than adequate, more than adequate, or just adequate, respectively, to meet the national security needs of the United States, but an actual figure indicates the degree of change.

17. Disclosure of the budget request or the total appropriation would provide foreign governments with the United States' own overall assessment of its intelligence weaknesses and priorities and assist them in redirecting their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Because I have determined it to be in our national security interest to deny foreign governments information that would assist them in assessing the strength of United States intelligence capabilities, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

18. Second, disclosure of the budget request or the total appropriation reasonably could be expected to assist foreign governments in correlating specific spending figures with particular intelligence programs. Foreign governments are keenly interested in the United States' intelligence collection priorities. Nowhere are those priorities better reflected than in the level of spending on particular intelligence activities. That is why foreign intelligence services, to varying degrees, devote resources to learning the amount and objects of intelligence spending by other foreign governments. The CIA's own intelligence analysts conduct just such analyses of intelligence spending by foreign governments.

19. However, no intelligence service, U.S. or foreign, ever has complete information. They are always revising their intelligence estimates based on new information. Moreover, the United States does not have complete information about how much foreign intelligence services know about U.S. intelligence programs and funding. Foreign governments collect information about U.S. intelligence activities from their human intelligence sources; that is, ''spies.'' While the United States will never know exactly how much our adversaries know about U.S. intelligence activities, we do know that all foreign intelligence services know at least as much about U.S. intelligence programs and funding as has been disclosed by the Congress or reported by the media. Therefore, congressional statements and media reporting of the fiscal year 1999 budget cycle provide the minimum knowledge that can be attributed to all foreign governments, and serve as a baseline for predictive judgments of the possible damage to national security that could reasonably be expected to result from release of the budget request or the total appropriation.

20. Budget figures provide useful benchmarks that, when combined with other public and clandestinely-acquired information, assist experienced intelligence analysts in reaching accurate estimates of the nature and extent of all sorts of foreign intelligence activities, including covert operations, scientific and technical research and development, and analytic capabilities. I expect foreign intelligence services to do no less if armed with the same information. While other sources may publish information about the amounts and objects of intelligence spending that damages the national security, I cannot add to that damage by officially releasing information, such as the budget request or the total appropriation, that would tend to confirm or deny these public accounts. Such intelligence would permit foreign governments to learn about United States' intelligence collection priorities and redirect their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

21. In addition, release of both the budget request and the total appropriation would permit one to calculate the exact difference between the Administration's request and Congress' appropriation. It is during the congressional debate over the Administration's budget request that many disclosures of specific intelligence programs are reported in the media. Release of the budget request and total appropriation together would assist our adversaries in correlating the added or subtracted intelligence programs with the exact amount of spending devoted to them.

22. And third, disclosure of the budget request or the total appropriation reasonably could be expected to free foreign governments' limited collection and analysis resources for other efforts targeted against the United States. No government has unlimited intelligence resources. Resources devoted to targeting the nature and extent of the United States' intelligence spending are resources that cannot be devoted to other efforts targeted against the United States. Disclosure of the budget request or the total appropriation would free those foreign resources for other intelligence collection activities directed against the United States, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security.

23. In summary, I have determined that disclosure of the budget request or the total appropriations reasonably could be expected to provide foreign intelligence services with a valuable benchmark for identifying and frustrating United States' intelligence programs. For all of the above reasons, singularly and collectively, I have determined that disclosure of the budget request or the total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security. Therefore, I have determined that the budget request and the total appropriation are currently and properly classified Confidential.

INTELLIGENCE METHODS

FOIA exemption (b)(3)

24. Section 103(c)(6) of the National Security Act of 1947, as amended, provides that the DCI, as head of the intelligence community, ''shall protect intelligence sources and methods from unauthorized disclosure.'' Disclosure of the budget request or the total appropriation would jeopardize intelligence methods because disclosure would tend to reveal how and for what purposes intelligence appropriations are secretly transferred to and expended by intelligence agencies.

25. There is no single, separate appropriation for the CIA. The appropriations for the CIA and other agencies in the intelligence community are hidden in the various annual appropriations acts. The specific locations of the intelligence appropriations in those acts are not publicly identified, both to protect the classified nature of the intelligence programs themselves and to protect the classified intelligence methods used to transfer funds to and between intelligence agencies.

26. Because there are a finite number of places where intelligence funds may be hidden in the federal budget, a skilled budget analyst could construct a hypothetical intelligence budget by aggregating suspected intelligence line items from the publicly-disclosed appropriations. Release of the budget request or the total appropriation would provide a benchmark to test and refine such a hypothesis. Repeated disclosures of either the budget request or total appropriation could provide more data with which to test and refine the hypothesis. Exhibit 1 is an example of such a hypothesis. Confirmation of the hypothetical budget could disclose the actual locations in the appropriations acts where the intelligence funds are hidden, which is the intelligence method used to transfer funds to and between intelligence agencies.

27. Sections 5(a) and 8(b) of the CIA Act of 1949 constitute the legal authorization for the secret transfer and spending of intelligence funds. Together, these two sections implement Congress' intent that intelligence appropriations and expenditures, respectively, be shielded from public view. Simply stated, the means of providing money to the CIA is itself an intelligence method. Disclosure of the budget request or the total appropriation could assist in finding the locations of secret intelligence appropriations, and thus defeat these congressionally-approved secret funding mechanisms. Therefore I have determined that disclosure of the budget request or the total appropriation would tend

to reveal intelligence methods that are protected from disclosure. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

CONCLUSION

28. In fulfillment of my statutory responsibility as head of the United States intelligence community, as the principal adviser to the President for intelligence matters related to the national security, and as head of the CIA, to protect classified information and intelligence methods from unauthorized disclosure, I have determined for the reasons set forth above and in my classified declaration that the Administration's intelligence budget request an the total appropriation for fiscal year 1999 must be withheld because their disclosure reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of April, 1999.

GEORGE J. TENET,
Director of Central Intelligence.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders amendment.

Mr. Chairman, I think the last speaker was correct when he said we need to revamp the CIA. I think what the Sanders amendment says is that revamping should not involve additional money.

The CIA budget is estimated to be somewhere around $30 billion. We are only spending about $23 billion on elementary and secondary education. It is important that it be revamped. And I am not sure that the intelligence community that exists now is capable of revamping it. We need an independent commission of some kind to revamp the CIA. It needs to be improved. It needs to have accountability. The long history of blunders in the last 10 years are such that it is obviously a defunct, incompetent, decaying agency. Something needs to happen.

I am not sure the President is in charge, either. The President's first choice for CIA Director was not accepted by the intelligence community. The intelligence community protects this incompetence.

Our history with respect to Haiti was that the CIA was determined to get the duly-elected President of Haiti, Jean Bertrand-Aristide. They did everything they could to smear him. All kinds of false things were generated out of the CIA. When they were later proven to be untrue, nobody later apologized, nobody was held accountable.

In one of the major diplomatic moves made by the envoy to Haiti, where we had a delegation going in with Canadian police and a number of other things to start a process of peace in Haiti, there was a big demonstration on the docks in Haiti which turned all that around and threatened the U.S. Embassy personnel with gunshots; and it turned out that that demonstration was financed by the CIA. Emmanuel Constanz, the head of the organization that staged the violent demonstration was on the payroll of the CIA.

We cannot fully get the story of all the things Emmanuel Constanz had going with the CIA because they refuse to give us the records. They will not let the nation of Haiti try Emmanuel Constanz for the crimes that he has committed.

Then there is the Aldrich Ames affair, where the man in charge of the Russian spy operation managing our assets was on the payroll of the Soviet Union. He was on the payroll of the Soviet Union, and he exposed those assets. At least 10 of the people who were working for this nation were executed as a result of Aldrich Ames, the guy who was in charge at the CIA, having sold them out for quite a number of millions of dollars.

And now we have the blunder at the Chinese Embassy in Yugoslavia. It is not funny at all. It is not humorous at all to me. I heard some Members in the elevator say, ''Do you want to establish a special map fund for the CIA?'' I do not think this is funny at all. These people have life-and-death power over large numbers of people, and to talk about a mapping error which could have been corrected by a tourist map, a mapping area that was reinforced by somebody on the ground. They said they had assets on the ground. Was the asset on the ground drunk? What kind of operation is this?

And when are we, as American people first of all, going to get to see what the budget is? But more important than that, an independent commission to revamp it? And before that happens, there should not be a single additional penny spent. Throwing money at the CIA is certainly not going to solve the problem. And money is not the problem. They have far more than they need right now.

My colleagues will recall several years ago that the CIA accountants lost $4 billion in their budget. They could not find out where $4 billion had gone. They just could not. We know it was not spent. They lost it and kept applying for, of course, new funds every year. And we never got a full explanation as to what happened to lose $4 billion in the budget of the CIA.

So we very much need to have a better accounting of this life-and-death powerful agency. The incompetence is deadly. The incompetence of the CIA is deadly. The incompetence of the CIA is such that it destroys the foreign policies of the United States.

My constituents were all in favor of supporting the President on the actions taken against Slobodan Milosevic. But now, the war has been conducted in such a sloppy manner. And with the Chinese Embassy bombing, there seems to be a turnaround in public opinion in my area because they do not want to be a part of anything that is as sloppy as this, a life-and-death operation, that tells us that they bombed an embassy that has been existing for several years because the maps were not correct.

The CIA should be revamped, and we should start with all new people in the intelligence community. If intelligence community means members of the committee, then maybe members of the committee ought to take a hard look at themselves and say, we need some fresher voices. If the committees in the House and the Senate are going to be advocates for the CIA, we need an objective committee that will be an oversight committee to really look at the CIA and revamp the CIA. But, certainly, do not spend an additional dime on the CIA until that happens.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, not only the United States, but I truly believe this is a very, very dangerous world. I believe, from my experience, that it is even more so than during the Cold War.

Sandy Berger, with the CIA, told me that their assets around the world are spread very, very thin. I think one of our biggest threats is terrorist threats, not only in the United States but abroad. And he said their assets are not adequate to do that. Whether it is gaining information to protect our embassies, whether it is terrorist movements, whether it is just gathering intelligence on China or Russia, or whatever, those assets are spread very thin.

Sandy Berger also told us that, with Kosovo, with those assets so thin, that they are having to draw those intelligence assets to Kosovo, which leaves us very, very vulnerable. And, in his words he said, an attack from Osama bin Laden was imminent. To me, that means fairly quick.

It grieves me that we are in the situation that we are in right now in Kosovo. But the last thing we need to do is cut our intelligence. It means life and death, not only for the people here in the United States.

Let me give my colleagues a good example. In Vietnam, we had intelligence in a place just south of Hanoi that said there were no surface-to-air missiles there. We lost four airplanes because of faulty intelligence.

And when my colleague talked about the maps, I agree with him. But I went and looked at the map that they are using. Do my colleagues know what is in the map where the Chinese Embassy was? A vacant lot. And we cannot lie to the American people. We cannot spin things to make ourselves look good, either. That is wrong.

I would ask my colleagues to go over and look at the maps that they were using where the Chinese Embassy was. It was a vacant lot. So this is the kind

of information we need, not to destroy. We have a military force and we have a foreign policy and we have the protection of the United States, the national security of this country. They are all tied together.

The intelligence we get enables us to direct our foreign policy, our foreign policy, using the vehicle of the military and enables us to stay safe and it enables our military to stay safe. And I feel from the bottom of my heart, with my experience, that to cut the intelligence budget is cutting the lifeline of the American people in our military. That is why I would oppose the amendment of the gentleman.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my colleague for yielding.

Let me ask my colleague a question: Does he believe that it is a question of funding that our intelligence people did not know where the Chinese Embassy was? Is this a question of putting billions of dollars more into the CIA? Or is this gross mismanagement of the process?

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I think probably both.

I would say to the gentleman from Vermont, when we have people that are spread so thin, it is like many of us in our offices where they give us more to do and we cannot keep up with all that we have got to do, there are things that slip through the crack. When we have limited assets and we are trying to do things in an ad hoc way which, in my opinion, and I agree with the gentleman, it has not been planned well, and when we are doing these ad hoc and we are making these decisions and we have got people picking these targets to do that and the oversight was disastrous.

So, yes, it is because of a lack of personnel, which was also caused by a lack of budget to hire people. That would be my answer to the gentleman. And I feel strongly. I am not being partisan with this. I believe it with all my heart.

And please, look at what our military is going through right now, I mean we are running them into the ground, and the assets of the intelligence agency, both the service intelligence, the CIA, and the FBI. Although, I believe that in many cases it is defunct in certain areas. But please do not cut those assets, because it is a lifeline for us here in the United States and our military, as well.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is what the public knows about the total aggregate budget of our intelligence agencies. We are told somehow this figure needs to be kept secret.

What solace would U.S. enemies or potential enemies abroad take from knowing that we lavish more money on our intelligence agencies than the entire gross national product of their countries and many of our other enemies combined around the world? None. They would probably be scared to death to think of the amount of money we are spending. It is kept secret for a reason. It is kept secret because of the extraordinary waste and incompetence.

We had some discussion just now about the lack of human intelligence. They are right. They are lavishing so many billions on geegaws and satellites and things that bring down so much data that is never, ever to be analyzed because there are not humans there to analyze it. They do not have people. They do not have agents.

They are wasting tens of millions, hundreds of millions, billions of dollars annually on these things instead of investing in agents and intelligence.

□ 1315

A much smaller, more effective post-cold war, post-gadgetry type intelligence service could serve our Nation well.

The failings have been well documented, but I want to go into this most extraordinary recent failing for a moment. These are maps which I obtained through the Congressional Research Service, whose budget for an annual basis is equivalent to about one day's spending of our intelligence services. They were able to provide the maps. They provided two maps, in fact, where the Chinese embassy used to be and where the Chinese embassy is now. It is about four miles apart.

The gentleman before me really puzzled me because he said we targeted an empty lot. We have already admitted we targeted a building and blew it up. We did not target an empty lot. And it just happened to be the Chinese embassy. Maybe they did not have access to the same database as CRS even though CRS has a budget a tiny fraction of theirs, but they certainly did have a map.

They could have accessed the Yugoslav web site. Maybe they thought it was disinformation, but they have a web site for tourists, and on the web site they have the new address of the Chinese embassy which my staff pulled down from the World Wide Web. Certainly, they have 486 computers and modems at these intelligence agencies. Or maybe we do not allow them to have those because we have wasted so much money on these extraordinary spy systems flying around up there in space that provide very little benefit to us.

The funny thing to me is, my colleagues on the other side of the aisle, as soon as we have an extraordinary failing of our intelligence agencies, say this proves the case for more money. Many of the same people stand up in the floor of this House and say the education system of the United States is failing our children. Do they say that needs more money? I think it needs more money for smaller class size. No, they say it needs to be reformed, dismantled, reorganized, vouchered, everything but more money for education. But when it comes to the failings of our intelligence services, the only answer, the answer every time is more money, more money, more money, more billions.

Why? Why not apply that same critical viewpoint, that same scrutiny to these agencies? Why not reveal the budget to the light of day? There is nothing in the Constitution that provides for hiding this budget. It is not a national security issue. It is a national waste and incompetence issue that is being kept from the American people. It is being kept from Members of Congress.

Yes, I could go upstairs and read all that stuff. That is great. But the minute I came to the floor of the House I could not talk about it. I would be crippled to talk about the waste. If I actually had facts about the waste, I could not use them. If I had the actual aggregate number, I could not use it.

So we have to come here and have this absurd debate every year because we are covering up an incompetent number of bureaucracies and disasters, and we have a bunch of people who are on a little committee who go into a room and exert some light degree of scrutiny and are even stonewalled at times by the agencies.

It is time for a major overhaul of these intelligence services because of the major failings, from the most recent failings here at the Chinese embassy back to being unable to predict the collapse of the Soviet Union, the invasion of Kuwait, the explosion of nuclear weapons by India, failing after failing after failing. There is no other part of the government where Congress would take it, lay down and say, ''Here is more money. Waste it.''

Mr. STARK. Mr. Chairman, I rise in support of the Sanders-Stark-DeFazio amendment to freeze the Intelligence Budget at the 1998 level of spending.

Without openness regarding the level of intelligence spending, there is no accountability.

Without full accountability, I am not prepared to increase funds for intelligence.

On Saturday, May 8, the U.S. bombed the Beijing embassy in Belgrade. The blame is being placed on the Central Intelligence Agency (CIA) for using an outdated map. Now, China is breaking off diplomatic ties with the U.S. on human rights and arms control.

Many of my colleagues will attribute this fatal error—killing three Chinese journalists and wounding twenty other people—to shortfalls in intelligence spending on maps. However, in truth, this mistake was made by human error and the bombing should not be used as an excuse to spend more.

There is no reason for the Intelligence Budget to be classified information. How can we justify a multi-billion blank check every year without disclosure of that amount to the American taxpayer?

If this Congress is serious about saving Social Security and Medicare, we should not throw money into an unaccountable hole. Since almost all of the intelligence spending is hidden within the defense budget, we are misled about the real amount of intelligence spending through false line items in the defense budget. We must have budget integrity.

The media, without compromising national security, routinely estimates the intelligence budget. When the government keeps this open secret clandestinely hidden, the American public grows increasingly cynical about their government.

The Cold War is over. The specter of Communism no longer lurks on the horizon. While we face new challenges in this new age, the Intelligence community must share in the burden of fiscal accountability and discipline. I support the Sanders-Stark-DeFazio Amendment to freeze the Intelligence Authorization spending at the Fiscal Year 1998 level.

Reports show that the U.S. spends more than twice the combined Intelligence budgets of our supposed hostile nations—North Korea, Iraq, Iran, Syria, Libya and Cuba. It is also more than the Intelligence budgets of the United Kingdom, Australia, Germany and Canada combined.

Where has all of this secrecy gotten us?

We bombed a Chinese Embassy in Belgrade, killing three and wounding others.

We flew into a gondola in Italy, killing 20 unsuspecting civilians.

And we destroyed a weapons and nerve facility in Iraq causing Gulf War illness in our military personnel serving in the Persian Gulf.

The American taxpayer deserves to know what mistakes the CIA made and how they will be corrected. The Sanders-Stark-DeFazio Amendment calls for a CIA report on the accidents that have occurred over the past decade.

I cannot, in good conscience, allow any type of spending increase when mistakes in U.S. Intelligence occur far too often and endanger innocent lives.

For these tragedies, I urge my colleagues to support the Sanders-Stark-DeFazio amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DIXON) to the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 167, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended, will be postponed.

Are there further amendments to the bill?

AMENDMENT NO. 13 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. WATERS: At the end, add the following new title:

TITLE VI—PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY

SEC. 601. PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) PURPOSES.—It is the purpose of this section—

(1) to prohibit the Central Intelligence Agency and other intelligence agencies and their employees and agents from participating in drug trafficking activities, including the manufacture, purchase, sale, transport, or distribution of illegal drugs; conspiracy to traffic in illegal drugs; and arrangements to transport illegal drugs; and

(2) to require the employees and agents of the Central Intelligence Agency and other intelligence agencies to report known or suspected drug trafficking activities to the appropriate authorities.

(b) PROHIBITION ON DRUG TRAFFICKING.—No element of the intelligence community, or any employee of such an element, may knowingly encourage or participate in drug trafficking activities.

(c) MANDATE TO REPORT.—Any employee of an element of the intelligence community having knowledge of facts or circumstances that reasonably indicate that any employee of such element is involved with any drug trafficking activities, or other violations of United States drug laws, shall report such knowledge or facts to the appropriate official.

(d) DEFINITIONS.—As used in this section:

(1) DRUG TRAFFICKING ACTIVITIES.—

(A) IN GENERAL.—The term ''drug trafficking activities'' means the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer illegal drugs (as those terms are applied under section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)).

(B) INCLUSIONS.—Such term includes arrangements to allow the use of federally owned or leased vehicles, or other means of transportation, for the transport of illegal drugs.

(2) ILLEGAL DRUGS.—The term ''illegal drugs'' means controlled substances (as that term is defined section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) included in schedule I or II under part B of title II of such Act.

(3) EMPLOYEE.—The term ''employee'' means an individual employed by an element of the intelligence community, and includes the following individuals:

(A) Employees under a contract with such an element.

(B) Covert agents, as that term is defined in paragraph (4) of section 606 of the National Security Act of 1947 (50 U.S.C. 426).

(C) An individual acting on behalf, or with the approval, of an element of the intelligence community.

(4) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term under paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(5) APPROPRIATE OFFICIAL.—The term ''appropriate official'' means the Attorney General, the Inspector General of the element of the intelligence community (if any), or the head of such element.

Ms. WATERS. Mr. Chairman, I rise in favor of my amendment to H.R. 1555, the Intelligence Authorization Bill for Fiscal Year 2000.

My amendment prohibits the employees of the Central Intelligence Agency, the CIA, and other intelligence agencies, from participating in drug trafficking activities. My amendment clearly defines drug trafficking activities to include the manufacture, the purchase, the sale, the transport or distribution of illegal drugs and conspiracy to traffic in illegal drugs. My amendment also requires CIA employees and covert agents to report known or suspected drug trafficking activities to the appropriate authorities.

Most Americans would assume that the CIA would never traffic in illegal drugs and would take all necessary actions to prosecute known drug traffickers. History, however, has proven that this is not the case. For 13 years, the CIA and the Department of Justice followed a memorandum of understanding that explicitly exempted the CIA from requirements to report drug trafficking by CIA assets, agents and contractors to Federal law enforcement agencies. This allowed some of the biggest drug lords in the world to operate without fear that their activities would be reported to the Drug Enforcement Agency or other law enforcement authorities. This remarkable and secret agreement was in force from February of 1982 until August of 1995.

I have been investigating the allegations of drug trafficking by the Nicaraguan Contras during the 1980s. My investigation has led me to the conclusion that the United States intelligence agencies knew full well about drug trafficking by the Contras in south central Los Angeles and throughout the United States and chose to continue to support the Contras without taking any action to stop the drug trafficking.

Last year, the CIA Inspector General released a report of investigation on drug trafficking by the Contras which confirms allegations of CIA knowledge of and support for drug trafficking in the United States by the Contras. The report provides extensive details of the evidence available to the CIA regarding drug trafficking by Contra rebels and their supporters.

Even more remarkable is the fact that there is evidence that the CIA was actually participating in drug trafficking activities. In the late 1980s, the CIA began to develop intelligence on Colombian drug cartels. To infiltrate the cartels, the CIA arranged an undercover drug smuggling operation with the Venezuelan National Guard. More

than 1.5 tons of cocaine were smuggled from Colombia to Venezuela and then stored in a CIA-financed Counternarcotics Intelligence Center in Venezuela. The Center's commander and the CIA's agent in Venezuela was General Ramon Guillen, who was also the head of the anti-drug unit of the Venezuelan National Guard.

Now we know that, in certain circumstances, the Drug Enforcement Agency arranges controlled shipments of illegal drugs in which the drugs are allowed to enter the United States, then tracked to their destination and seized. However, the CIA was more interested in keeping the drug lords happy than confiscating the drugs and prosecuting the traffickers.

The CIA asked the DEA for permission to let the dope walk, that is, allow the drugs to be sold on our Nation's streets. The DEA refused them, turned them down flat. But the CIA ushered this shipment of drugs into the United States, and it got lost on the streets of New York and south central Los Angeles and in our neighborhoods and our communities. The CIA let the drugs walk into our communities.

On November 19, 1990, part of that shipment, 800 pounds of cocaine, was seized by the U.S. Customs Service at the Miami International Airport. Customs traced the cocaine right back to the Venezuelan National Guard and General Guillen and the CIA. General Guillen's top civilian aide, Adolfo Romero Gomez, was convicted of conspiracy to possess and distribute cocaine in September of 1997.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(By unanimous consent, Ms. WATERS was allowed to proceed for 1 additional minute.)

Ms. WATERS. Mr. Chairman, on December 10, 1997, he was sentenced to almost 20 years in prison. Federal prosecutors have also charged General Guillen with a broad conspiracy to smuggle up to 22 tons of cocaine through Venezuela to the United States and Europe while he was head of the anti-drug unit of the Venezuelan National Guard between 1988 and 1992. Since Venezuela does not extradite its citizens, General Guillen is still at large.

We may never know precisely how much cocaine entered the United States through the CIA's pipeline or how much eventually reached our Nation's streets. No one at the CIA was ever charged.

The CIA should not be allowed to bring cocaine or other illegal drugs into our country. Intelligence agencies should be working to stop the harmful trafficking in illegal drugs that is destroying our communities. They should not be assisting the drug traffickers.

I urge my colleagues to support this very reasonable amendment to stop the drugs that are used in covert operations from seeing their way into our cities and our towns. I ask for an ''aye'' vote on my amendment.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

As I understand the gentlewoman's amendment, it would prohibit the engagement in any illegal drug activity by employees, agents or other sources of the CIA. Is that essentially correct?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentlewoman from California.

Ms. WATERS. That is correct, Mr. Chairman.

Mr. GOSS. Mr. Chairman, I obviously support wholeheartedly the spirit of that. I think that, in fact, it is already a fact, that it is against the law for employees, agents or sources of the CIA to break the law, as it should be.

The only problem I have with the gentlewoman's amendment is one I think we can resolve very easily, and that is the definition of what an employee is, whether or not it perhaps is so broad that in some unanticipated or unintended way it actually could limit the intelligence community's efforts to wage war on those involved in illegal narcotic trafficking and illegal drug activity. I know that the gentlewoman would not want that.

With that one simple reservation, I would be simply in a position to accept the amendment, certainly in the spirit it is offered, and join the gentlewoman in saying very obviously we would not tolerate in any way any incidents, and we will seek out, as the gentlewoman has suggested, any reports we have about wrongdoing in the areas of illegal drug activity by not just the CIA but anybody in the intelligence community over which we have oversight authority.

Having said that, I would also point out that actually some progress has been made by the committee since last year we had this conversation, and we do have some reporting, and we will soon have some more on some of these matters of interest to the gentlewoman.

I will accept the amendment subject to those remarks.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and in particular section 2 which says it requires the employees and agents of the Central Intelligence Agency and other intelligence agencies to report known or suspected drug traffickers' activities to the appropriate authorities. Clearly, in the past and based on the CIA Inspector General's public report on this matter there has been a mixed record as it relates to the reporting of suspected drug activities. I think that this amendment perhaps would go a long way toward clearing up that ambiguity, although the CIA has taken effective steps to correct past problems in this area.

I agree with the chairman of the committee as it relates to the definition of ''employees,'' and we accept the amendment on the minority side.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 3 OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman referring to amendment No. 3?

Mr. ENGEL. Yes.

The CHAIRMAN. Title III was closed. The gentleman will need to proceed with unanimous consent to designate the amendment.

Mr. ENGEL. Mr. Chairman, I ask unanimous consent that we proceed with the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GOSS. Mr. Chairman, reserving the right to object, and I will not object, I wish to explain why I will not object.

I respect the gentleman from New York. He has worked hard and means well to bring forward a meaningful amendment. It is an amendment in fact which I think I am prepared to accept if I understand it properly.

□ 1330

Mr. Chairman, given the technicalities of this particular rule for this particular subject for this particular permanent select committee, I think that there is a little extra work involved for our members, and we try and bend over backwards to accommodate our members, and it is in that spirit that I am not going to object.

Equally, I am very mindful that this year the gentleman from California (Mr. DIXON) specifically asked if we could have as much time as possible so every member would be able to be fully lined up, and as a courtesy to my ranking member, I am prepared not to object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. ENGEL) may offer amendment No. 3.

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ENGEL:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON KOSOVO LIBERATION ARMY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report (in both classified and unclassified form) on the organized resistance in Kosovo known as Kosovo Liberation Army. The report shall include the following:

(1) A summary of the history of the Kosovo Liberation Army.

(2) As of the date of the enactment of this Act—

(A) the number of individuals currently participating in or supporting combat operations of the Kosovo Liberation Army (fielded forces), and the number of individuals in training for such service (recruits);

(B) the types, and quantity of each type, of weapon employed by the Kosovo Liberation Army, the training afforded to such fielded forces in the use of such weapons, and the sufficiency of such training to conduct effective military operations; and

(C) minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

(3) An estimate of the percentage of funding (if any) of the Kosovo Liberation Army that is attributable to profits from the sale of illicit narcotics.

(4) a description of the involvement (if any) of the Kosovo Liberation Army in terrorist activities.

(5) A description of the number of killings of noncombatant civilians (if any) carried out by the Kosovo Liberation Army since its formation.

(6) A description of the leadership of the Kosovo Liberation Army, including an analysis of—

(A) the political philosophy and program of the leadership; and

(B) the sentiment of the leadership toward the United States.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term ''appropriate congressional committees'' means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

Mr. ENGEL. Mr. Chairman, first of all I want to thank the chairman of the committee, my classmate, the gentleman from Florida (Mr. GOSS); we came to Congress the same year together; and the ranking member, the gentleman from California (Mr. DIXON) for their kindness, and I rise to offer this amendment which is very, very simple.

I was at a speech that the President gave this morning on the current hostilities in Yugoslavia, and the President said that he feels very strongly that we must stay the course and must put an end to the ethnic cleansing and the atrocities being committed. I concur wholeheartedly. I think it is very important that we do that.

Mr. Chairman, I have a bill which I am sponsoring along with my colleague, the gentleman from South Carolina (Mr. SANFORD) which provides money to arm and train the KLA, the Kosovo Liberation Army. It is identical to the McConnell-Lieberman bill which is in the Senate, and I believe very strongly about it because I think that in order for the bombing to be successful we need to have a counterbalance on the ground, and the Kosovo Liberation Army is right now the only counterbalance to the Serb atrocities on the ground, and I think that in Bosnia, when we had the bombing, we had the Croatian Army on the ground to help, and I think it would be helpful for us to arm and trade and aid the Kosovo Liberation Army.

There have been a series of reports in papers talking about the Kosovo Liberation Army, and they have unidentified sources, I think, of dubious veracity saying all kinds of negative things about the Kosovo Liberation Army. In my discussions with people, with the intelligence community and others, there seems to be no substantiation whatsoever about negatives being put forward trying to, I believe, smear the Kosovo Liberation Army.

So I think it would be very helpful, and what my amendment does is it says that not later than 30 days after the date of the enactment of this act the director of the CIA shall submit to Congress, to the appropriate congressional committees, both in classified and unclassified form, everything it knows on the organized resistance in Kosovo known as the Kosovo Liberation Army. The report shall include a summary of the history of the KLA, the number of individuals currently participating in or supporting combat operations of the KLA, the types and quantity of each type of weapons that they have, minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

Talking about the smears, and I believe they are smears and there is no substantiation to them, but I want to know that somehow or other there are members participating in terrorist activities or illicit narcotics. Again, there seems to be no scintilla of evidence, but I think it is important that we know a description of their leadership, their political philosophy, and the sentiment of their leadership towards the United States and other things that are relative. I think that that would go a long way in helping this Congress to understand what the KLA is, and who they are and whether or not it will help us to decide whether or not to help them.

Again, Mr. Chairman, I think that they are a force on the ground in opposition to the Serb atrocities of ethnic cleansing, and I believe we should aid them, and that is simply what my amendment does.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from New York (Mr. ENGEL) for his efforts in this area. Obviously this is a pathway the oversight committee has already started down, and I believe the amendment is supportive to interests that we all have. The purpose of the intelligence community is to provide the best possible factual information we can get on a timely basis for our decision makers. We have to make some very tough decisions involving this part of the world these days, and I cannot see anything but good coming out of having the right information at the right time.

Mr. Chairman, I believe this amendment takes us that way, and I wish I knew more about all of the things that the gentleman is speaking about, I think we all wish that, but I think that trying to get that information is exactly the right thing for us to be doing.

Mr. Chairman, I will be supporting the gentleman's amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, we have no problem with the amendment on the minority side. Be glad to accept it also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS, AS AMENDED

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 343, not voting 22, as follows:

[Roll No. 129]

AYES—68

Abercrombie	Frank (MA)	Mink
Allen	Gejdenson	Nadler
Baldacci	Hilliard	Oberstar
Baldwin	Holt	Olver
Blumenauer	Hooley	Owens
Bonior	Jackson (IL)	Pastor
Brown (OH)	Jackson-Lee (TX)	Paul
Capuano	Jones (OH)	Payne
Chenoweth	Kanjorski	Peterson (MN)
Clay	Kucinich	Ramstad
Conyers	Lee	Rivers
Cummings	Luther	Rohrabacher
Danner	Markey	Sanders
Davis (IL)	McCarthy (MO)	Schakowsky
DeFazio	McCarthy (NY)	Serrano
Delahunt	McGovern	Stabenow
DeLauro	McKinney	Stark
Duncan	Meehan	Stearns
Evans	Meeks (NY)	Stupak
Farr	Minge	Tierney
Filner		Towns

Udall (NM)
Velázquez
Vento
Waters
Woolsey
Wu

NOES—343

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Becerra
Brown (CA)
Cardin
Coyne
Doggett
Gephardt
Greenwood
Jefferson
Kleczka
Levin
Lewis (GA)
Matsui
McDermott
Miller, George
Moran (VA)
Morella
Neal
Rahall
Rangel
Slaughter
Tanner
Thurman

□ 1357

Messrs. GANSKE, BAIRD and WATT of North Carolina, Ms. PRYCE of Ohio, Mrs. KELLY, and Mrs. MEEK of Florida changed their vote from ''aye'' to ''no.''

Mr. ROHRABACHER and Ms. STABENOW changed their vote from ''no'' to ''aye.''

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARDIN. Mr. Chairman, I was unavoidably detained and could not be here to vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) to the Intelligence Authorization Appropriation. If I had been present, I would have voted no.

Mr. McDERMOTT. Mr. Chairman, I missed the vote today (rollcall No. 129) on the Sanders amendment to freeze all Intelligence spending at the FY 1999 level because I was in a meeting with the President. If I had been here, I would have voted against it.

The CHAIRMAN. Are there other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1400

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 167, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1555, just passed, that the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1555, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. UPTON. Mr. Speaker, under section 7(c), rule XXII, I offer a motion to instruct conferees on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. UPTON moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 1141 be instructed to insist that no provision—

(1) not in H.R. 1141, when passed by the House,

(2) not in H.R. 1664 when passed by the House or directly related to H.R. 1664,

(3) not in the Senate amendment to H.R. 1141, as passed by the Senate,

be agreed to by the managers on the part of the House.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) and the gentleman from Florida (Mr. DEUTSCH) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Over the last couple of weeks this House has passed two supplemental appropriations bills. I voted for each of the two bills. I thought that they were very important and truly emergency spending resolutions that we needed to agree on and pass.

Mr. Speaker, we passed both these resolutions here in the House, and clearly they were urgent, and clearly they were necessary. Many of us in the last week or two, when we supported particularly the second resolution, helping our readiness, helping our troops all over the world, decided that that was the wisest course to take. When we passed those two bills, we did not include the traditional pork barrel projects that are sometimes, more often than not, added onto these bills.

But sadly, the other body took a different course. Yesterday when I introduced this resolution, we indicated that we should not exceed the scope of the bills passed in the House and Senate. This is a step in the right direction.

Frankly, I would like to do a lot more. I would like to get all of the pork, all of these pork barrel projects that are not emergency, out of the bill. But lo and behold when I get home at night, as I did last night, and I turn on C-Span, it is really a big bazaar. It is Members of Congress in the House or the Senate, it does not matter which party, trading projects back and forth, back and forth.

Mr. Speaker, I can remember the staffer in the Reagan administration looking at some of these appropriation conference bills. The House would pass a bill at this level, the Senate would be a little higher, and we would end up with a bill that was higher than both of them. The same thing is happening again.

This has got to stop. This is taking money away from social security. This clearly has an impact on the surplus or the deficit, the long-term debt. It is wrong.

This is an emergency. We need only to deal with the emergency items, whether they be the tornado, the awful tornado that struck in Oklahoma, whether they be Hurricane Mitch, whether it be our readiness. All of those things I can understand, and I think the taxpayers across the country can understand.

But when they start seeing a bridge here, an armory here, some special environmental rider here or there, lots of things added to this bill, none of which were ever intended, particularly by the leaders of this House when we passed those bills, both in March and April, we have to draw the line.

What this resolution does, Mr. Speaker, is say, they have got to go. This is our instructions to our conferees that have now been working for some 3 weeks, that it is time to put their feet to the fire and say no to these special interests, no to these special projects, bring a bill back for the House and Senate to agree to that does not include all of these pork barrel items.

Mr. Speaker, we have a number of speakers that want to speak on this issue this afternoon, so I reserve the balance of my time.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the effort of the gentleman from Michigan (Mr. UPTON) in this area. This House is the people's House, and we are here to do the people's business. For any of the people of America who were watching C-Span last night and watching the conference report, I do not think they were watching the people's business. I think it was an unfortunate public example of what we know goes on privately many, many times.

There is a statute which talks about emergencies. We are literally dealing with the most serious things this Congress can talk about and deal with, literally, a military operation going on in Kosovo, American men and women whose lives are in harm's way today, and then by I guess it is just the arrogance of power, just absolute arrogance is the only way I can describe some of my colleagues, particularly in the Senate, in the other body, that want to put in just absolutely awful, obscure, terrible, self-centered special interest riders onto legislation dealing with a true crisis.

Think about how outrageous what is going on in this building today is. In the 7 years that I have been here, this is the worst example. We have seen special interests, we have seen pork barrel stuff, but what hypocrisy, what tragic, absolutely beyond-the-pale arrogance, when men and women of our armed forces are in harm's way, to play these games.

This is not a game. There are some of my colleagues who might believe that it is a game, but it is not a game. Yet, that is exactly what is going on. Shame on those Members, and hopefully more people are watching on C-Span and more people are seeing what they are going to do, and guarantee that those people who are involved in this shameful activity never return to this Congress or to the United States Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, let me first associate myself with the comments of the gentleman from Michigan when he opened this legislation, and with the gentleman from Florida. I am as concerned as they are, and perhaps even more so. I think the process that we have adopted with respect to these so-called emergency spending bills is itself a disaster. Frankly, I think we need to do something about it in a hurry.

First of all, we do not, in the Congress of the United States, unlike virtually every State in the country now, have any kind of an emergency spending process by which we set aside money in case there are emergencies. It is ad hoc. You come in here, you declare something to be an emergency, if you can get a majority of your brethren to agree with you, then you can get a vote on it.

The problem is, it goes through the Senate and then it goes into conference. What we have seen in recent days in the conference, with behavior from both sides of the aisle, particularly in the Senate, is to try to put everything in it you possibly can. It happens on every single emergency spending bill that goes through here. They become Christmas trees automatically. Everyone tries to put their own particular ornament on that Christmas tree. That process simply must stop.

This is a wonderful idea that the gentleman from Michigan (Mr. UPTON) has put forward. That is that we will take what passed in the House, we will take what passed in the Senate, and we will cut off everything else. We will just say no more, no mas, that is it, we are not going to do it. I think we should pass it as soon as we possibly can.

Just remember, every time we add another dollar here, we are taking a dollar away from helping with the social security problem, because now we cannot retire the debt of the social security with those dollars that we are putting into some of these projects which come along.

Mr. Speaker, I personally believe that the caps are a problem. I personally believe there is some spending we need to do in the area of education, particularly defense, and some things that are not being addressed, and we should not try to do it in emergency legislation.

These are very good causes, but they should not be part of an emergency

spending package, as we have seen here in the House so far. To add these things on is a terrible tragedy.

□ 1415

Some of the riders that are being considered are parochial by nature. They are not of an emergency nature. They do not benefit the country generally. There is just absolutely no excuse to include them in legislation such as this other than one is dealing usually with a powerful Senator who one needs in order to get it through. That is a terrible way to do business.

So we should change the process. We should certainly pass these instructions that the gentleman from Michigan (Mr. UPTON) has put forward. We should stand united that we are going to make absolutely sure that we are putting an end to this, to go about doing what we have the money to do now, balancing our budget, taking care of the problems of Social Security and Medicare, and perhaps even providing for a tax cut, and making sure that our soldiers and sailors and Air Force and all our other military people are provided for, as they should be.

It can be done if we sit down and do it together. But do not do it through this emergency bill. Follow these motions to instruct.

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I want to rise very quickly in support of the Upton motion to instruct. Regardless of whether we are fighting for deficit reduction or to reduce the debt or to save Social Security or just trying to save dollars for other worthy purposes, this motion makes a lot of sense.

We should not stack nonemergency items onto an emergency bill and try to boggard them through the process without giving them all of the consideration that the committee process requires. I want to congratulate the gentleman from Michigan (Mr. UPTON) on his motion. I strongly urge my colleagues to support the motion.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT) to engage in a colloquy.

Mr. BOEHLERT. Mr. Speaker, I want to congratulate the gentleman from Michigan (Mr. UPTON) for offering this motion which would strengthen the House position in conference. The House leadership and the House Committee on Appropriations I think have done an excellent job on holding the line on extraneous matters, and this motion should help. So the gentleman's motion will be helpful.

I note, however, that, for drafting reasons, the gentleman's motion deals only with one set of problems we are facing in conference; namely, the addition of items that were never passed by either body.

But we also face another set of problems in conference because the Senate-passed version of the supplemental also contains numerous extraneous detrimental riders, many of them dealing with sensitive environmental matters.

I ask the gentleman from Michigan (Mr. UPTON) what does he believe our posture should be toward those items?

Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON) for a response.

Mr. UPTON. Mr. Speaker, I thank the gentleman from New York for his comments, and I believe that the House in the conference must oppose all detrimental riders, including those that were passed by the other body.

I would just like to add as well that we were really under the gun when we introduced this motion yesterday. Under the House Rules, it has to be introduced when we are in session. Because the legislative activity yesterday went a little bit faster than usual, and we were in fear that the conference would be finished even last night or today, we had to be very quick in drafting this.

I view this as a first step. I think we ought to go a lot further and take a lot of the junk out that the Senate put in. I would completely agree with the gentleman from New York with regard to the environmental riders and would hope that they would be stripped out. I know for me, as a Member, if they are not, I will be voting ''no'' when this bill comes back.

Mr. BOEHLERT. Mr. Speaker, reclaiming my time, I thank the gentleman from Michigan for clarifying this point, the supplemental which deals mainly with legitimate emergencies and gives an appropriate response. But I think that is going to be in jeopardy if it is used as a way to pass major policy decisions which normally would be subjected to greater scrutiny and fuller debate here this the people's House.

I know that our leadership is well aware of that and has been working hard to keep the supplemental clean. They must succeed. I urge the support of the motion.

Mr. DEUTSCH. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman from Florida yielding me this time.

One of the low points for me in my tenure in Congress is what we have visited as the Congress adjourned last fall. We dealt with an omnibus spending bill. I think people on both sides of the aisle, people of all different philosophical orientations were frustrated that we were doing the people's business in this fashion with billions of dollars, nobody really knowing what was in it; and it was something that none of us would be proud of back home in the smallest city or county.

I personally feel that we need to take each opportunity to recommit ours to a thoughtful, reasonable, effective bipartisan approach to dealing with the people's money. I strongly support the motion to instruct by the gentleman from Michigan. I am pleased to hear that he does not think it goes quite far enough. I appreciated the colloquy clarifying the intent on some of these very destructive environmental riders.

My sincere hope is that this will be the beginning in this Congress of our having a bipartisan approach to make sure that we do handle the budget in a more thoughtful fashion.

I commend the gentleman from Michigan (Mr. UPTON) for his efforts. I like the spirit of bipartisanship that has been advanced. I hope that we can take every opportunity in the days ahead to follow up on this, because I think we can do a better job of discharging our responsibilities, getting more out of the tax dollar, and making people feel better about this institution.

I think this is a very important part in this effort, and I look forward to it leading to new steps for our being able to work together to put more integrity in the budgetary process.

Mr. UPTON. Mr. Speaker, I appreciate the statement of the gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I congratulate the gentleman from Michigan (Mr. UPTON) for this very timely motion. I see this as a motion to support our conferees, to give them the kind of support that they need dealing with what is, in effect, a pork fest going on over in the Senate.

It is a question of priorities. Are we for saving Social Security? Are we for tax relief for working Americans or eliminating the marriage tax penalty? Are we for tax dividend, or all the other issues that we have been dealing with? Are we for special education funding, these types of priorities? Or are we for a system that sets caps that are possibly unreasonably low, and then have individual Senators come in with their own pet projects in the name of an emergency in order to boost the budget? Is that the way we are going to set priorities in 1999? Shame on the process for doing that.

I would suggest to the Congress that if we cannot move forward on this emergency supplemental as it has been sent to the Senate, that we throw it out and we start all over again because there is no way that we are going to accede to an emergency supplemental that contains 99 and counting pieces of special legislation for Senators.

If this is the charade that we have to play in the name of looking like budget hawks, I do not want to have any part of it.

So I commend the gentleman from Michigan (Mr. UPTON) for his courage in bringing this motion to our attention. I hope it receives a unanimous vote.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to try to maybe point out specific things. I actually wonder about commercial fishing in Glacier Bay, if that really fits the criteria of emergency criteria under the statute that we have. To hold off funding our troops in Kosovo, bringing that as an issue, I do not know, I just find it shocking. I mean, that is the only words that I can think of. I use Yiddish on the floor, chutzpah. I mean it really is chutzpah.

Everybody in America knows what chutzpah is. One does not have to speak Yiddish to understand. It is amazing that they would have that.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I congratulate the gentleman from Michigan (Mr. UPTON) on this motion to instruct. It is a good start to begin to strip out some of the extraordinary special interest riders that have been piggybacked on an ostensible emergency spending bill.

Now I have got to depart from the majority of my colleagues here in that I voted against the entire package. The money for the military should come out of the Pentagon. The money for other purposes should come out of the appropriate budgets. We should not be spending the Social Security Trust Fund, which is what we are dipping into here, which both the Republican leaders and the President promised to safeguard for these purposes.

But absent that, even worse than the fact that we went from $7 billion to $11 billion, and all these other things were larded into the bill, even worse, we have an attack on the environment in this legislation. The 1872 mining law is not enough of a giveaway?

Multinational mining companies acquire land in the western United States worth billions of dollars for $2.50 an acre with not a penny in royalties to the Federal taxpayers. That is running government like a business? But that is not bad enough. We cannot reform that law here. We know that. There is a majority that supports the continued giveaways.

But this bill goes even further. It waives provisions that have ridiculous, inadequate, antiquated law so that an open pit mine, heap leach mining, can go forward in Washington State. Cut off the top of a mountain and for every 16,000 tons of ore, one dumps cyanide on it, which it tends to get into the water table, and one gets an ounce of gold. This is prospecting, modern times.

But that requires a waiver, and the waiver is in this bill. What does that have to do with emergencies? What does is it have to do with Kosovo? Nothing. It has to do with the fact that Senators can do whatever they want behind closed doors and try and muscle the House and intimidate the President into signing the bill.

I certainly know that President Clinton will stand strong against these environmental riders as he has stood so steadfast in the past against similar riders. I urge him to veto this bill if we are not successful in our efforts today.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I like the analogy of the gentleman from Florida (Mr. DEUTSCH). It does take chutzpah to have something that is truly an emergency and to pile riders and special interest just so that we have to vote for it to get it through is absolutely wrong. I support and I thank the gentleman.

None of us mind paying our tax dollars when we have farmers in trouble, we have an earthquake, we have floods. We support that. But this is wrong. I think most of us that watched television last night were appalled. It made the term ''good government'' an oxymoron. It is bad government when this comes to pass.

But what we are trying to do is fund our men and women and the needs. When the White House does have our people go into war, then we need to provide the equipment, the training, so that they can not only do their job, but win and come back safely. That is what the initial bill was for, not to pile on this stuff.

But I would also like to say, why are we paying so high? General Clark told me we are fighting 86 percent of all the missions. Ninety percent of the ordnance dropped is from the United States at a million and 2 million and half a million apiece.

There are 18 other Nations. Our supplemental should be a check from NATO to have them pay their fair share in the first place, not our taxpayers, and not cut money out of Social Security. The President, when he gets us into this thing, every penny of this comes out of the supplemental.

Both sides said for different reasons that they want to support Social Security and Medicare and education. I want to double medical research, and I want a tax relief for working families.

But by having us in Kosovo and extended, we paid $16 billion in Bosnia. We are still spending $25 million a year in Haiti building roads and schools. Enough is enough.

I support the gentleman's motion, and I will vote against the bill if it ends up with this pork, and I am one of the biggest supporters of the military.

Mr. DEUTSCH. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in vigorous support for this motion. Perhaps I will give my colleagues a new Member's perspective. I have only been here for about 3 months now, and I have learned that, in all human perceptions and endeavors, sometimes one can get worn down. One can get worn down by some of the worst habits in American democracy.

But I want to tell my colleagues I am not worn down. As a new Member, I stand here freshly outraged at the most grievous abuse of the democratic process I have seen since I got here 3 months ago.

For the other Chamber, noble as it is, to try to land a sucker punch on the environment in the middle of the night, to hold hostage our fighting men and women, is an outrage. All of us ought to come forward, whether we have been here 3 months or 30 years and say that.

It is an outrage because the American people have got to know, and they have heard about this bill. This bill is starting to have a certain odoriferous character about it, because the American people have learned that it has been larded up with various pork projects.

□ 1430

I want the American people to know it is not just lard, it is going backwards on the environment. Not just in one little district here or there, where a particular Senator had an interest. On the mining law, under the cover of darkness, under the cover of this war, folks who want to besmirch the environment have tried to rewrite the entire 1872 Mining Act, not to go forward in time but back to the previous millennium in time and have more giveaways to the mining industry. This is broad based.

I want to say one more thing. I am happy we are standing here on a bipartisan basis. Because I think no matter what we think of issues like the environment or the war or whatever, as House Members we have something at stake here, and that is our ability to stand up and be counted, which is going to be stripped away from us by the other Chamber if we yield on this.

Congratulations to the makers of this amendment. Let us pass it.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I rise in strong support of the motion to instruct conferees by the gentleman from Michigan.

The idea behind this motion is simple, and it deserves our support. When a conference committee is meeting they should not insert provisions into the bill before them that were not in either the House or the Senate bills.

We are a deliberative body that demands debate. To subvert this process by inserting provisions into a conference agreement not properly considered for the House or Senate is clearly wrong.

These emergency supplementals are important and have my full support. We cannot allow disaster relief and the support for our troops in the Balkans to be delayed in any way. But if riders are going to be inserted into these emergency bills that were not considered by either side of Congress we are doing a great disservice to the American people.

The big oink the American public hears is not coming from the House or Senate vote. I ask my colleagues on both sides of the aisle to join me in support of this stand we are taking to ensure that the legislative process is not subverted.

Mr. DEUTSCH. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Florida for yielding me this time and for his leadership on this issue.

I also rise in support of this resolution and commend my friend, the gentleman from Michigan (Mr. UPTON) for bringing this at a very timely moment.

I would have phrased the resolution a little bit differently however. I understand why my friend from Michigan had to file the resolution and the phraseology in the resolution the way he did. I would have phrased it a little bit differently and would have gone a little farther. I would have indicated that no issues unrelated to our troops' mission in Kosovo, the disaster relief for the victims of Hurricane Mitch or the disaster that is happening throughout rural America on our farms would be appropriate or made in order or accepted in this emergency supplemental bill.

Those are the three areas that we should be dealing with and those are the three areas we should keep our eye on, rather than loading it up with extraneous, nonemergency, unrelated matters, as is happening right now in conference and jeopardizing its chances to pass.

I am still relatively new in this place, just in my second term. I have experienced just a couple of emergency spending bills before. What I have seen, quite frankly, has been a joke. It is an ugly process. It is one that does not make any sense, and it is something that repeats itself time and time again.

One would think that this institution, in matters of war and peace, life and death, dealing with natural disasters, we could play it straight, we could get it right and get it done efficiently, in a bipartisan fashion, with very little controversy and in an expeditious manner. One would think that that is the least that we can do for the American people, those who we are here to represent.

But time and time again we fail that call, we fail that obligation, especially in emergency situations, and that is unfortunate.

I will not be here if the supplemental happens to come up later tonight or sometime tomorrow. I have to go back home to western Wisconsin to help bury Chief Warrant Officer Kevin Reichert who, along with Officer David Gibbs, lost their lives during their training mission with an Apache helicopter last week in Albania. It is the hardest thing that I have had to do thus far in Congress.

If this place wants to truly honor those officers who gave their lives in the call of duty, performing their mission under dangerous circumstances, then we should get this emergency supplemental right. We should be able to do this in a noncontroversial fashion by keeping our eye on the ball and by getting whatever supplies and resources that our troops need to carry out this mission in Kosovo as soon as possible. That is what we can do in honor of those two officers, in honor of their families and, perhaps most importantly, to do right by those troops who are in harm's way right now in Kosovo and their families, so they can carry out their mission effectively and as safely as possible.

We are still trying to determine the cause of the Apache crash last week. There is some indication that it might have been mechanical failure. I do not know if I could or if my colleagues could live with ourselves if, because of a dispute in an emergency spending bill, that we are not able to get the supplies or the needed parts or the maintenance that is required to prevent future accidents like the one last week. That would be uncalled for. And shame on all of us if that, in fact, were to be the case.

I beseech my colleagues: We still have time to do this right, to pare down the supplemental bill. Let us focus on the real issue here, and that is the troops in Kosovo, the disaster relief that is needed for both Hurricane Mitch and on the farms, and let us try to get this straight. Let us try to play it straight for the sake of war and peace, for the sake of life and death, and for the sake of Officer Reichert and Officer Gibbs, who answered their call to duty and paid the supreme sacrifice for their country.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY), and I want to say that we all appreciate the statement of the gentleman from Wisconsin.

Mr. BILBRAY. Mr. Speaker, I rise in support of the Upton motion to instruct the conferees.

The instruction is very, very moderate in this motion. In fact, it does not go as far as most of us would like to go.

I think all of us agree that the other House has taken an emergency funding bill and added on so many items to it that it looks more like a Christmas tree than an emergency funding source.

Mr. Speaker, I stand here asking us both on the Democratic side and the Republican side to use this resolution in an effort to send a clear message from the House of Representatives not just to the Senate but also to the entire United States that this body will no longer stand by and allow anybody to be able to take an emergency funding bill and use it for special interest legislation.

Our chance here is now to have a bipartisan message, very clear to the conferees, both House and Senate, that we are no longer going to tolerate utilizing emergency spending bills as a trough in which to pour pork into.

I ask us all to look at this resolution and say it may not be all we want, but it is our one chance to send a clear message to those conferees that if they bring back a bill to this floor that is loaded with pork, it will be dead on arrival.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I, too, want to extend my thanks to my colleague, the gentleman from Michigan (Mr. UPTON), and thank the gentleman from Florida (Mr. DEUTSCH) for yielding me time to speak on the emergency supplemental.

The gentleman from California (Mr. BILBRAY) misspoke briefly and mentioned referees rather than conferees, and I thought at the time maybe we need more referees over there than conferees to get us back on track.

The conferees have been working to combine two emergency supplemental appropriations bills, one to fund our ongoing military activities in the Balkans and another that will provide humanitarian relief to the victims of Hurricane Mitch as well as vital assistance to hard-pressed farmers here at home. These are important purposes. But, once again, there has been an attempt to take them hostage by some who want to load up the bill with unrelated riders that would not pass alone.

The list is long, but I wanted to mention a couple of these riders, just two examples of egregious things that should not be in the bill and should not be approved.

One rider would overturn a court decision reducing by millions of dollars the refunds that natural gas companies now owe to consumers in 23 States, including Colorado. Another would reverse a Department of the Interior decision that says the mining law of 1872 should limit the amount of materials that a mine can dump on adjacent public lands.

In other words, both of these provisions would legislatively override current law to benefit certain well-connected parties at the expense of the

public, the public that we represent here; and in the case of the mining law rider, apparently at the expense of the environment as well.

To add a note of irony, in this case we would be overriding part of the 1872 mining law that is backed by some of the people who have repeatedly opposed attempts to reform that statute, which is antique at best.

Mr. Speaker, we do not yet know just what the conference report will include, but this we do know: Humanitarian assistance is one thing, sweetheart deals are another. Holding aid money hostage in order to deliver this kind of deal is bad policy, and we should reject it.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, at this point the American people are asking: ''Is it business as usual in Congress?''

I am proud of serving this institution. I am proud of doing what is right for the country, what is right for my State, and what is right for my district. I am not necessarily proud of the American public viewing this process and saying it is business as usual, where political influence and seniority still supersedes rigorous mental effort and accountability.

The American people want a thinking Congress, not a self-serving Congress. We are looked upon in Congress, in general, as the lower House. Well, on this particular issue, Mr. Speaker, we are really on the high side.

The democratic process, which I explain to my constituents every time I go home, is an exchange of information, with a sense of tolerance for somebody else's opinion, and then we vote. Well, on this particular motion the House of Representatives, I urge, will send a strong, clear, unanimous vote to the conferees that this emergency supplemental is for military emergencies, people suffering from hurricane devastation, and the hard-pressed American farmers that have experienced a very, very difficult year.

I urge my colleagues to vote for this motion, and I am proud of the gentleman from Michigan for bringing this to our attention.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of my colleagues on the other side of the aisle, I think the gentleman from California (Mr. BILBRAY), used the expression of a Christmas tree. I think what we have here is not just a Christmas tree but a Christmas tree forest. This is beyond the Christmas tree.

Again, I appreciate the gentleman from Michigan (Mr. UPTON) bringing this as a motion to instruct, because I think what is going on in the conference at this point does not really withstand the light of day. And the more the light of day that we in this Chamber put on this, the less chance this will occur.

This morning's New York Times editorial read, ''Trifling With Humanitarian Aid.'' I think that really is a headline of a story which we need to think about, ''Trifling With Humanitarian Aid.''

We have had some, I think, very thoughtful and very emotional statements by some of my colleagues. I cannot think of anything more powerful than the statement by my colleague and my good friend, the gentleman from Wisconsin (Mr. KIND). This is serious business. This is not a joke.

Are we going to be able to get our friend, our campaign supporter, a little more money by changing the mining laws or by giving them some additional fishing rights in Glacier Bay or by doing some kickback in terms of loan guarantees for certain mining interests? Literally, I think we should all think about what is going on here. It is absurd.

I wish there was someone here against the bill, to try to defend this in a public setting really. Because what we are talking about are the types of things that cannot be defended in a public setting. They cannot be defended in a public setting.

And let no one forget or misinterpret what is going on here. This is a gamesmanship thing. People understand that we need to support the operation in Kosovo in terms of our men and women who are in harm's way; and, in fact, two of whom have literally lost their lives in this operation already to this date; and we have been blessed that we have not lost more in terms of the operations that have been going on.

□ 1445

So there is this incredible understanding that we need to do something, that the way in passing the supplemental not just on Kosovo but the three issues which truly are emergencies, now I think there is a clear consensus that fit the criteria of emergency. One this House passed literally over a month ago, the October Hurricane Mitch that devastated Central America that we have talked about, that we understand that if we do not deal with that emergency the repercussions are severe not just for the people that live in Central America but for ourselves in terms of our borders, in terms of what will happen, in terms of what has happened, the positive things in Central America, and the farmers who are also dealing with the crisis across this country.

These other issues are not emergencies. And to use the leverage, because that is what it is, to use the leverage of a power position in the dark of night to put them into a bill and then come to the floor, because we can write the script today, we know what the script is, the script is that it is going to come to the floor with some of these, hopefully none of them, but the script that is being written by the conferees is that it is going to come to the floor with some of these items. And although none of us are going to say we like these items and in a sense we do not know where they came from, they came by magic, by thin air, or by individual Senators who have a specific interest that in their State it is okay. But from a national perspective, it is totally inappropriate, that now we have a choice, we are going to be faced with a choice. We can accept this pork, that trifling with humanitarian aid, or we can reject it and reject the operation and the need to deal with that.

And I would tell my colleagues, I say to them that we need to tell them, and the President needs to be clear on this, that we cannot let our process of this Government be used as a game, that the President has the ability to draw the line right now and say he will not accept that, that in 1 hour, if he vetoes this, we will sustain that veto, we can come back in 1 hour and take the junk out and pass a clean bill that deals with true emergencies that the American people want to see happen.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to my friend from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me the time, and I also thank him for offering this motion. I also thank my colleague on the other side of the aisle, the gentleman from Florida (Mr. DEUTSCH) for his support of this motion.

It is unusual but extraordinarily satisfying to be part of a bipartisan House effort that involves not just Democrats and Republicans, but liberal, moderate, and conservative Members, who I am glad to say are repulsed by what they are seeing take place in a conference that is spending money that we have not in any way authorized in either bill that has passed in the House or the Senate.

This is a bipartisan resolution that should be a matter of law and House rules: that no authorization or appropriation can become part of a conference report that is not part of either the House or Senate bill that caused the conference report.

It boggles my mind that we are inventing things that neither passed the House nor the Senate and tying them into two bills that are absolutely essential, the Hurricane Mitch supplemental and the Kosovo supplemental.

So, again, I thank my colleagues on both sides of the aisle. I thank particularly the gentleman from Michigan (Mr. UPTON) for coming forward with this resolution. And I hope that it not

only passes unanimously, but that if we are sent a conference report that does not abide by what we are saying here, that we vote against it and defeat it.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, we sent a clear bill through this chamber. Through this House, we sent to the other body a clean bill that was focused on making certain that our troops had the munitions that they would need in the field. We were told that our troops were short on issues like cruise missiles, that our fighter pilots needed precision bombs. We were told there are plenty of dumb bombs, there are plenty of cluster bombs in the arsenal but to give them the weapons that will cause least collateral damage in these operations, to give them the weapons that are safest for them to use, that we needed to pass out a supplemental bill, an emergency bill, which we did in this House, a clean bill to make certain that our troops had every piece of weaponry and every bit of training they needed for this operation.

And now, after sending that message that our troops were our first priority, we find that the other body and in conference included provisions in this bill having nothing to do with true emergencies, having nothing to do with support of our troops in the field, that they had added pork in this bill.

Well, I rise today to support the motion of the gentleman from Michigan. I rise to support the motion which instructs the conferees not to accept any provisions not already in the House or Senate passed supplemental bills and to put this House on record against any new projects or other type of non-emergency spending.

I urge all my colleagues in this Chamber to support this motion today.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

As we are debating this at this moment, conferees are still meeting and maybe brainstorming more things that they can put into this bill before it finally gets to the floor. It is not the way things should be, and it is not the way they have to be, and we have the power to stop them. And on occasion, as a Chamber, we have stopped it. We have rejected these types of things before. And if it comes to us, as has been said by several of my colleagues, we ought to reject it today.

I am just going to read through some things that, again through press accounts or other accounts, are still being talked about or being discussed.

Extending a freeze on the pending regulation on environmental and reclamation standards at mines on Federal land. I would challenge any of my colleagues in this Chamber to come to this floor to defend that as an issue related to emergency spending. I would challenge anyone in a public setting to even attempt to say that that belongs on this bill. And it very well might be on this bill.

A delay in the Clinton administration's plan to reclaim the value of royalties paid on oil and gas production on Federal lands. Again, on the Kosovo funding bill, on the emergency funding bill, allowing States to keep all of the $246 billion promised by tobacco companies in settlements of lawsuits. The transfer of a $100 million from Forest Service wildfire management operations to an Agriculture Department fund for restoration of national forestlands.

I am sure someone wants that. I am sure they can articulate a policy reason for it. But does it really belong on this piece of legislation and is it really the right policy?

I guess maybe because it is simple to understand and apparently, according to press accounts, it is actually in the bill, is the Glacier Bay commercial fishing issue. That one, I mean, it is simple. Maybe sometimes when we stop talking about billions of dollars or tens of billions of dollars or trillions of dollars we can understand this process maybe a little bit more.

My understanding is that the conferees have actually agreed to restrict commercial or actually to allow commercial fishing in Glacier Bay, which had been stopped by previous negotiations and rulings by the Forest Service and they have actually provided $26 million, again small by our standard in a bill of $13 billion or $14 billion, but $26 million literally that was not in either bill that just came in to provide, to buy up some of the people that might not be making as much money as they could have been because of the policy ruling regarding Glacier Bay. And men and women are in harm's way in Kosovo.

As again at this point, my understanding is the conferees have agreed to accept Senator BYRD's amendment regarding steel subsidies in the hundreds of millions. So now we are not talking about 26 million anymore, we are talking about hundreds of millions of dollars.

My understanding also is there is an issue, which I still do not understand, about livestock reindeer that is either in the bill or about to be put in the bill or it is being discussed as an additional rider to provide funding issues for livestock reindeer.

And what also has been reported as part of the supplemental issue is the so-called general's aircrafts.

I urge my colleagues to support the Upton amendment. But I think more than just supporting the Upton amendment, I think that all of us need to not just be on record as a vote today but as a message to our conferees and to the Senate conferees that there are many of us, and I would hope a majority of us, on this floor who will reject a bill, who will not allow this thing to be gamed, who will say that the issues that we are dealing with are significant enough. And I really urge the President, because he holds many of the cards in this whole thing and he has the ability to take the high road and he has the ability to say and to stare down those people and those individual Senators who are trying to do this outrageous activity and say to them they cannot and he will not let them.

And I guarantee to the President that, on both sides of the aisle, and this is I think one of the really good days in the Congress in a sense, that this is totally a bipartisan issue, that I think a clear majority from both sides of the aisle do not want to see this legislation happen in this way.

I will tell the President, I will tell him again directly, that that will not occur, that we will be able to sustain a veto like that.

Mr. Speaker, I yield back the remainder of my time.

Mr. UPTON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, first of all, I want to commend my friend, the gentleman from Florida (Mr. DEUTSCH) and all the speakers who have spoken this afternoon on both sides of the aisle. We know what the right vote is. That is a ''yes'' vote on this resolution. We have had enough.

Frankly, the appropriators I think all of us wish had depleted their work a long time ago. The emergencies are well-known. Many of these pork barrel projects should have been stripped from the very beginning. And I would hope that today's vote not only will pass but will send a very strong signal to those conferees that enough is enough, no more of this pork ought to be added to bills that really must pass.

My friend, the gentleman from Wisconsin (Mr. KIND) talked about going to the funeral this weekend or maybe perhaps tonight or tomorrow with regard to the brave helicopter pilot who died from Wisconsin. As I think about his message, I think about my weekend this weekend when I am going to go visit some almost 200 reservists who are leaving from Kalamazoo Battle Creek and will be leaving this weekend, Air Force reservists, to go to the Balkans.

And as I talk to other military folks from around the world, the Air Force colonel who just came back from a tour in Hungary 6 months, living in a tent that was so old that the fire retardant was not good anymore and they were wondering how it was going to last another winter with the heater that they might have in it.

The mother that I talked to this last weekend in Michigan, whose son is a

Trident submarine trainee who does not have the books or can pay literally for the uniform they need to wear. I think about the woman that I talked to from Oklahoma City the other day who, after surviving the tornado, talked to me a little bit about her experience there and how it came so close to Tinker Air Force Base. And my comment was, boy, they must have looked like Chicago O'Hare with all those planes taking off so that we did not end up with a complete disaster there. And her response was, ''No, they do not have enough crews to fly those planes out. It could have been another Pearl Harbor, even worse than the situation there.''

□ 1500

We need to help our troops as they prepare for whatever lies ahead of them, that their life is as good as we can make it with housing and everything else. For this bill to come back cluttered from the Senate, filled with these items, whether they be environmental or other junk, is not right. It would be a travesty for us to recede to the Senate in a number of these issues. I would hope we could pass this resolution to send it back to both chambers clean, and that the emergency measures in both bills that all of us agree to here, Republicans and Democrats, would come back unfettered, that we would be proud to vote for this thing.

I think the signal that we are sending to our leadership and really to the rest of the country is if it does come back with a lot of these projects, then in fact the vote that I cast a couple of weeks ago, a ''yes'' vote for this, will in fact be reversed and I will vote ''no.''

Mr. Speaker, I ask my colleagues to vote for this motion.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds all Members that it is not in order to cast personal aspersions on the Senate or its Members, individually or collectively, and that they must address the Chair and not the President.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 381, nays 46, answered ''present'' 1, not voting 5, as follows:

[Roll No. 130]

YEAS—381

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—46

Aderholt
Baker
Berman
Boyd
Callahan
Chenoweth
Clyburn
Cramer
Dicks
Everett
Farr
Gallegly
Hastings (WA)
Hilliard
Hoyer
Jones (OH)
Kilpatrick
Kucinich
Lewis (CA)
Lewis (KY)
McCrery
Meek (FL)
Mollohan
Moran (KS)
Moran (VA)
Murtha
Oberstar
Obey
Packard
Pastor
Payne
Pelosi
Pombo
Rahall
Riley
Ryun (KS)
Sabo
Serrano
Stupak
Tiahrt
Traficant
Vento
Visclosky
Waters
Wise
Young (AK)

ANSWERED ''PRESENT''—1

Young (FL)

NOT VOTING—5

Boucher
Brown (CA)
Gephardt
Quinn
Ros-Lehtinen

□ 1525

Ms. KILPATRICK, Mrs. JONES of Ohio and Messrs. PAYNE, RYUN of Kansas and EVERETT changed their vote from ''yea'' to ''nay.''

Messrs. GEJDENSON, GREENWOOD and PICKETT changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably detained and wish to be recorded as a ''yes'' vote on the motion to instruct conferees on the Emergency Supplemental Appropriations for FY 1999 H.R. 1141, rollcall 130.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this 1 minute to inquire of the distinguished majority leader the schedule for today and the remainder of the week.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. I thank the gentleman from Michigan for yielding, and I appreciate the opportunity to advise the Members.

As my colleagues know, of course this week was scheduled to proceed through tonight and through tomorrow. It is true that we have had our last vote of the day for today, and we will probably go into either special orders or recess as we continue to work with the conference committee on the supplemental. Members of both bodies are working together and working, I think, quite diligently. It is still our expectation that sometime this evening they will complete their work, we will be able to file that bill, process the rule in order to begin consideration early tomorrow morning and move on with the completion of the work by the originally scheduled departure time for a Friday departure.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I would just add to his comments that because of the necessity to deal with this bill, the tornado relief, the hurricane relief for those who have been waiting for 6 months as a result of Mitch as we have just heard in the last debate, our troops in the field, and, of course, the agricultural crisis that we have in the country, I hope that we can have this bill before the body and that it will be there without extraneous riders, particularly environmental riders and other riders that have been added in both bodies, and we can get this work done, and I hope we can do this expeditiously.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply observe that the last vote that we just had was to instruct the conferees to reject any items that were not in either the House or the Senate bill. I find that interesting, but the fact is that the hang up in the conference is over items that were in the Senate bill or in the House bill, and I know of no progress that has been made through the remainder of this day so far on this bill. We are presently marking up appropriations for the coming fiscal year right now.

□ 1530

We are supposed to be, as soon as we finish the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, we are supposed to be going into a Treasury Post Office markup, but I do not know of any progress that has been made in resolving the outstanding issues before us.

I guess, I think, there is at least a 50/50 chance Members will be kept here tomorrow only to discover that there will be nothing to vote on. So I guess what I would ask the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, is if we are going to be held around here, why do we not simply bring a clean bill to the floor that takes the items that we know are agreed upon by everybody and pass legislation which is a truly clean bill, rather than waiting around here for a miracle to happen on a bill that has so many barnacles that it is not likely to sail any time soon?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, let me thank the gentleman from Wisconsin (Mr. OBEY) for his remarks. I must say I thought the gentleman from Michigan (Mr. BONIOR) made the point so clearly well that, one, this is a very, very important piece of legislation on such a wide range of fronts. The Members of Congress have worked hard on it and have a lot of commitment to this proposition.

Obviously, it is no inconvenience for any of us to stay within the bounds of the regularly-scheduled work week, as we are, in fact, today, to complete our work. So as we continue this week through our normal time for closing the week, I am sure all the Members are very pleased to be able to look forward to completing this work.

The gentleman from Wisconsin (Mr. OBEY) reminds me of the gratitude that all of the Members of this body might have for the workmanship of the House appropriators, as they did, indeed, provide through this body a clean supplemental bill, showing the kind of commitment to the express purposes of the bill and discipline in fulfilling that commitment that we are so proud of in the House. And, yes, indeed, even while this conference committee is doing its hard work, dealing in conference between the two bodies, the continued excellent, committed, disciplined work of our House appropriators goes on even as they mark up some of the first of the 13 appropriations bills.

So if the gentleman from Wisconsin (Mr. OBEY) would allow me, I think the body might take a moment to give a round of applause and appreciation to our appropriators for their hard work and their commitment.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Florida, one of those appropriators who is doing this magnificent job that the majority leader referred to.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, I have not had a chance to talk with the gentleman from Wisconsin (Mr. OBEY) about this so this will be new, but we are going to reconvene the conference in about 15 minutes. We believe that we have worked out a resolution to settle the differences. We expect to have the paperwork done later this evening, early enough to file tonight, and possibly have the Committee on Rules meet tonight, which would possibly give us the opportunity to have a vote on the floor tomorrow.

We have broken through some of the obstacles that were there, so we will reconvene in about 15 minutes; and, hopefully, we can get this good bill to the President.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply ask the gentleman from Florida (Mr. YOUNG) two questions.

First of all, would he be kind enough to tell us, if that is the case, what is the fate of the two markups now going on? We are both supposed to be attending both of those.

Mr. YOUNG of Florida. Mr. Speaker, yes, we are.

I would respond that we completed the legislative markup several days ago. We are almost through with the agriculture markup. We would go back to the ag markup probably at about 4:30 or 5:00 at the latest and complete that. We will postpone the markup of the Treasury Postal until the Chair calls for a new markup schedule because of the lateness of the ag bill now, because we do not want to mark up both of them at the same time.

Mr. OBEY. Mr. Speaker, could I simply ask the gentleman, if there is a breakthrough which would enable the bill to pass, God help us given some of the provisions that are now in it, but if it does nonetheless pass, so be it, but could I also ask the gentleman to entertain the possibility of also, as a backup, preparing a stripped-down bill so that if this does not go anywhere that we, in fact, have something for Members to vote on tomorrow if they are going to be here, something which will not get jammed up in a filibuster in the Senate?

Mr. YOUNG of Florida. Mr. Speaker, I would simply say that if we do not have something to vote on tomorrow early enough tonight to get a rule, the leadership would be advised of that and advise the Members about tomorrow. That would be a leadership decision.

AMENDING THE RULES OF THE HOUSE, 106TH CONGRESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of the resolution (H. Res. 170) amending House Resolution 5, One Hundred Sixth Congress, as amended, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 170

Resolved,

SECTION 1. AMENDMENT OF HOUSE RESOLUTION 5.

Section 2(f)(1) of House Resolution 5, One Hundred Sixth Congress, agreed to January 6, 1999, as amended, is amended by striking ''May 14, 1999'' and inserting ''May 31, 1999''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS ON H.R. 883, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules is planning to meet the week of May 17 to grant a rule which may limit the amendment process on H.R. 883, the American Land Sovereignty Protection Act.

The rule may, at the request of the Committee on Resources, include a provision requiring amendments to be preprinted in the amendment section of the CONGRESSIONAL RECORD. Amendments to be preprinted should be signed by the Member and submitted to the Speaker's table. Amendments should be drafted in the text of the bill as reported by the Committee on Resources. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to make sure their amendments comply with the rules of the House.

ANNOUNCEMENT OF INTENTION TO OFFER ON TOMORROW MOTION TO INSTRUCT CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. DEUTSCH. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 1141, the 1999 Emergency Supplemental Appropriations Act.

The form of the motion is as follows:

Mr. DEUTSCH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1141 be instructed to disagree to any provision not contained in, or directly related to, the following: (1) H.R. 1141, as passed by the House; (2) H.R. 1664, as passed by the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1342

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Kansas (Mr. RYUN) as a cosponsor of H.R. 1342.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JADONAL FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few days ago the gentlewoman from Ohio (Mrs. JONES) and I participated in a discussion relative to fraternity and sorority hazing and their overall value to society, especially in the African community. I think we both agreed that physical violence, mental abuse and degradation have no place in a civilized world and certainly should not be used as part of an intake process for new members of any organization or group.

However, in my estimate, fraternities and sororities continue to play valuable roles and have contributed greatly to improving the quality of life for African Americans in particular and for society as a whole.

In my own fraternity, Alpha Phi Alpha, I think of the contributions of individuals like Dr. W.E.B. Dubois, Dr. John Hope Franklin, Dr. Carter G. Woodson, Dr. Charles Wesley, Dr. Martin Luther King, Jr., Duke Ellington, Langston Hughes and countless others whose contributions are legendary.

I also think of the contributions of brothers that we seldom hear of, like a member of my local chapter, Mu Mu Lambda, brother Jadonal E. Ford, who recently passed away. Jadonal E. Ford, or Jay as we called him, was born in Lakeview, South Carolina, in 1935. He graduated from Columbus High School in Lakeview in 1952, earned a Bachelors degree from Virginia State University in 1956, served in the United States Army until 1959 and received his Master's degree in social work at Boston University in 1961.

Mr. Ford began his professional career as a psychiatric social worker at Cleveland State Hospital in Cleveland, Ohio, prior to moving to Chicago in 1963 to become program administrator at the Chicago Youth Centers. From 1963 until 1971, he served as program director at United Cerebral Palsy in greater Chicago and from 1971 until 1973 as administrator at comprehensive care centers in Chicago.

In 1973, Jay Ford began work at Catholic Charities of the Archdiocese of Chicago and remained there until his death. He began in the Foster Care Department and by 1993 was appointed Senior Associate Division Manager for Nonresidential Services for children and youth.

Jay Ford was an outstanding professional in his chosen field of work, but it was in his volunteer activities, especially through the Mu Mu Lambda chapter of Alpha Phi Alpha fraternity, that he truly excelled. He was instrumental in designing, orchestrating and implementing several programs for African American youth, especially males, on the local, State and national levels.

Warren G. Smith, a fraternity brother and friend of Jay's, made this observation. Jay was a take-charge, get-the-job-done, very responsive fraternity brother. He made things happen and created an environment where everyone could succeed. He mentored hundreds of fraternity brothers and high school students. He was indeed a role model and someone everyone wanted to emulate.

For 10 years, Warren continued, Jay chaired the Beautillion, a scholarship fund-raiser for high school students who are college bound. Each year, this event has raised approximately $150,000 and presented to society 20 young men ready for college as well as presenting scholarships to these students and others.

Jay was a member of Catholic Charities USA, the National Association of Social Workers, the National Association of Black Social Workers, the National Black Child Development Institute, the Academy of Certified Social Workers, the Childcare Association of Illinois and the Catholic Conference of Illinois.

□ 1545

He was a co-founder, charter member, and former president of Virginia State University's Chicago Area Alumni Organization.

Other organizations include the Henry Booth House Board of Directors, the Black Infant Task Force, the Chicago Urban League, the National Association for the Advancement of Colored

People, State of Illinois Foster Care, the Adoption Task Force, the Adoption Advisory Council, the Child Care Association, the African American Round Table, the Association of Directors, the Minority Recruitment Committee, and the Dean's Search Committee, both at Loyola School of Social Work.

Mr. Ford was a member of the Congregational Church of Park Manor, and served as chairman of its Board of World Missions. He was Mu Mu Lambda's Man of the Year several times, Illinois State Alumni Brother of the Year, Midwest Region Brother of the Year, and as Kenneth Watkins, president of Mu Mu Lambda, said, ''Jay Ford truly understood the Alpha motto: First of all; Servants of all; We shall transcend all.''

There was relevance in Jay Ford and there is still relevance in fraternities and sororities.

TRANSFER OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to use the time of the gentlewoman from Indiana (Ms. CARSON).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

CALLING ON THE SPEAKER TO CONVENE A STUDY SESSION ON YOUTH VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last couple of weeks, this Congress has confronted a very tragic event dealing with our children. The American people have heard us speak in many different ways. We have raised our voices in sympathy, in fear, in apprehension.

We have raised our voices, reaching out for solutions. We have even spoken in outrage, and we have also expressed pain for those parents who lost their children, and for those whose children are still mending from wounds suffered in Littleton, Colorado.

There have been a number of hearings, Mr. Speaker. Today, in fact, I thank the gentleman from Illinois (Chairman HYDE) of the Committee on the Judiciary and the ranking member, the gentleman from Michigan (Mr. CONYERS), for holding such a hearing in the Committee on the Judiciary.

I made up my mind, Mr. Speaker, upon hearing of the enormous tragedy, feeling a deeply embedded pain, but yet not being able to stand in the shoes of those parents who had actually lost their child or being involved by being part of that community, but I did make a commitment to say that I would not expend any more words about the tragedy if I could not do something constructive.

I have the honor and pleasure of having founded the Congressional Children's Caucus, with a number of exciting issues that we have had to confront, and Members who have committed themselves by being a participant of that caucus in promoting children as a national agenda item.

We have decided to work on the question of confronting a child's inability to cope. In the hearing today, I was somewhat disturbed because I kept hearing the very well-versed witnesses seem to suggest it was the other fellow's fault. We had representatives from the media, we had faith-based representatives, we had those who talked about gun regulation, others who talked about the need for morality in schools. I think it is important, Mr. Speaker, that we acknowledge that all of us can help, and there are many solutions to this problem.

I am going to today ask the Speaker of the House to convene those Members of this Congress who have expressed a particular interest in children, either by way of the caucuses and task forces they belong to or other expressions of that interest, so that, like the White House, we can convene a study session to promote action on these issues.

I would propose that we not be fearful of addressing the President's initiative on gun regulation, because we have already heard that several leaders of the gun lobby, if you will, or organizations, would agree with holding adults responsible if children get guns in their hands, a part of his initiative, or not allowing individuals who are 18 and under or 21 and under to get handguns, and having a safety lock on guns.

Why would we be apprehensive about regulating guns, when we have over 260 million guns, and 13 children die every day? I am aghast that the other body would not want to support an initiative that would have an instant gun check at gun shows, when so many people have indicated that things happen wrong when we do not determine who is trying to get a gun.

I am looking at another perspective, Mr. Speaker, one where I advocate the involvement of the faith-based community. I welcome that. I hope our schools, in keeping with the first amendment and separation of church and State, will not turn away individuals, ministers, as we do in Houston, where we have a Ministers Against Crime organization. We welcome them into the schools.

Tomorrow I will hold a town hall meeting at Scarborough High School in my district with the Secretary of Education on school violence. We will be inviting the ministers. We will be listening to students.

We should not sit back and say what we cannot do. What I am hearing, what is being pled for by students who say they have no one to talk to, they want action now, Mr. Speaker. Why are we pointing the finger at each and every person, the international games, the video games?

Lastly, Mr. Speaker, let me say that we cannot deny that we do not have mental health services for our children K through 12, intervention, at an early stage. So I propose an omnibus bill on children's mental health in which I will look to ensure that all of the pieces are in place.

I hope my colleagues will join me at the offering of that legislation, because we all can be a part of the solution and not part of the problem. Let us stop pointing the finger, let us get to work.

CONCERNS ABOUT THE ADMINISTRATION'S APPROACH TO THE WAR IN YUGOSLAVIA AND KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, earlier this week I was discussing the war supplemental, and some of my concerns about this Administration's approach to the war in Yugoslavia and Kosovo. I found the most disturbing thing underneath the premise that the administration is pushing, and why I have such deep concerns about this entire effort.

Sandy Berger, the National Security Adviser, told our Republican conference during some questioning that, he said, we want to teach the world a new way to live in peace. They also said they wanted to show the world a new way to fight the war.

My concern is that the undergirding of this entire foreign policy is a kind of a liberal, humanitarian, what would be, with quotes around it, a ''secular humanist'' approach that we can somehow teach people to live together, ironically, through bombing them; and I do not fully understand, but that was not our intent.

But we look at the evils that were going on with Milosevic, much like the evils that were going on in Croatia and other ethnic cleansing efforts, not only in the Balkans but in Africa and other parts of the world, and we say, correctly, people should not live that way.

But then we think, based on kind of our humanitarian tradition in the United States, that we can just walk in and say, you know, for 700 years, for 1,000 years, for 2,000 years, you have been wrong. We want you to change. If you do not change, we are going to bomb you into change.

Mr. Speaker, life does not work that way. If this is the supposition under our foreign policy, that somehow we can walk into Africa and say, change the way you have behaved for all these years; if we can walk into Haiti and

say, we are going to put a government in, and now you are going to change; if we can walk into Bosnia and say, now we are going to do a Dayton line, and we want you all to behave; and if we are going to go into Serbia and say, this is terrible, we want you to live in peace together, it simply is not going to work.

I was in the camp near Skopje, Montenegro, and talked to many of the Kosovars. As one of the Senators asked them, they said, will you go back and live at peace in Yugoslavia under the Serbians? Absolutely not. We are going to get rid of Milosevic.

Milosevic will not be there. They said, all Serbs are Milosevic. What do you mean, all Serbs? You lived with them before. Yes, but they slit my neighbor's throat. They burned my house. They raped my daughters. You heard all kinds of the variations of stories. They are not interested in living with peace.

The idea that suddenly we are going to wave a wand, have a sitdown conference here, and everybody in the world is going to live in peace, is a very dangerous undergirding, pressure, for foreign policy.

Just yesterday in the Washington Times, based on a Senate hearing, Secretary Cohen said, ''We have got to find a way to either increase the size of our forces, or decrease the number of our missions.'' Now, in the standard colloquial phrase right now in the United States, you would say, well, duh.

I mean, we have to find a way to either increase the size of our forces, or decrease the number of our missions. Do we mean it is finally dawning on this administration that we cannot take a declining armed forces and send them all over the world to try to change people through exhortation when we are not willing to stand up, which it is not necessary that this would work, either, but it is the only way we would get peace, is that if we believe, as the Judeo-Christian principles teach, that man is born of sin and of self-interest, and unless there is a transforming power in their hearts they are not going to suddenly change, going in and saying, it is in your self-interest not to have war, that is not necessarily true.

It is not necessarily good for Kosovars to let the Serbians have Pristina and the mineral rights in the north part of this country. It is not necessarily in the self-interest of the Serbians to let the Kosovars have the mineral rights and the seminaries in Pristina for their heritage. They both argue over that.

You cannot just use the pleasure-pain principles or positivist principles or some kind of humanist principles. Furthermore, if we are going to get back to that, the renaissance did not occur in a lot of the parts of the world where we have our humanist traditions. Unless you have whatever religious tradition it is that reforms people's hearts and people's thinking that there is a higher power, we are not going to have a real peace.

If we are not going to have a real peace, we certainly are not going to force it through bombing, and the danger of our current foreign policy is that we are going around the world threatening and trying to reform it when we do not have the traditional criteria of how and when we wage war: Was there a sovereign Nation invading another sovereign Nation? Was there a threat to the national interest of the United States? Was there a tie-in that we can actually deal with and win?

These are deep religious and moral questions, and they are not going to be solved by the type of bombing we are doing.

POLICE OFFICER APPRECIATION DURING NATIONAL POLICE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MALONEY) is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today to express my strong support and appreciation of our nation's police officers. This week we celebrate National Police Week, in honor of law enforcement officers who have given their lives in the course of their duty, and in honor of those who are giving us their lives in service now.

On Tuesday this House marked National Police Week by unanimously passing House Resolution 165, a resolution recognizing police officers killed in the line of duty. Tonight there is a candlelight vigil at the National Law Enforcement Memorial where the names of those officers killed in the line of duty will be read.

Later this week, the Capitol Police Force is hosting the 18th annual National Police Officers Memorial Service at the Capitol. Police officers from my district in Connecticut will be playing a prominent role in those services, and I want to especially thank them for their participation.

These commemorative events, coupled with the administration's announcement yesterday that we have reached our national goal of providing 100,000 additional police officers to the streets through the COPS program, and also coupled with our call for a further 50,000 police officers on the beat over the next 5 years, strongly signify the important and dedicated role that the law enforcement community plays in our lives.

Community policing in particular represents a shift from the reactive approach of policing to a proactive approach which emphasizes the prevention of crime before it starts, and partnership between law enforcement and the community.

Since our bill in 1994, since that legislation passed, violent crime has gone down substantially, a 7 percent decrease in the 1996–1997 period, over 20 percent in total since the passage of that legislation. Murder rates, for example, in 1996–1997 are down 8 percent, and are now at their lowest level in three decades.

□ 1600

Testimonials from law enforcement agencies around the country reveal that community policing efforts have had a critical impact on the recent drop in crime. Community policing efforts have also expanded beyond the neighborhood to our schools as well.

The recent tragedy at Columbine High School in Littleton, Colorado has left our Nation in shock and disbelief once again and serves as a potent reminder that school violence can happen anywhere and that, unfortunately, violence and crime, although down, are still very real fears and concerns in our communities.

To combat school violence, school districts and law enforcement agencies have formed partnerships to place a specially trained police officer, known as a school resource officer, or SRO, in schools to protect students, to educate students about violence prevention, and to act as a counselor and mentor.

I introduced legislation last year which was enacted to codify the definition of school resource officers and in support of our first dedicated school resource officer funding.

That effort was later expanded to become the COPS in Schools program, which provides funding. Approximately $60 million was dedicated for that program. The first round of grants were offered just last month.

National Police Week reminds us of the vital service that our Nation's law enforcement officers provide to us through their hard work and dedication in keeping our neighborhoods, our communities, and our schools safe.

I am also reminded of the important role that community policing initiatives have played in reducing crime and in offering our communities access to resources necessary to hire and train these police officers to continue their dedicated efforts within our communities.

I applaud the dedication and hard work of our Nation's police officers, and I look forward to working with my colleagues and with the law enforcement community to ensure that our officers continue to receive the support and recognition that they so clearly deserve.

SOLUTIONS TO KOSOVO CRISIS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, once again this country finds itself at war. Many of my colleagues expressed the problems that we go through, and I would like to offer in my opinion what are some of the options, some of the solutions.

I met with the Reverend Jesse Jackson, and I gained a new insight on Reverend Jesse Jackson. He has the ability not only to express his views but to listen as well. I laud Reverend Jackson, not only for bringing our POWs back, but for looking for a peaceful solution, which I think is much more possible than just bombing a nation into the stone age to get what we want.

First of all, it is easy to kill. I flew in Vietnam, and I flew in Israel. But it is difficult to work to live. That is where the rubber meets the road, and it is very difficult to work out those solutions.

But I think some of these solutions, which I have discussed with foreign policy experts, like Mr. Eagleburger and others, and I think that they are an option outside of just bombing in an air war in which the Pentagon told the President would not work, they told the President that it would not achieve our goals, it would only make them worse; that we would kill innocent men and women and that we would cause the forced evacuation of many of the Albanian people, like you have in most wars. This one has become more extreme.

But Mr. Jackson also has the ability to put himself in the shoes of both parties, to understand what is in their mind. What are they afraid of? What are the Serbs afraid of? What are the Albanians afraid of? What is the KLA afraid of? What are their goals?

Before one ever starts in a diplomatic mission, history shows that one has to understand both sides, not just one side. I think that is the fault of this White House.

First of all, halt the bombing. Halt the bombing. Over 70 percent of Russian military supports the overthrow of the current administration, the Yeltsin administration. The leaders are the group of Communists, adverse Communists that support Milosovic. They want the former Soviet Union to go back to a Communist style of government, and this is giving them that excuse. That is one of the reasons why Russia has been a problem, not part of the solution in this.

Then let us have Russian troops. Let us let them become part of the solution. Let us stabilize the Russian government itself. We saw today where Chernomyrdin was fired and other shake-ups by Yeltsin. It is potential disaster.

Let the Russians, the Greeks who also support the Serbs, Scandinavians, and Italians and, yes, maybe even some from the Ukraine serve as peacekeepers. But Rambouillet said that you are going to have German troops in there. The Yugoslavians absolutely loath and hate Germans. They put 700,000 of them on April 5, 1941, and one in every third Serb died to German Nazis and fought on the side of the allies.

One cannot put Britain, United States, and German troops in there. Put the people in there that can separate the forces. Have Milosovic remove his equipment prior to Rambouillet and establish some kind of at least stability.

It is going to be years before we can bring Albanian people back into Kosovo. Do my colleagues know that there is over 200,000 Albanians that live in Belgrade peacefully?

Our emissary with Jesse Jackson went to a service with the Albanians in the Muslim Temple and had worship. They have not left. They work in harmony.

Has there been killing on both sides in Kosovo? Absolutely. The total number of people killed in Kosovo prior to our bombing was a little over 2,000. One-third of those were Serbs killed by the KLA.

So is there fighting? Are there atrocities on both sides? Yes. But one has got to get into the minds of both sides.

The issue of the KLA having Mujahedin and Hamas, we got a brief and said, yes, there are. There are not significant numbers. But the President has got to demand that those people leave. There is about 20 other events.

CENSUS 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, Mr. MARTINEZ, is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, I have heard the debate on Census 2000, and cannot help but come to one conclusion—this is simply a matter of common sense. It is common sense that we should not except counting our population from the advancements that have improved every aspect of our national life, from communicating with each other, to growing our food.

It is not common sense, in the midst of the Internet revolution, to even consider horse and buggy methods of census reporting. How can it be that 1990 was the first year that census reporting was not improved since 1940? Can you think of any other aspect of our daily lives in which that was the case? That innovation and improvement ceased? That we have actually grown worse?

What makes all this especially galling is that innovation in this field already exists. Just ask those who know best how to conduct this effort—the Census Bureau. These trained professionals have alerted us to improved technology that is faster, cheaper, and more accurate—statistical sampling. We must use whatever method is most effective to ensure that all Americans are counted. The Census Bureau tells us that this is sampling.

It is not common sense for Congress to instruct a bureau to avoid programs proven so effective. This is not a political battleground—this is a means of counting our population. We must use the best available means to do that. This is simply a matter of common sense.

STAY TO COURSE IN KOSOVO

The SPEAKER pro tempore (Mr. SAXTON). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, on Saturday night, I was at JFK airport in New York to welcome the first group of Kosovar-Albanian refugees who were coming to the United States to be reunited with their families. A number of those families reside in my district in Bronx, New York; and a number of those families have told me about the atrocities that have gone on in a firsthand basis.

This morning I had the pleasure of listening to President Clinton deliver a speech on the whole situation in Yugoslavia. It was an excellent speech. Essentially what the President said was that we will stay the course, as we must, and that we have already told Mr. Milosevic what he needs to do in order for us to stop the bombing.

I cannot understand some of our colleagues who say that we ought to unilaterally stop the bombing when ethnic cleansing and genocide is still going on, when people are being raped and murdered and ordered from their homes, when an entire people is trying to be wiped out.

They want to make Kosovo free of Albanians when Albanians have lived there for years and years and years.

I will include for the RECORD President Clinton's speech. I want to particularly read a couple of things that the President said, because some of my colleagues previously have said certain things.

The President said: ''There are those who say Europe and its North American allies have no business intervening in the ethnic conflicts of the Balkans. They are the inevitable result, these conflicts, according to some, of centuries-old animosity which were unleashed by the end of the Cold War restraints in Yugoslavia and elsewhere.''

The President says, ''I, myself, have been guilty of saying that on an occasion or two, and I regret it now more than I can say. For I have spent a good deal of time in these last 6 years reading the real history of the Balkans. And the truth is that a lot of what passes for common wisdom in this area is a gross oversimplification and misreading of history.

''The truth is that for centuries these people have lived together in the Balkans and Southeastern Europe with greater or lesser degree of tension, but often without anything approaching the intolerable conditions and conflict

that exist today. And we do no favors for ourselves or the rest of the world when we justify looking away from this kind of slaughter by oversimplifying and conveniently, in our own way, demonizing the whole Balkans by saying that these people are simply incapable of civilized behavior with one another.''

He goes on, ''There is a huge difference between people who can't resolve their problems peacefully and fight about them, and people who resort to systematic ethnic cleansing and slaughter of people because of their religious and ethnic background. There is a difference. There is a difference.''

I say to my colleagues there absolutely is a difference. We need to show Mr. Milosevic that ethnic cleansing will not be tolerated. We need to stay the course. We need to keep the bombing until he agrees to the demands of NATO. All options ought to be on the table, including the options of troops on the ground. We ought not to tell this dictator what we will or will not do. We ought not to give him a plan of what we intend to do. All options should be on the table.

We must win this war. It goes beyond what is happening in the Balkans today. It goes beyond the ethnic cleansing. The entire credibility of the United States and NATO is at stake. If NATO is to have any relevance in the world, we need to show that NATO can win this war.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I just want to commend the gentleman from New York (Mr. ENGEL) for his persistence on this matter. I can recall well before the Milosevic ever invaded Kosovo it was the gentleman from New York (Mr. ENGEL) who was talking to this Congress about the impending problems that we were going to have with Mr. Milosevic.

He is clearly the greatest authority on this issue in the United States Congress. When he speaks, he speaks from long-held experience and belief in this issue. I want to commend him for all the good work that he does.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Rhode Island for his kind words, and I appreciate his comments very, very much.

My colleague previously, the gentleman from California (Mr. CUNNINGHAM) said, ''What are the Kosovars afraid of?'' That is an easy question. They are afraid of being killed. They are afraid of being ethnically cleansed. The are afraid of their women being raped. They are afraid of wiping out their whole history, burning their villages, shooting children, destroying any kind of papers that they have so they are a people that do not exist. That is what they are afraid of. We thought we saw an end to that in the Nazi era. We are seeing it again.

Let me just say in conclusion, I think we must stay the course. I think we must win this war. I am proud of the United States of America. I am proud of President Clinton for standing up and saying we will not tolerate ethnic cleansing. We will not stand idly by while genocide is going on.

Mr. Speaker, the President's speech that I referred to is as follows:

WASHINGTON, May 13/U.S. Newswire—Following is a transcript of remarks made by President Clinton today to veterans groups on the Kosovo situation (Part 1 of 2):

EISENHOWER HALL FT. MC NAIR

The PRESIDENT: Good morning, ladies and gentlemen. Thank you, Commander Pouliot, I am grateful to you and to Veterans of Foreign Wars for your support of America's efforts in Kosovo.

General Chilcoat, Secretary Albright, Secretary Cohen, Secretary West, National Security Advisor Berger, Deputy Secretary Gober, General Shelton and the Joint Chiefs, and to the members of the military and members of the VFW who are here. I'd also like to thank Congressman ENGEL and Congressman QUINN for coming to be with us today.

I am especially honored to be here with our veterans who have struggled for freedom in World War II and in the half-century since. Your service inspires us today, as we work with our allies to reverse the systematic campaign of terror, and to bring peace and freedom to Kosovo. To honor your sacrifices and fufill the vision of a peaceful Europe, for which so many of the VFW members risked your lives, NATO's mission, as the Commander said, must succeed.

My meeting last week in Europe with Kosovar refugees, we allied leaders, with Americans in uniform, strengthened my conviction that we will succeed. With just seven months left in the 20th century, Kosovo is a crucial test: Can we strengthen a global community grounded in cooperation and tolerance, rooted in common humanity? Or will repression and brutality, rooted in ethnic, racial and religious hatreds dominate the agenda for the new century and the new millennium?

The World War II veterans here fought in Europe and in the Pacific to prevent the world from being dominated by tyrants who use racial and religious hatred to strengthen their grip and to justify mass killing.

President Roosevelt said in his final Inaugural Address: ''We have learned that we cannot live alone. We cannot live alone at peace. We have learned that our own well-being is dependent on the well-being of other nations far away. We have learned to be citizens of the world, members of the human community.''

The sacrifices of American and allied troops helped to end a nightmare, rescue freedom and lay the groundwork for the modern world that has benefited all of us. In the long Cold War years, our troops stood for freedom against communism until the Berlin Wall fell and the Iron Curtain collapsed.

Now, the nations of Central Europe are free democracies. We've welcomed new members of NATO and formed security partnerships with many other countries all across Europe's East, including Russia and Ukraine. Both the European Union and NATO have pledged to continue to embrace new members.

Some have questioned the need for continuing our security partnership with Europe at the end of the Cold War. But in this age of growing international interdependence, America needs a strong and peaceful Europe more than ever as our partner for freedom and for economic progress, and our partner against terrorism, the spread of weapons of mass destruction, and instability.

The promise of a Europe undivided, democratic and at peace, is at long last within reach. But we all know it is threatened by the ethnic and religious turmoil in Southeastern Europe, where most leaders are freely elected, and committed to cooperation, both within and among their neighbors.

Unfortunately, for more than 10 years now, President Milosevic has pursued a different course for Serbia, and for much of the rest of the former Yugoslavia. Since the late 1980's he has acquired, retained, and sought to expand his power, by inciting religious and ethnic hatred in the cause of greater Serbia; by demonizing and dehumanizing people, especially the Bosnian and Kosovar Muslims, whose history, culture and very presence in the former republic of Yugoslavia impede that vision of a greater Serbia.

He unleashed wars in Bosnia and Croatia, creating 2 million refugees and leaving a quarter of a million people dead. A decade ago, he stripped Kosovo of its constitutional self-government, and began harassing and oppressing its people. He has also rejected brave calls among his own Serb people for greater liberty. Today, he uses repression and censorship at home to stifle dissent and to conceal what he is doing in Kosovo.

Though his ethnic cleansing is not the same as the ethnic extermination of the Holocaust, the two are related—both vicious, premeditated, systematic oppression fueled by religious and ethnic hatred. This campaign to drive the Kosovars from their land and to, indeed, erase their very identity is an affront to humanity and an attack not only on a people, but on the dignity of all people.

Even now, Mr. Milosevic is being investigated by the International War Crimes Tribunal for alleged war crimes, including mass killing and ethnic cleansing. Until recently, 1.76 million ethnic Albanians—about the population of our state of Nebraska—lived in Kosovo among a total population of 2 million, the others being Serbs.

The Kosovar Albanians are farmers and factory workers, lawyers and doctors, mothers, fathers, school children. They have worked to build better lives under increasingly difficult circumstances. Today, most of them are in camps in Albania, Macedonia and elsewhere—nearly 900,000 refugees—some searching desperately for lost family members. Or they are trapped within Kosovo itself, perhaps 600,000 more of them, lacking shelter, short of food, afraid to go home. Or they are buried in mass graves dug by their executioners.

I know we see these pictures of the refugees on television every night and most people would like another story. But we must not get refugee fatigue. We must not forget the real victims of this tragedy. We must give them aid and hope. And we in the United States must make sure—must—make sure their stories are told.

A Kosovar farmer told how Serb tanks drove into his village. Police lined up all the men, about 100 of them, by a stream and opened fire. The farmer was hit by a bullet in the shoulder. The weight of falling bodies all around him pulled him into the stream. The only way he could stay alive was to pretend to be dead. From a camp in Albania, he said,

my daughter tells me, ''Father, sleep. Why don't you sleep?'' But I can't. All those dead bodies on top of mine.

Another refugee told of trying to return to his village in Kosovo's capital, Pristina. ''On my way,'' he said, ''I met one of my relatives. He told me not to go back because there were snipers on the balconies. Minutes after I left, the man was killed—I found him. Back in Pristina no one could go out, because of the Serb policemen in the streets. It was terrible to see our children, they were so hungry. Finally, I tried to go shopping. Four armed men jumped out and said, we're going to kill you if you don't get out of here. My daughters were crying day and night. We were hearing stories about rape. They begged me, please get us out of here. So we joined thousands of people going through the streets at night toward the train station. In the train wagons, police were tearing up passports, taking money, taking jewelry.''

Another refugee reported, ''the Serbs surrounded us. They killed four children because their families did not have money to give to the police. They killed them with knives, not guns.''

Another recalled, ''The police came early in the morning. They executed almost a hundred people. They killed them all, women and children. They set a fire and threw the bodies in.''

A pregnant woman watched Serb forces shoot her brother in the stomach. She said, ''My father asked for someone to help this boy, but the answer he got was a beating. The Serbs told my brother to put his hands up, and then they shot him ten times. I saw this. I saw my brother die.''

Serb forces, their faces often concealed by masks, as they were before in Bosnia, have rounded up Kosovar women and repeatedly raped them. They have said to children, go into the woods and die of hunger.

Last week in Germany, I met with a couple of dozen of these refugees, and I asked them all, in turn, to speak about their experience. A young man—I'd say 15 or 16 years old—stood up and struggled to talk. Finally, he just sat down and said, ''Kosovo, I can't talk about Kosovo.''

Nine of every 10 Kosovar Albanians now has been driven from their homes; thousands murdered; at least 100,000 missing; many young men led away in front of their families; over 500 cities, towns and villages torched. All this has been carried out, you must understand, according to a plan carefully designed months earlier in Belgrade. Serb officials prepositioned forces, tanks and fuel and mapped out the sequence of attack: what were the soldiers going to do; what were the paramilitary people going to do; what were the police going to do.

Town after town has seen the same brutal procedures—Serb forces taking valuables and identity papers, seizing or executing civilians, destroying property records, bulldozing and burning homes, mocking the fleeing.

We and our allies, with Russia, have worked hard for a just peace. Just last fall, Mr. Milosevic agreed under pressure to halt a previous assault on Kosovo, and hundreds of thousands of Kosovars were able to return home. But soon, he broke his commitment and renewed violence.

In February and March, again we pressed for peace, and the Kosovar Albanian leaders accepted a comprehensive plan, including the disarming of their insurgent forces, though it did not give them all they wanted. But instead of joining the peace, Mr. Milosevic, having already massed some 40,000 troops in and around Kosovo, unleashed his forces to intensify their atrocities and complete his brutal scheme.

Now, from the outset of this conflict, we and our allies have been very clear about what Belgrade must do to end it. The central imperative is this: The Kosovars must be able to return home and live in safety. For this to happen, the Serb forces must leave; partial withdrawals can only mean continued civil wars with the Kosovar insurgence.

There must also be an international security force with NATO at its core. Without that force, after all they've been through, the Kosovars simply won't go home. Their requirements are neither arbitrary nor overreaching. These things we have said are simply what is necessary to make peace work.

There are those who say Europe and its North American allies have no business intervening in the ethnic conflicts of the Balkans. They are the inevitable result, these conflicts, according to some of centuries-old animosity which were unleashed by the end of the Cold War restraints in Yugoslavia and elsewhere. I, myself, have been guilty of saying that on an occasion or two, and I regret it now more than I can say. For I have spent a great deal of time in these last six years reading the real history of the Balkans. and the truth is that a lot of what passes for common wisdom in this area is a gross oversimplification and misreading of history.

The truth is that for centuries these people have lived together in the Balkans and Southeastern Europe with greater or lesser degree of tension, but often without anything approaching the intolerable conditions and conflicts that exist today. And we do no favors to ourselves or to the rest of the world when we justify looking away from this kind of slaughter by oversimplifying and conveniently, in our own way, demonizing the whole Balkans by saying that these people are simply incapable of civilized behavior to one another.

Second, there is—people say, okay, maybe it's not inevitable, but look there are a lot of ethnic problems in the world. Russia has dealt with Chechnya, and you've got Abkhazia and Ossetia on the borders of Russia. And you've got all these ethnic problems everywhere, and religious problems. That's what the Middle East is about. You've got Northern Ireland. You've got the horrible, horrible genocide in Rwanda. You've got the war, now, between Eritrea and Ethiopia. They say, oh, we've got all these problems, and therefore, why do you care about this?

I say to them there is a huge difference between people who can't resolve their problems peacefully and fight about them, and people who resort to systematic ethnic cleansing and slaughter of people because of their religious or ethnic background. There is a difference. There is a difference.

And that is the difference that NATO—that our allies have tried to recognize and act on. I believe that is what we saw in Bosnia and Kosova. I think the only thing we have seen that really rivals that, rooted in ethnic or religious destruction, in this decade is what happened in Rwanda. And I regret very much that the world community was not organized and able to act quickly there as well.

Bringing the Kosovars home is a moral issue, but it is a very practical, strategic issue. In a world where the future will be threatened by the growth of terrorist groups; the easy spread of weapons of mass destruction; the use of technology including the Internet, for people to learn how to make bombs, and wreck countries, this is also a significant security issue. Particularly because of Kosovo's location, it is just as much a security issue for us as ending the war in Bosnia was.

Though we are working hard with the international community to sustain them, a million or more permanent Kosovar refugees could destabilize Albania, Macedonia, the wider region, become a fertile ground for radicalism and vengeance that would consume Southeastern Europe. And if Europe were overwhelmed with that, you know we would have to then come in and help them. Far better for us all to work together, to be firm, to be resolute, to be determined to resolve this now.

If the European community and its American and Canadian allies were to turn away from, and therefore reward, ethnic cleansing in the Balkans, all we would do is to create for ourselves an environment where this sort of practice was sanctioned by other people who found it convenient to build their own political power, and therefore, we would be creating a world of trouble for Europe and for the United States in the years ahead.

I'd just like to make one more point about this, in terms of the history of the Balkans. As long as people have existed there have been problems among people who are different from one another, and there probably always will be. But you do not have systematic slaughter and an effort to eradicate the religion, the culture, the heritage, the very record of presence of the people in any area unless some politician thinks it is in his interest to foment that sort of hatred. That's how these things happen—people with organized political and military power decide it is in their interest that they get something out of convincing the people they control or they influence to go kill other people and uproot them and dehumanize them.

I don't believe that the Serb people in their souls are any better—I mean, any worse—than we are. Do you? Do you believe when a little baby is born into a certain ethnic or racial group that somehow they have some poison in there that has to, at some point when they grow up, turn into some vast flame of destruction? Congressman ENGEL has got more Albanians than any Congressman in the country in his district. Congressman QUINN's been involved in the peace process in Ireland. You think there's something about the Catholic and Protestant Irish kids that sort of genetically predisposes them to—you know better than that, because we're about to make peace there, I hope—getting closer.

Political leaders do this kind of thing. You think the Germans would have perpetrated the Holocaust on their own without Hitler? Was there something in the history of the German race that made them do this? No.

We've got to get straight about this. This is something political leaders do. And if people make decisions to do these kinds of things, other people can make decisions to stop them. And if the resources are properly arrayed it can be done. And that is exactly what we intend to do.

Now, last week, despite our differences over the NATO action in Kosovo, Russia joined us, through the G–8 foreign ministers, in affirming our basic condition for ending the conflict, in affirming that the mass expulsion of the Kosovars cannot stand. We and Russia agreed that the international force ideally should be endorsed by the United Nations, as it was in Bosnia. And we do want Russian forces, along with those of other nations, to participate, because a Russian presence will help to reassure the Serbs who live in Kosovo—and they will need some protection, too, after all that has occurred.

NATO and Russian forces have served well side-by-side in Bosnia, with forces from many other countries. And with all the difficulties, the tensions, the dark memories that still exist in Bosnia, the Serbs, the Muslims, the Croats are still at peace, and still working together. Nobody claims that we can make everybody love each other overnight. That is not required. But what is required are basic norms of civilized conduct.

Until Serbia accepts these conditions, we will continue to grind down its war machine. Today, our allied air campaign is striking at strategic targets in Serbia, and directly at Serb forces in Kosovo, making it harder for them to obtain supplies, protect themselves, and attack the ethnic Albanians who are still there. NATO actions will not stop until the conditions I have described for peace are met.

Last week, I had a chance to meet with our troops in Europe—those who are flying the missions, and those who are organizing and leading our humanitarian assistance effort. I can tell you that you and all Americans can be very, very proud of them. They are standing up for what is right. They are performing with great skill and courage and sense of purpose. And in their attempts to avoid civilian casualties, they are sometimes risking their own lives. The wing commander at Spangdahlem Air Force Base in Germany told me, ''Sir, our team wants to stay with this mission until it's finished.''

I am grateful to these men and women. They are worthy successors to those of you in this audience who are veterans today.

Of course, we regret any casualties that are accidental, including those at the Chinese Embassy. But let me be clear again: These are accidents. They are inadvertent tragedies of conflict. We have worked very hard to avoid them. I'm telling you, I talked to pilots who told me that they had been fired at with mobile weapons from people in the middle of highly-populated villages, and they turned away rather than answer fire because they did not want to risk killing innocent civilians.

That is not our policy. But those of you who wear the uniform of our country and the many other countries represented here in this room today, and those of you who are veterans, know that it is simply not possible to avoid casualties of noncombatants in this sort of encounter. We are working hard. And I think it is truly remarkable—I would ask the world to note that we have now flown over 19,000 sorties, thousands and thousands of bombs have been dropped, and there have been very few incidents of this kind. I know that you know how many there have been because Mr. Milosevic makes sure that the media has access to them.

I grieve for the loss of the innocent Chinese and their families. I grieve for the loss of the innocent Serbian civilians and their families. I grieve for the loss of the innocent Kosovars who were put into a military vehicle that our people thought was a military vehicle, and they've often been used as shields.

But I ask you to remember the stories I told you earlier. There are thousands of people that have been killed systematically by the Serb forces. There are 100,000 people who are still missing. We must remember who the real victims are here and why this started.

It is no accident that Mr. Milosevic has not allowed the international media to see the slaughter and destruction in Kosovo. There is no picture reflecting the story that one refugee told of 15 men being tied together and set on fire while they were alive. No, there are no pictures of that. But we have enough of those stories to know that there is a systematic effort that has animated our actions, and we must not forget it.

Now, Serbia faces a choice. Mr. Milosevic and his allies have dragged their people down a path of racial and religious hatred. This has resulted, again and again, in bloodshed, in loss of life, in loss of territory, and denial of the Serbs' own freedom—and now, in an unwinnable conflict against the united international community.

But there is another path available—one where people of different backgrounds and religions work together, within and across national borders; where people stop redrawing borders and start drawing blueprints for a prosperous, multiethnic future.

This is the path the other nations of Southeastern Europe have adopted. Day after day, they work to improve lives, to build a future in which the forces that pull people together are stronger than those that tear them apart. Albania and Bulgaria, as well as our NATO ally, Greece, have overcome historical differences to recognize the independence of the Former Yugoslav Republic of Macedonia, Romania, Bulgaria, Macedonia and others have deepened freedoms, promoted tolerance, pursued difficult economic reforms. Slovenia has advanced democracy at home, and prosperity; stood for regional integration, increased security cooperation, with a center to defuse land mines left from the conflict in Bosnia.

These nations are reaffirming that discord is not inevitable, that there is not some Balkan disease that has been there for centuries, always waiting to break out. They are drawing on a rich past where peoples of the region did, in fact, live together in peace.

Now, we and our allies have been helping to build that future, but we have to accelerate our efforts. We will work with the European Union, the World Bank, the IMF and others to ease the immediate economic strains, to relieve debt burden, to speed reconstruction, to advance economic reforms and regional trade. We will promote political freedom and tolerance of minorities.

At our NATO Summit last month we agreed to deepen our security engagement in the region, to adopt an ambitious program to help aspiring nations improve their candidacies to join the NATO Alliance. They have risked and sacrificed the support of the military and humanitarian efforts. They deserve our support.

Last Saturday was the anniversary of one of the greatest day in American history and in the history of freedom—VE Day. Though America celebrated that day in 1945, we did not pack up and go home. We stayed—to provide economic aid, to help to bolster democracy, to keep the peace—and because our strength and resolve was important as Europe rebuilt, learned to live together; faced new challenges together.

The resources we devoted to the Marshall Plan, to NATO, to other efforts, I think we would all agree have been an enormous bargain for our long-term prosperity and security here in the United States—just as the resources we are devoting here at this institution—to reaching out to people from other nations, to their officers, to their military, in a spirit of cooperation are an enormous bargain for the future security of the people of the United States.

Now, that's what I want to say in my last point here. War is expensive; peace is cheaper. Prosperity is downright profitable. We have to invest in the rebuilding of this region. Southeastern Europe, after the Cold War, was free but poor. As long as they are poor, they will offer a less compelling counterweight to the kind of ethnic exclusivity and oppression that Mr. Milosevic preaches.

If you believe the Marshall Plan worked, and you believe war is to be avoided whenever possible, and you understand how expensive it is and how profitable prosperity is, how much we have gotten out of what we have done—then we have to work with our European allies to rebuild Southeastern Europe, and to give them an economic future that will pull them together.

The European Union is prepared to take the lead role in Southeastern Europe's development. Russia, Ukraine, other nations of Europe's East are building democracy—they want to be a part of this.

We are trying to do this in other places in the world. What a great ally Japan has been for peace and prosperity, and will be again as they work to overcome their economic difficulty. Despite our present problems, I still believe we must remain committed to building a long-term strategic partnership with China.

We must work together with people where we can, as we prepare—always—to protect and defend our security if we must. But a better world and a better Europe are clearly in America's interests.

Serbia and the rest of the Balkans should be part of it. So I want to say this one more time: Our quarrel is not with the Serbian people. The United States has been deeply enriched by Serbian Americans. Millions of Americans are now cheering for some Serbian Americans as we watch the basketball play-offs every night on television. People of Serbian heritage are an important part of our society. We can never forget that the Serbs fought bravely with the allies against fascist aggression in World War II; that they suffer much; that Serbs, too, have been uprooted from their homes and have suffered greatly in the conflicts of the past decade that Mr. Milosevic provoked.

But the cycle of violence has to end. The children of the Balkans—all of them—deserve the chance to grow up without fear. Serbs simply must free themselves of the notion that their neighbors must be their enemies. The real enemy is a poisonous hatred unleashed by a cynical leader, based on a distorted view of what constitutes real national greatness.

The United States has become greater as we have shed racism, as we have shed a sense of superiority, as we have become more committed to working together across the lines that divide us, as we have found other ways to define meaning and purpose in life. And so has every other country that has embarked on that course.

We stand ready, therefore, to embrace Serbia as a part of a new Europe—if the people of Serbia are willing to invest and embrace that kind of future; if they are ready to build a Serbia, and a Yugoslavia, that is democratic, and respects the right and dignity of all people; if they are ready to join a world where people reach across the divide to find their common humanity and their prosperity.

This is the right vision, and the right course. It is not only the morally right thing for America, it is the right thing for our security interests over the long run. It is the vision for which the veterans in this room struggled so valiantly, for which so many others have given their lives.

With your example to guide us, and with our allies beside us, it is a vision that will prevail. And it is very, very much worth standing for.

Thank you, and God bless you. (Applause.)

OPPOSE RENEWAL OF WHALING BY MAKAH TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise to speak on an issue that millions of our people in our Nation seriously care about. Since the close of the worldwide whaling era at the end of the last century, it has been U.S. policy to oppose killing whales.

But today we have a real problem. The Clinton-Gore administration is quietly changing this policy by authorizing the hunting and killing of whales by the Makah Indian tribe in northwest Washington State.

The victims of course are the gray whales, the major focus of whale watching on the northwest coast of Washington State and the United States. These whales are local to the northwest coast, and they do not fear boats. They are used to the boats. They see boats all the time, and they have no fear.

Whales do have a commercial value and there are interests just waiting to cash in, even as they did in the glory days of worldwide commercial whaling. If we allow whaling to begin in America again, what can we say to Japan and Norway whose whaling we have opposed for years? We tried to get them to stop. Now we are going to allow commercial whaling again.

The real problem is, once we open the door to new worldwide commercial whaling, how do we ever close it again? Most Americans believe that we have risen above the wanton slaughter of the buffalo for their hides or the whales for the value of their body parts.

□ 1615

I urge my colleagues to join me in opposition to the renewal of whaling by the Makah Tribe of Northwest Washington State.

SAVE OUR CHILDREN FROM GUN VIOLENCE

The SPEAKER pro tempore (Mr. SAXTON). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, yesterday the Senate voted down a loophole that could have been closed as far as guns being sold at gun shows. This was a very moderate request so that people, people with felonies, criminals, could not go to gun shows and buy guns that could possibly be used or sold to our young people.

Last month when we had the shooting in Littleton, Colorado, it was something that all of us as victims were dreading. We always knew it was not a matter of if there would be another shooting in our schools, it all came down to a matter of when. How did I know that? I knew that because we have had five committee hearings here in the House. We have brought in all the experts. We were trying to analyze from the five shootings in our schools what could be done, what can we do.

After Littleton, the American people said, we have to do something, and yet we hear silence here in the halls of Congress and now, obviously, in the Senate. What people forget is that every single day in this country 13 of our young people die through homicide, accidental deaths and suicides. People forget about those young people on a daily basis. Here they say there is nothing we can do.

I do not believe that. I believe with sensible, moderate changes on how our young people get guns we can make a big difference. I know we will not be able to save all our children, but we certainly should do everything that we can to save as many as we can.

I also know if the American people, the mothers, the fathers, students, teachers, if they do not become involved in this debate, we will not do anything here in the House. There are many of us that want to fight to save our children, to make sure our children feel safe when they go to the schools, but we need help. We need help because we have to hear from the American people. We need grass-root organizations. We need people to call here in Congress, call their Senator, e-mail them and say, ''We want something done.''

When there is such a high percentage of Americans willing to make the sacrifice of being inconvenienced, inconvenienced to hopefully have more safety for our children, they are willing to do it. And yet those in the Senate and here in the House we hear nothing from. It is wrong.

All we want is to try and have safe schools, to save our children. That is something that we are supposed to be doing here. That is why I came to Congress, to reduce gun violence, not to take away the right of someone to own a gun. I have never intended that.

All I am saying is, if someone owns a gun, they are responsible for it and they have to make sure that our young people do not get into it.

I know everyone is talking about the media, videos, mental health. These are all important issues. But responsibility with the parents, that is important also. We can deal with all these things. We have all the information. Anyone can go to the Committee on Education and the Workforce, and we will give them all the information they need.

There was one thing in common in every single one of the school shootings, the easy access of guns to our young people. I do not know what it will take to have the Members here and the Senate wake up. I do not know what it will take. I dread what it might take.

We can make a difference. The American people have said enough is enough. We should listen to them.

Why won't this Congress listen to the American people and allow us to pass common sense laws to keep guns out of the hands of our children?

Instead of listening to the American people, the Senate listened to the NRA leadership. Instead of making the laws stronger to stop kids and criminals from buying guns, the Senate has made the laws weaker. As a mother, grandmother and Member of Congress, I am deeply saddened by the Senate's vote.

The American people don't want this to be about politics but that's exactly what it is. How many more children will have to die before Congress wakes up and passes laws to save young lives?

We will not give up. We will fight harder for what the American people want—common sense measures to keep guns away from our kids and off our school campuses. My office alone has heard from thousands of people throughout this country who support legislation to address the deadly combination of children and guns.

Now more than ever, we need to hear from every school and from every parent in this nation. Call, write, e-mail—flood the halls of Congress with your demands—let this Congress know that you want meaningful legislation passed to save our children from gun violence. Every day that goes by with more silence from this Congress, we lose 13 more kids.

CONSUMERS NEED PATIENT PROTECTION LEGISLATION TO PROTECT THEM FROM HMO ABUSES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I have taken to the well of this Chamber many times to talk about the need to enact meaningful patient protection legislation. There is a compelling need for Federal action, and I am far from alone in holding that view.

Last week, for example, Paul Elwood gave a speech at Harvard University on health care quality. Paul Elwood is not a household name, but he is considered the father of the HMO movement. Elwood told a surprised group that he did not think health care quality would improve without government-imposed protections. Market forces, he told the group, ''will never work to improve quality, nor will voluntary effort by doctors and health plans.''

Elwood went on to say, and I quote, ''It doesn't make any difference how powerful you are or how much you

know. Patients get atrocious care and can do very little about it. I have increasingly felt we've got to shift the power to the patient. I'm mad, in part because I have learned that terrible care can happen to anyone.''

Mr. Speaker, this is not the commentary of a mother whose child was injured by her HMO's refusal to authorize care. It is not the statement of a doctor who could not get requested treatment for his patient. No, Mr. Speaker, those words, suggesting that consumers need real patient protection legislation to protect them from HMO abuses, come from the father of managed care.

I am tempted to stop here and let Dr. Elwood's words speak for themselves, but I think it is important to give my colleagues an understanding of the flaws in the health care market that led Dr. Elwood to reach his conclusion. Cases involving patients who lose their limbs or even their life are not isolated examples. Mr. Speaker, they are not mere anecdotes.

In the past, I have spoken about James Adams, an infant who lost both his hands and both his feet when his mother's health plan made them drive past one emergency room after another in order to go to an authorized emergency room. Unfortunately, enroute, James suffered an arrest, and because of that arrest he lost both hands and feet because of the delay in treatment.

On Monday, May 4, USA Today ran an excellent editorial on that subject. It was entitled: ''Patients Face Big Bills as Insurers Deny Emergency Claims.'' After citing a similar case involving a Seattle woman, USA Today made some telling observations: ''Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford;'' or, ''All patients are put at risk if hospitals facing uncertainty about payment are forced to cut back on medical care.''

And this is hardly an isolated problem. The Medicare Rights Center in New York reported that 10 percent of complaints for Medicare HMOs related to denials for emergency room bills. The editorial noted that about half the States have enacted prudent layperson definitions for emergency care this decade, and Congress has passed such protection for Medicare and Medicaid recipients. Nevertheless, the USA Today editorial concludes that this patchwork of laws would be much strengthened by passage of a national prudent layperson standard that applies to all Americans.

The final sentence of the editorial reads, ''Patients in distress should not have to worry about getting socked with big health bills by firms looking only at their bottom line.''

Mr. Speaker, I include the full text of this editorial for the RECORD:

[From USA Today, May 4, 1999]

PATIENTS FACE BIG BILLS AS INSURERS DENY EMERGENCY CLAIMS

Early last year, a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help, only to be whisked to the nearest hospital, where she was promptly admitted.

To most that would seem a prudent course of action. Not to her health plan. It denied payment because she didn't call the plan first to get ''pre-authorized,'' according to an investigation by the Washington state insurance commissioner.

The incident is typical of the innumerable bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs. But denial of payment for emergency care presents a particularly dangerous double whammy:

Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

All patients are put at risk if hospitals, facing uncertainty about payment, are forced to cut back on medical care.

Confronted with similar outrages a few years ago, the industry promised to clean up its act voluntarily, and it does by and large pay up for emergency care more readily than it did a few years ago. In Pennsylvania, for instance, denials dropped to 18.6% last year from 22% in 1996.

That's progress, but not nearly enough. Several state insurance commissioners have been hit with complaints about health plans trying to weasel out of paying for emergency room visits that most people would agree are reasonable—even states that mandate such payments. Examples:

Washington's insurance commissioner sampled claims in early 1998 and concluded in an April report that four top insurers blatantly violated its law requiring plans to pay for ER care. Two-thirds of the denials by the biggest carrier in the state—Regence BlueShield—were illegal, the state charged, as were the majority of three other plans' denials. The plans say those figures are grossly inflated.

The Maryland Insurance Administration is looking into complaints that large portions of denials in that state are illegal. In a case reported to the state, an insurance company denied payment for a 67-year-old woman complaining of chest pain and breathing problems because it was ''not an emergency.''

Florida recently began an extensive audit of the state's 35 HMOs after getting thousands of complaints, almost all involving denials or delays in paying claims, including those for emergency treatments.

A report from the New York-based Medicare Rights Center released last fall found that almost 10% of those who called the center's hotline complained of HMO denials for emergency room bills.

ER doctors in California complain that Medicaid-sponsored health plans routinely fail to pay for ER care, despite state and federal requirements to do so. Other states have received similar reports, and the California state Senate is considering a measure to toughen rules against this practice.

The industry has good reason to keep a close eye on emergency room use. Too many patients use the ER for basic health care when a much cheaper doctor's visit would suffice.

But what's needed to address that is better patient education about when ER visits are justified and better access to primary care for those who've long had no choice other than the ER, not egregious denials for people with a good reason to seek emergency care.

Since the early 1990s, more than two dozen states have tried to staunch that practice with ''prudent layperson'' rules. The idea is that if a person has reason to think his condition requires immediate medical attention, health plans in the state are required to pay for the emergency care. Those same rules now apply for health plans contracting with Medicare and Medicaid.

A national prudent layperson law covering all health plans would help fill in the gaps left by this patchwork of state and federal rules.

At the very least, however, the industry should live up to its own advertised standards on payments for emergency care. Patients in distress should not have to worry about getting socked with big health bills by firms looking only at their own bottom line.

Mr. Speaker, there are few people in this country who have not had difficulty getting health care from their HMO. Whether we are talking about extreme cases like little Jimmy Adams or routine difficulties in obtaining care that seem all too common, the public is getting frustrated by managed care. In fact, the HMO industry has earned a reputation with the public that is so bad that only tobacco companies are held in lower esteem.

Let me cite a few statistics. By more than two to one, Americans support more government regulation of HMOs. Last month, the Harris Poll revealed that only 34 percent of Americans think managed care companies do a good job of serving their customers. That is down sharply from the 45 percent who thought that a year ago.

Maybe more amazing were the results when Americans were asked whether they trusted a company to do the right thing if they had a serious safety problem. By nearly two to one Americans would not trust HMOs in such a situation. That level of confidence was far behind other industries such as hospitals, airlines, banks, automobile manufacturers, and pharmaceutical companies. In fact, the only industry to fare worse than the managed care industry on the trust issue was the tobacco companies.

Anyone who still needs proof that managed care reform is popular with the public just needs to go to the movie ''As Good As It Gets.'' Audiences clapped and cheered during the movie when Academy Award winner Helen Hunt expressed an expletive about the lack of care her asthmatic son was getting from their HMO. No doubt the audiences' reactions were fueled by dozens of articles and news stories documenting the problems with managed care.

In September, 1997, the Des Moines Register ran an op-ed piece entitled, ''The Chilly Bedside Manner of HMOs,'' by Robert Reno, a Newsweek writer.

The New York Post ran a week-long series on managed care. Headlines included, ''HMO's Cruel Rules Leave Her

Dying for the Doc She Needs.'' Another headline blared out, ''Ex New Yorker is Told, Get Castrated So We Can Save Dollars.'' Or how about this one? ''What His Parents Didn't Know About HMOs May Have Killed This Baby.'' Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments. Instead, the HMO bureaucrat told him to hold a fundraiser. A fundraiser. Mr. Speaker, this is about patient protections, not about campaign finance reform.

To counteract this, some health plans have even taken to bashing their own colleagues. Here in Washington one ad read: ''We don't put unreasonable restrictions on our doctors. We don't tell them they can't send you to a specialist.'' In Chicago, Blue Cross ads proclaimed, ''We want to be your health plan, not your doctor.'' In Baltimore, an ad for Preferred Health Network assured customers, ''At your average health plan, cost controls are regulated by administrators. But at PHN, doctors are responsible for controlling costs.''

Advertisements like these demonstrate that even the HMOs know that there are more than a few rotten apples at the bottom of that barrel.

□ 1630

In trying to stave off Federal legislation to improve health care quality, many HMOs have insisted that the free market will help cure whatever ails managed care.

And I am a firm believer in the free market, but the health care market is anything but a free market. Free markets generally are not dominated by third parties providing first-dollar coverage. Free markets generally do not reward companies who give consumers less of what they want. And free markets usually do not feature limited competition either geographically or because an employer offers them only one choice, take it or leave it.

The Washington Business Group on Health recently released its fourth annual survey report on purchasing value in health care. Here are a few examples of how the market is working: ''To improve health care, 51 percent of employers,'' this is employers, ''51 percent of employers believe cost pressures are hurting quality. In evaluating and selecting health plans, 89 percent of employers consider cost. Less than half consider accreditation status. And only 39 percent consider consumer satisfaction reports.

''Employees are given limited information about their health plans. Only 23 percent of companies tell employees about appeals and grievance processes. And in the last 3 years, the percentage of businesses giving employees consumer satisfaction results has dropped from 37 percent to 15 percent. Over half of employers offer employees an incentive to select plans with lower costs. Only about 15 percent offer financial incentives to choose a plan with higher quality.''

Mr. Speaker, the recent Court of Appeals decision in the case ''Jones v. Kodak'' demonstrates just how dangerous the ''free market'' is to health plan patients.

Mrs. Jones received health care through her employer, Kodak. The plan denied her request for in-patient substance abuse treatment, finding that she did not meet their protocol standards. The family took the case to an external reviewer who agreed that Mrs. Jones did not qualify for the benefit under the criteria established by the plan. But that reviewer observed that ''the criteria are too rigid and do not allow for individualization of case management.'' In other words, the criteria were not appropriate for Mrs. Jones's condition.

So, in denying Mrs. Jones's claim, the 10th Circuit Court of Appeals held that ERISA, the Employment Retirement Income Security Act, does not require plans to state the criteria used to determine whether a service is medically necessary. On top of that, the court ruled that unpublished criteria are a matter of plan design and structure rather than implementation and, therefore, not reviewable by the judiciary.

Well, Mr. Speaker, the implications of this decision are breathtaking. ''Jones v. Kodak'' provides a virtual road map to enterprising health plans on how to deny payment for medically necessary care. Under ''Jones v. Kodak'' health plans do not need to disclose to potential or even current enrollees the specific criteria they use to determine whether a patient will get treatment. There is no requirement that a health plan use guidelines that are applicable or appropriate to a particular patient's case.

And most important to the plans, the decision assures HMOs that if they follow their own criteria, then they are shielded from court review. It makes no difference how inappropriate or inflexible those criteria can be since, as the court in ''Jones'' noted, this is a plan design issue and, therefore, not reviewable under ERISA.

Well, if Congress, through patient protection legislation, does not address this issue, many more patients will be left with no care and no recourse to get that care. ''Jones v. Kodak'' sets a chilling precedent, making health plans and the treatment protocols untouchable.

For example, a plan could promise to cover cleft lip surgery for those born with this birth defect but they could put, under ''Jones,'' in undisclosed documents that the procedure is only medically necessary once the child reaches the age of 16 or that coronary bypass operations are only medically appropriate for those who have previously survived two heart attacks.

Logic and principles of good medical practice would dictate that is not sound health care. But the ''Jones'' case affirms that health plans do not have to consider good health care, all they have to look at is the bottom line.

Unless Federal legislation addresses this issue, patients will never be able to find out what criteria their health plan uses to provide care and external reviewers who are bound by current law will be unable to find out what those policies are and to reach independent decisions about the medical necessity of a proposed treatment using generally accepted principles of standards of care. And the Federal ERISA law will prevent courts from engaging in those inquiries, too.

The long and the short of the matter is that sick patients will find themselves without proper treatment and without recourse.

Mr. Speaker, I have introduced legislation, H.R. 719, the Managed Care Reform Act, which addresses the very real problems in managed care. It gives patients meaningful protections. It creates a strong and independent external review process. And it removes the ERISA shield which health plans have used to prevent State court negligence actions by enrollees who are injured as a result of the plan's negligence.

This bill has received a great deal of support and has been endorsed by consumer groups like the Center for Patient Advocacy, the American Cancer Society, the National Association of Children's Hospitals, the National Multiple Sclerosis Society.

It has also been supported by many health care groups, such as the American Academy of Family Physicians, whose members are on the front lines and who see how faceless HMO bureaucrats thousands of miles away, bureaucrats who have never even seen the patient, deny needed medical care because it does not fit their criteria.

I would like to focus on one small aspect of my bill, especially the way in which it addresses the issue of the Employment Retirement Income Security Act, ERISA. It is alarming to me that ERISA combines a lack of effective regulation of health plans with a shield for health plans that largely gives them immunity from liability for their negligent actions.

Mr. Speaker, personal responsibility has been a watchword for this Republican Congress, and this issue should be no different. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created the ERISA loophole, and Congress should fix it.

My bill has a compromise on the issue of health plan liability. I continue to believe that health plans that make negligent medical decisions

should be accountable for their actions. But winning a lawsuit is little consolation to a family that has lost a loved one. The best HMO bill ensures that health care is delivered when it is needed. And I also believe that the liability should attach to the entity that is making that medical decision.

Many self-insured companies contract with large managed care plans to deliver care. If the business is not making those discretionary decisions, then in my bill, they would not face liability. But if they cross that line and determine whether a particular treatment is medically necessary in a given case, then they are making medical decisions and they should be held accountable for their actions.

However, to encourage health plans to give patients the right care without having to go to court, my bill provides for both an internal and an external appeals process that is binding on the plan.

Mr. Speaker, that is where it varies with what passed this House last year. Sure, there was an external appeals process in last year's bill, but it was not binding on the plan. An external review could be requested in my bill by either the patient or by the health plan.

I can see some circumstances where a patient is requesting an obviously inappropriate treatment, like laetrile for cancer, and the plan would want to take that case to an external review. That would back up their decision and it would give them an effective defense if they were ever dragged into court to defend that decision.

So when I was discussing this idea with the President of Wellmark Iowa Blue Cross/Blue Shield, he expressed support for the strong external review. In fact, he told me that his company is instituting most of the recommendations of the President's Commission on Health Care Quality and that he did not foresee any premium increases as a result. Mostly what it meant, he told me, was tightening existing safeguards and policies already in place.

This CEO also told me that he could support a strong independent external review system like the one in my bill. But he said, if we do not make that decision and we are just following the recommendation of that external review panel, then we should not be liable for punitive damages. And I agree with that.

Punitive damage awards are meant to punish outrageous and malicious behavior. If a health plan follows the recommendation of an independent review board composed of medical experts, it is tough to figure out how that health plan has acted with malice.

So my bill provides health plans with a complete shield from punitive damages if they promptly follow the recommendations of that external review panel. And that I think is a fair compromise to the issue of health plan liability.

I certainly suspect that Aetna wishes they had had an independent peer panel available, even with a binding decision on care, when it denied care to David Goodrich. Earlier this year, a California jury handed down a verdict of $116 million in punitive damages to his widow, Teresa Goodrich. If Aetna or the Goodriches had had the ability to send the denial of care to an external review, they could have avoided the courtroom, but more importantly, David Goodrich probably would have received the care that he needed and he might still be alive today.

And that is why my plan should be attractive to both sides. Consumers get a reliable and quick external appeals process which helps them get the care they need. But if the plan fails to follow the external reviewer's decision, the patient can sue for punitive damages.

And health insurers whose greatest fear is that $50 million or $100 million punitive damages award can shield themselves from those astronomical awards but only if they follow the recommendations of an independent review panel, which is free to reach its own decision about what care is medically necessary.

Now, the HMOs say that patient protection legislation will cause premiums to skyrocket. There is ample evidence, however, that that is not the case.

Last year, the Congressional Budget Office estimated that a similar proposal, which did not include the punitive damages relief that is in my bill, would have increased premiums around 4 percent cumulative over 10 years. And when Texas passed its own liability law 2 years ago, the Scott and White health plan estimate, that premiums would have to increase just 34 cents per member per month to cover the costs.

Now, Mr. Speaker, those are hardly alarming figures. And the low estimate by Scott and White seems accurate since only one suit has been filed against a Texas health plan since that law was passed. That is far from the flood of litigation that the opponents to that legislation predicted. I have been encouraged by the positive response my bill has received, and I think that this is the basis for what could be a bipartisan bill this year.

In fact, the Hartford Courant, a paper located in the heart of insurance country, ran a very supportive editorial on my bill by John MacDonald.

□ 1645

Speaking of the punitive damages provision, MacDonald called it "a reasonable compromise" and he urged insurance companies to embrace the proposal as "the best deal they see in a long time."

Mr. Speaker, I ask that the full text of the editorial by John MacDonald be included in the RECORD at this point.

[From the Hartford Courant, Mar. 27, 1999]

A COMMON-SENSE COMPROMISE ON HEALTH CARE

(By John MacDonald)

U.S. Rep. Greg Ganske is a common-sense lawmaker who believes patients should have more rights in dealing with their health plans. He has credibility because he is a doctor who has seen the runaround patients sometimes experience when they need care. And he's an Iowa Republican, not someone likely to throw in with Congress' liberal left wing.

For all those reasons, Ganske deserves to be heard when he says he has found a way to give patients more rights without exposing health plans to a flood of lawsuits that would drive up costs.

Ganske's proposal is included in a patients' bill of rights he has introduced in the House. Like several other bills awaiting action on Capitol Hill, Ganske's legislation would set up a review panel outside each health plan where patients could appeal if they were denied care. Patients could also take their appeals to court if they did not agree with the review panel.

But Ganske added a key provision designed to appeal to those concerned about an explosion of lawsuits. If a health plan followed the review panel's recommendation, it would be immune from punitive damage awards in disputes over a denial of care. the health plan also could appeal to the review panel if it thought a doctor was insisting on an untested or exotic treatment. Again, health plans that followed the review panel's decision would be shielded from punitive damage awards.

This seems like a reasonable compromise. Patients would have the protection of an independent third-party review and would maintain their right to go to court if that became necessary. Health plans that followed well-established standards of care—and they all insist they do—would be protected from cases such as the one that recently resulted in a $120.5 million verdict against an Aetna plan in California. Ganske, incidentally, calls that award "outrageous."

What is also outrageous is the reaction of the Health Benefits Coalition, a group of business organizations and health insurers that is lobbying against patients' rights in Congress. No sooner had Ganske put out his thoughtful proposal than the coalition issued a press release with the headline: Ganske Managed Care Reform Act—A Kennedy-Dingell Clone?

The headline referred to Sen. Edward M. Kennedy, D-Mass., and Rep. John D. Dingell, D-Mich., authors of a much tougher patients' rights proposal that contains no punitive damage protection for health plans.

The press release said: "Ganske describes his new bill as an affordable, common sense approach to health care. In fact, it is neither. It increases health care costs at a time when families and businesses are facing the biggest hike in health care costs in seven years."

There is no support in the press release for the claim of higher costs. What's more, the charge is undercut by a press release form the Business Roundtable, a key coalition member, that reveals that the Congressional Budget Office has not estimated the cost of Ganske's proposal. The budget office is the independent reviewer in disputes over the impact of legislative proposals.

So what's gong on? Take a look at the coalition's record. Earlier this year, it said it was disappointed when Rep. Michael Bilirakis, R-Fla., introduced a modest patients'

rights proposal. It said Sen. John H. Chafee, R-R.I., and several co-sponsors had introduced a ''far left'' proposal that contains many extreme measures. John Chafee, leftist? And, of course, it thinks the Kennedy-Dingall bill would be the end of health care as we know it.

The coalition is right to be concerned about costs. But the persistent No-No-No chorus coming from the group indicates it wants to pretend there is no problem when doctor-legislators and others know better.

This week, Ganske received an endorsement for his bill from the 88,000-member American Academy of Family Physicians. ''These are the doctors who have the most contact with managed care,'' Ganske said. ''They know intimately what needs to be done and what should not be done in legislation.''

Coalition members ought to take a second look. Ganske's proposal may be the best deal they see in a long time.

It is also important to state what this bill does not do to ERISA plans. It does not eliminate ERISA or otherwise force large, multiState health plans to meet benefit mandates of each and every State.

Now, this is an exceedingly important point. Just 2 weeks ago, I had representatives of a major employer from the upper Midwest in my office. They urged me to rethink my legislation because they alleged it would force them to comply with benefit mandates of each State and that the resulting rise in costs would force them to discontinue covering their employees. Frankly, Mr. Speaker, I was stunned by their comments, because their fears are totally unfounded.

It is true that my bill would lower the shield of ERISA and allow plans to be held responsible for their negligence, but it would not—let me repeat, Mr. Speaker—it would not alter the ability of group health plans to design their own benefit package. I want to be totally clear on this. The ERISA amendments in my bill would allow States to pass laws to hold health plans accountable for their actions, but it would not allow States to subject ERISA plans to a variety of State benefit mandates.

Before closing, Mr. Speaker, I also want to address something that should not be in patient protection legislation. I am speaking specifically of extraneous provisions that could bog down the bill and severely weaken its chances for passage. In particular, there have been reports in the press and elsewhere that the managed care reform legislation will at some point be married with a bill to increase access to health insurance. Let me be clear about this. While I strongly believe that Congress should consider ways to make health insurance more affordable, it would be a tremendous mistake to try to join these two issues together. It would present too many opportunities for needed patient protections to become sidetracked in fights over tax policy or the future of the employer-based system.

There are many reforms to improve access to health care that I support. I have long advocated Medical Savings Accounts. In fact, Mr. Speaker, I wrote a White Paper about their potential benefits in 1995; and I was very pleased to see them created first for small businesses and the uninsured and then 2 years ago for Medicare recipients.

I also support changing the tax law so that individuals receive the same tax treatment as large businesses when buying health insurance. It does not make sense to me why a big business and its employees can deduct the cost of health benefits but an employee of a small company that does not offer health insurance has to pay all the cost with after-tax dollars.

But ideas like Association Health Plans, also known as Multiple Employer Welfare Associations, and HealthMarts could, in my opinion, destroy the individual market by leaving it with a risk pool that is sicker and more expensive.

Simply put, an Association Health Plan is a pool of individuals or employers who band together and form a group that self-insures. By doing so, they remove themselves from regulation by State insurance commissioners and instead subject themselves to regulation, or I would say lack of regulation, by the Federal ERISA law.

While Association Health Plans may provide a measure of efficiency for employers, they leave employees without any real safeguards against the less honorable practices of health insurers.

In a very real sense, ERISA remains the ''wild west'' of health care. Unlike State laws, which regulate quality, ERISA contains only minimal safeguards.

Among its many shortcomings, ERISA does not impose any quality assurance standards or other standards for utilization review. ERISA does not allow consumers to recover compensatory or punitive damages if a court finds against the health plan in a claims dispute. ERISA does not prevent health plans from changing, reducing or terminating benefits. And, with few exceptions, ERISA does not regulate the design or content, such as covered services or cost sharing, of a plan. Remember from the Jones case how important that issue can be. And ERISA does not specify any requirements for maintaining plan solvency.

I confess, I cannot understand why some Members would want to place more employees in health plans regulated by ERISA. If anything, we should be moving in the opposite direction and returning regulatory authority to State insurance commissioners.

In a letter to Congress in June, 1997, the American Academy of Actuaries wrote:

While the intent of the bill is to promote Association Health Plans as a mechanism for improving small employers' access to affordable health care, it may only succeed in doing so for employees with certain favorable risk characteristics. Furthermore, this bill contains features which may actually lead to higher insurance costs.

That letter is in reference to the bill that passed the House last year.

The Academy went on to explain how those plans could undermine State insurance reforms:

The resulting segmentation of the small employer group market into higher and lower cost groups would be exactly the type of segmentation that many State reforms have been designed to avoid. In this way, exempting them from State mandates could defeat the public policy purposes intended by State legislatures.

The Academy also pointed out that these plans ''weaken the minimum solvency standards for small plans, relative to the insured marketplace, which may increase chances for bankruptcy and fraud.''

These concerns were echoed in a jointly signed letter by the National Governors Association, the National Conference of State Legislatures, and the National Association of Insurance Commissioners. They argued that Association Health Plans, and I might add HealthMarts, ''substitute critical State oversight with inadequate Federal standards to protect consumers and to prevent health plan fraud and abuse.''

Mr. Speaker, attempting to attach Association Health Plans or HealthMarts to patient protection legislation poses two very real dangers. First, Association Health Plans undermine the insurance market and can leave consumers without meaningful protections from HMO abuses. Second, I am very concerned that the opposition to AHPs and HealthMarts, if they are added to a patient protect bill, will bog down patient protection legislation and lead it to suffer the same death that it did last year. In other words, Mr. Speaker, Association Health Plans, HealthMarts, these are real poison pills.

Mr. Speaker, on behalf of patients like Jimmy Adams, who lost his hands and feet because an HMO would not let his parents take him to the nearest emergency room, I promise that I will fight efforts to derail managed care reform by adding these sorts of untested and potentially harmful provisions to patient protection legislation. And I pledge to do whatever it takes to ensure that opponents of reform are not allowed to mingle these issues in order to prevent passage of meaningful patient protections.

Finally, Mr. Speaker, time is flying. It is already the middle of May. The gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, and the gentleman from Florida (Mr. BILIRAKIS) the chairman of the Subcommittee on Health, now have a draft of patient protection legislation prepared by the gentleman from

Oklahoma (Mr. COBURN), the gentleman from Georgia (Mr. NORWOOD) and myself. That draft should serve as the basis for the chairman's mark.

The American Medical Association has just written me a letter that contains high praise for this draft. Mr. Speaker, I ask that the full text of this letter be included in the RECORD at this point.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 12, 1999.

Hon. GREG GANSKE,
Longworth House Office Building, House of Representatives, Washington, DC

DEAR REPRESENTATIVE GANSKE: On behalf of the 300,000 physician and student members of the American Medical Association (AMA), I would like to thank you for your efforts in drafting a compromise patient protection package for the Commerce Committee. The draft proposal, developed by Representatives Tom Coburn, MD (OK) and Charles Norwood, DDS (GA), and you, is a significant milestone in the advancement of real patient protections through the Congress. We look forward to working with you to perfect the draft bill through the committee process and to pass a comprehensive, bipartisan patient protection bill this year.

It is imperative that a patient protection bill be reported out of committee and be considered on the floor prior to the July 4th recess. The AMA stands ready to help further advance these important patient protections through the committee process, the House floor and final passage.

The AMA applauds the inclusion of ''medical necessity'' language that is fair to patients, plans and physicians alike. We are particularly pleased with the non-binding list of medical necessity considerations that you have incorporated into the draft bill.

The AMA is pleased with the incorporation of the ''state flexibility'' provisions that allow patient protections passed by various states to remain in force. Allowing preexisting patient protection laws to remain in force is critical to the success of federal patient protection legislation such as the draft bill.

The draft bill also offers patients a real choice by incorporating a ''point of service'' option provision. The AMA supports this important patient protection because it puts the full power of the free market to work to protect consumers.

We applaud your inclusion of a comprehensive disclosure provision that allows consumers to make educated decisions as they comparison shop for health care coverage. The AMA also notes with great appreciation the many improvements that the draft bill makes over last year's Patient Protection Act.

The draft bill expands consumer protections with a perfected ''emergency services'' provision. By eliminating the cost differential between network and out-of-network emergency rooms, the draft bill offers expanded protection for patients who are at their most vulnerable moments.

We support the strides the draft bill takes in protecting consumers with a comprehensive ban on gag practices. This is an important consumer protection that the AMA has been seeking for more than six years.

We commend the improvements incorporated in the ''appeals process'' provisions of the draft bill. The bill represents a major step toward guaranteeing consumers the right to a truly independent, binding and fair review of health care decisions made by their HMO.

The April 22nd draft copy of the bill makes a strong beginning for the Commerce Committee and the 106th Congress on the issue of patient protection and reaffirms the leadership role that you have assumed in the process. While you have raised some concerns about the process, the AMA stands ready to assist in completion of this legislative task. The AMA wishes to thank you for your efforts and work with you and the minority to pass a comprehensive, bipartisan patient protection bill this year. We look forward to working with you toward this goal.

Respectfully,

E. RATCLIFFE ANDERSON, Jr., MD.

Mr. Speaker, I sincerely hope that the chairmen of the committees of jurisdiction will not substantively change this draft and that they will keep it clean. It is also important that we move expeditiously on this issue. A strong patient protection bill should be debated under a fair rule on the floor by July 4.

On the floor by July 4.

Mr. Speaker, on the floor by July 4.

I look forward to working with you and with all of my colleagues to see real HMO reform signed into law this Congress.

SETTING RECORD STRAIGHT ON GAMING

The SPEAKER pro tempore (Mr. SAXTON). Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I am dismayed about the news articles this week erroneously reporting on the gaming industry. For the benefit of my colleagues, I want to set the record straight. I offer my comments on behalf of the more than 700,000 Americans who are employed by legal and well-regulated gaming.

One recent article alleged that the gaming industry has caused major problems in our society and that it exploits the public. Another article includes the allegation that the only people who go to casinos are elderly Social Security recipients. These unfounded and outrageous allegations are a product of what objective researchers call the circle of disinformation about the gaming industry, disinformation spawned by a clique of antigaming zealots.

Unfortunately, this disinformation finds its way into the press, misleading the public and hurting the reputation of each of the 700,000 Americans employed by the industry.

Gaming must be the most studied industry in the United States, and study after study shows that the industry's customers come from all age groups, all geographic areas and from all walks of life. They choose legal gaming as a part of their leisure activities. And study after study shows that, by a large margin, Americans firmly believe that people should be allowed to participate in gaming if they so choose to do so.

Academic studies also show that legal gaming does not cause society's problems. To the contrary, the research on the benefits of the industry to the communities are lengthy and convincing. Tens of thousands of gaming employees are in good jobs rather than being on welfare and on food stamps. Two-thirds of the gaming employees report they have better health care because of their jobs in gaming. More than 40 percent say they have better access to day care as a result of employment in the gaming industry.

The industry has a payroll approaching $9 billion, generating tremendous community economic benefits. Gaming employees buy houses and cars and appliances. In many areas, they have ignited economic booms. For example, my hometown of Las Vegas now ranks in the top three best cities to start up a business because of favorable taxes, a lower crime rate, job growth and recreational facilities and civic pride, all stimulated by a robust gaming economy.

I encourage my colleagues to look closely at the well-documented facts about the gaming industry, rather than being influenced by the distortions that come from a circle of disinformation. I can use myself as an example, having been raised in Las Vegas. My family moved there 38 years ago. My dad was able to get a job and, because of the robust economy that the gaming industry provided Las Vegas, he managed to put a roof over our head, food on the table, clothes on our back and two daughters through college and law school. The reason for that was a robust economy fueled by the gaming industry. I ask my colleagues to look to me as an example, look to my family, look to my parents, and look to my children as cited as examples of what good community gaming can foster.

INTRODUCTION OF COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I rise this evening to discuss an issue of great importance to so many Americans, and that is financial security in retirement. It is an important issue that has made the headlines a lot lately because of the retirement squeeze that our country faces.

We have more and more people who are going to be retiring, the baby boom generation, 76 million Americans, including myself, beginning to retire in 10 short years. We have people living much longer in this country, which is a

good thing. But it is a huge demographic shift, this combination of this big generation retiring and people living longer, that is putting a lot of pressure on our retirement systems.

The Social Security system is not ready for it. Most of us know that now. But also our private retirement system, the employer-sponsored pension system, is not ready for it. Social Security needs to be a top priority of this Congress and this President.

I would love to see Social Security reform this year. I am pushing hard for it. But Social Security is only one component of a secure retirement for Americans. It was never intended to meet all the financial needs of retirement and for most Americans, of course, it does not, as this chart shows.

In fact, retirement security has often been called the three-legged stool, because people depend on three aspects of retirement savings. One is Social Security, one is personal savings and another one, a very important one, is employer-provided pensions.

□ 1700

The fourth part of this pie, of course, is people's earnings after they retire from a full-time job, but it is employer provided pensions that 19 percent of people's retirement that I would currently like to focus on today.

This is 401(k) plans. This is profit sharing plans. This is all of the plans that people who have a comfortable retirement have to supplement their Social Security.

It is interesting when we look at pensions as compared to Social Security benefits. It is already a very important part of the retirement for so many Americans. In fact, last year more money was paid out through employer provided pensions than was paid out under Social Security.

But all is not well with our pension system, not well at all in fact. Fewer than half of Americans who are working today have pensions. This is a major problem.

Madam Speaker, in 1983 about 48 percent of Americans had pensions. One would think that by 1993 we would have improved that and said it was only about 50 percent. It remains there. Sixty million American workers do not have access to one of the most important means of a comfortable, secure retirement, and that is pension savings. Half of all workers do not have it, and actually it is worse than that among those employees of small businesses. Among our smaller businesses where so many of our jobs are being created in our economy today fewer than half of the workers have pensions. In fact when we combine those companies between 1 and 10 employees and those between 10 and 25 employees, the average for those smaller companies, and again this the companies that are creating most of the new jobs out there, is that only 19 percent of them offer any kind of pension program at all today. So those employees with smaller businesses even have less of an opportunity to be able to get the kind of retirement security that they deserve.

Why is that? Madam Speaker, it is because setting up these plans, these pension plans, 401(k)s and so on, has become so costly and so burdensome, maintaining them has become so costly and there is so much liability that small businesses cannot afford to do it. Not enough workers have pension coverage at a time when our overall savings rate in this country also is terribly low. In fact, it is at historically low levels, and this is a real problem. Economists will tell us, whether they are liberal, centrist or conservative economists, we have got to increase the savings rate in this country if we want to continue to have the kind of economic prosperity we have enjoyed over the last several years.

We have a plan to solve these problems. It is called the Comprehensive Retirement Security and Pension Reform Act of 1999. I have introduced it this year with my colleague and friend the gentleman from Maryland (Mr. CARDIN). It is designed to dramatically increase personal savings rate and overall retirement security for millions of Americans by expanding the availability of pensions. It knocks down barriers to savings by raising limits and allowing workers to set more aside tax free for their retirement. It also untangles the complex and irrational rules and cuts through the red tape that burdens retirement plans and their participants, and it creates new incentives for small businesses to establish these pension plans. It has a wonderful catch-up provision where older workers who are coming back into the work force can put even more aside for their pensions. This is particularly important for working moms who have been out of the work force but coming back after age 50 and want the opportunity to get more in the nest egg for their retirement. It responds to the needs of the increasingly mobile work force we have in this country by allowing people to vest faster in their pension plans and allowing portability so you can move your pension plan from job to job, which is so important to many, Americans. We believe that changing jobs should not mean that you get short changed on your retirement savings and your sense of security in retirement.

If enacted, these changes will expand savings, and they will make the difference between mere subsistence in retirement and retirement security for millions of workers nationwide.

I urge my colleagues to cosponsor the legislation, H.R. 1102.

FORMULATING A RATIONAL DRUG POLICY

The SPEAKER pro tempore (Mrs. BONO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Madam Speaker, I come before the House again tonight to talk primarily about one of the major issues I am involved in in the United States Congress and as a Member of the House of Representatives.

I have the privilege and opportunity to serve as the Chair during the 106th Congress of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and in that capacity it is my responsibility to help formulate a rational drug policy both for the House of Representatives, for the United States Congress and, hopefully, for the American people, to deal with a problem that is epidemic and devastating across our land. We do not fail to pick up a newspaper across the United States today or in my local community in central Florida and not read about some tragedy, particularly among our young people, some faceless, some unknown, some celebrities, some stars; one last week, I believe Mark Tuinei of the Dallas Cowboys. A 39-year-old healthy successful athlete died tragically from the results of a heroin overdose. I understand it was one of the first times he had ever used heroin. I understand it was also possibly in conjunction with another drug, possibly ecstacy. I am sure all this is to be investigated, but nonetheless he did die a tragic death, and we lost another young athletic star.

But, Madam Speaker, it is my concern that we cannot get attention to this problem.

This past couple of weeks the Nation has been focused and riveted on the tragedy at Columbine High School in Colorado, and certainly this horrific act in Colorado and Littleton did cause all of us pause and concern about the state of violence in our school system and education and with our young people.

But, Madam Speaker, there are three Columbine High Schools or the equivalent of the death and destruction among our population every single day in America. There are three Columbine High School tragedy equivalents across our land on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday and every one of the 365 days. Last year over 14,000 Americans lost their lives to drug-related deaths. The statistics are mind-boggling when you stop and think that in the last 6 years of this administration over 100,000 Americans, the equivalent of cities of significant population have been entirely wiped out by drug-related deaths, and what is more disturbing is some of the policies of this administration which were instituted in the first 2 years

when they controlled the United States House of Representatives, the other body, the United States Senate, and the White House, that in fact we are still reeling from the devastating effects of those policies on our country and particularly in the area of illegal narcotics deaths.

We have seen a dramatic increase in both the use and abuse of very hard drugs including heroin. A heroin epidemic exists and rages across this land, in my own community. Our young people, our teenage population in the last 5 years, has experienced an 875 percent increase in heroin use. Now I am talking about our teen population, our youngest victims in again this epidemic of heroin.

What has also caused the record number of deaths and I am sure will be attributed to the deaths we have read about just in the past few days in my local community and the death I cited of a Dallas Cowboys athlete is the high purity of heroin that is entering the United States. People today have no idea of the deadly effects of high purity heroin, and particularly when they are used with any other substance the results are devastating.

In my local community, and I represent central Florida from Orlando to Daytona Beach, a very prosperous area, an area that has a high education level, a high income level, again relatively high prosperity across the district, we have a situation of heroin deaths now exceeding homicides in that, again, tranquil part of central Florida, and this is no longer a problem of one urban addiction population, a hardcore use in, again, center cities problem; this is a problem that now extends to every income level and, again, particularly is violent and prevalent among our young people and our teenage population.

The cost of this epidemic is staggering. We have filled our prisons across this great land with almost 2 million Americans incarcerated. Estimates are now that 60 to 70 percent of those behind bars in our jails, in our prisons, in our Federal penitentiaries are there because of some drug-related offense. And many of these individuals are there because they committed a very serious crime, not small usage of illegal narcotics, but very serious felonies, and sometimes because they were on drugs or sometimes they were dealing in illegal narcotics, but the results are 60 to 70 percent of our prison population across this land is now again involved and has been involved with illegal narcotics.

If my colleagues want to take an example of a human tragedy, take the area we are in, Madam Speaker, the Nation's Capital, an area that is visited by thousands and thousands of tourists daily. It should be the pride of every American, and unfortunately, my colleagues, Washington, because of illegal narcotics, has become a sad commentary on the abuse and misuse of illegal narcotics. Three hundred fifty to 400 young men in most instances, and mostly black males, in our nation's capital have died annually the past 6 or 7 years, tragic deaths, and most of them related to illegal narcotics. The situation is even worse when you look at the effect again on the minority population, the young black males who have so much potential in our society. In the District of Columbia nearly 50 percent of the male population is part of the judicial system on probation or behind bars, again an incredible human tragedy and much of it linked to the abuse and misuse and trafficking in illegal narcotics.

□ 1715

The cost in dollars, not to mention the human tragedy that I just mentioned, is phenomenal. As chair of the subcommittee, we are now trying to work with others in the Congress to formulate a package to address in dollars the direct cost of illegal narcotics, and we do not have all of the costs combined in this figure but we will be somewhere in the neighborhood of $18 billion that Congress is about to pass a supplemental appropriations, of which $6.9 billion can be attributed to the war in Kosovo and we are looking at double to triple of that direct cost in our budget to the war on drugs, which again is an expensive proposition.

Madam Speaker, these are only the direct costs that I am referring to, this $18 billion we will consider for the next fiscal year. There are a quarter of a trillion dollars in additional costs, in lost wages, in incarceration, in costs to the judicial system, in welfare and support systems and social systems and the loss, the tremendous loss, of people involved and victims of illegal narcotic trafficking.

So the loss in lives and direct human lives is incredible. The loss in dollars and cents to the taxpayers and the costs that the Congress must cover in expenses for, again, this situation and illegal narcotics is phenomenal.

Again, some of the problems that we are facing today emanated from a change in policy. It may have been well intended. During the Reagan administration, and I had the opportunity to serve with Senator Paula Hawkins who initiated many of the anti-narcotics legislative and administrative efforts working with the Reagan administration in the early eighties, Florida was inundated with cocaine and other illegal narcotics trafficking, but a strategy to stop drugs at their source, a strategy to interdict illegal narcotics as they came from their source, a strategy to employ the military, the Coast Guard and other United States assets before the illegal narcotics ever got to our shores, all of these programs were put in place.

Additionally, we had a First Lady who developed a program working with legislative leaders and the President and others. It was a simple program. She developed a program that said, just say no, to our young people. The results were pretty dramatic.

If we look in the early eighties, we had high drug usage. We had increasing narcotics trafficking, and those statistics and figures went down steadily through the Reagan administration of the 1980s into the early 1990s when President Bush continued those policies.

It was not until 1993, with this administration, that they began dismantling, first of all, the drug czar's office. We cannot fight a national or international effort without the proper resources, without the proper direction, and certainly with so many Federal agencies involved and responsible for various elements of combatting illegal narcotics, whether it is the Department of Education, HHS, the Department of Justice, the DEA, our Drug Enforcement Administration, the Coast Guard, which is under transportation and other agencies, unless there was a good coordinating operation which was established again under the Reagan administration, and with the position of drug czar, can you have an effective anti-narcotics, illegal narcotics, operation or administration at the Federal level. So the first mistake that was made was dismantling that office and cutting dramatically their resources.

Next, the Clinton administration, and this is now history, cut the source country operations. If we look at how to stop illegal narcotics in huge quantities from entering the United States, we merely look at the sources. Now, if we had cocaine growing in every backyard or if we had cocaine coming from every nation on earth, it might be impossible to stop cocaine and coca production in every one of these sources, but, in fact, we have known that the three countries involved in the production of coca were Bolivia, Peru and Colombia. Ninety percent of the cocaine and coca was actually produced in Bolivia and Peru. However, again, changes from this administration have now made Colombia the major producer of coca and cocaine in the entire world, now exceeding what Peru and Bolivia had captured as the major source of production.

So we had, again, a dramatic decrease, a cut of the source country programs that cost effectively stopped the production of illegal narcotics. We knew cocaine was coming from there. We knew heroin and other things, tough narcotics, were trafficking through Mexico, and we stopped programs to, again, stop drugs at their production source and then stop drugs at the second most cost effective stage, which is interdicting them before they ever get to the country, as they are

leaving the source country. Dramatic cuts were made in these interdiction programs.

Most of the military activities were sharply cut back, and additionally we cut the Coast Guard budget. When I say ''we,'' the Congress that was controlled, again, by the other side of the aisle, the Democrats, in 1993 to 1995. Again, they controlled both the legislative and executive branches of government when they made these cuts in the military, in the Coast Guard, in the eradication and interdiction programs.

Now, they did dramatically increase the treatment programs, but if we fought a battle and we only fought the battle by treating the wounded, it is not much of a battle. If we did that in any of our conflicts, we would be decimated. We have been, in fact, decimated in the war on drugs, because basically this administration, through the direction of President Clinton, dismantled what we had in place as a war on drugs. That is how we got to the situation where we have seen an incredible increase in narcotics, particularly heroin and cocaine and methamphetamine, coming into the United States.

Our subcommittee has looked at some of the problems relating to stopping drug trafficking, and I am pleased to inherit the responsibility I have for helping to develop this national drug strategy from the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House of Representatives.

Speaker HASTERT, in his capacity as chair of the Subcommittee on National Security, Veterans Affairs and International Relations and the Subcommitee on Criminal Justice Drug Policy and Human Resources, on which I served in the last Congress, led the fight and the effort to put our real war on drugs back together; to restore the interdiction programs; to restore the eradication, again, at the source country programs; to bring the military and the Coast Guard back in to this battle so that, again, we have a real war and effort to stop the incredible supply and quantity of hard narcotics coming into the United States.

If that is not a responsibility of the Federal Government to deal with the international problem, the supply coming into the country, I do not know what is a national responsibility for any Federal Government.

I do want to give credit to Speaker HASTERT, who in his capacity as chair of the subcommittee on which I served with him in the last Congress helped put together again these programs that were decimated by the Clinton administration and by the policy of the democrat controlled Congress from 1993 to 1995. He did an admirable job.

Not only did Speaker HASTERT restore some of the areas that are so important, eradication at the source, interdiction, use of the military, the Coast Guard and getting those resources to enforcement, he also shepherded through dramatic increases in education, because if we do not have a solid education program and make young people in particular, and all Americans, aware of the potential danger of these hard narcotics, then we cannot be successful in stopping drug abuse and the stream of illegal narcotics coming into the country.

Nearly a billion dollars in increase in funding was appropriated, a very dramatic increase, to bring us up to the levels not even of 1992 when they started dismantling some of these programs, but starting back to restore again and have an effective war on drugs.

I hear some of the critics saying the war on drugs has failed. Well, Madam Speaker, there has been no war on drugs since 1993, with this administration. It is only in the last 2 years that we have again put the adequate resources to cost effectively stop these huge quantities of deadly narcotics from entering this country. So we have begun that effort and we need to pick that effort up.

Another incredible mistake made by this administration was a decision to cut aid to Colombia. The Congress has provided aid to Colombia. Now, why should the United States provide aid, and what interest do the taxpayers and others have in providing aid to Colombia?

As I said, there are two sources of cocaine where 90 percent of the cocaine came from in all the world; it was from Peru and Bolivia. This administration stopped resources, aid, assistance, ammunition, helicopters, spare parts, despite numerous protests from Congress, from going to Colombia. They stopped the shipment and supply.

In that period of time in the last few years, 3, 4 years, now we have to understand there was almost no coca produced in Colombia some 5 years ago, with the policy of this administration and stopping again that assistance from getting there, Colombia is now the major producer in the world of coca, the raw material, and the major producer of cocaine. Not only is it a producer of the raw material, and the major processor in the entire world, again through a very direct policy of this administration, which was to cut off assistance, again, despite countless protests, despite letters, despite communications, despite pleas from Members of Congress, and I know this because I participated in this with Speaker HASTERT, the gentleman from New York (Mr. GILMAN), who chairs the Committee on International Relations, and numerous other Members of Congress who joined us in saying do not make this mistake, do not cut off this assistance to Colombia, so now we have, again, made Colombia, through an incorrect policy, the number one producer of cocaine.

In the same period of time, since President Clinton took office, Colombia produced almost no heroin. There was almost zero heroin, zero poppies and opiates produced from the country of Colombia. What has happened, Madam Speaker, is absolutely incredible in this 5, 6 year period of this administration. The largest source of heroin, and not the heroin of the 1960s or 1970s or even the 1980s, but high quality, high purity heroin, the largest source, 75 percent of all the heroin entering the United States, devastating children and people of all ages in Florida and across this Nation, 75 percent is now coming from Colombia.

Again, Colombia was not a producer of heroin of any quantity 6 years ago, and this policy of this administration has now made actually heroin so readily available its purity exceeds that of any other available drug, hard drug.

The price has dropped. The supply is so great. It is available as now a drug that can be marketed to our young people, probably lower than the price of cocaine on our streets. So we have seen a deadly brand of heroin being grown from that country.

It would be nice if people on my side of the aisle stood up and said what they have done and are doing about this situation, and it is incumbent on me not to just criticize the Clinton administration or my colleagues on the other side for their failed policies, but I think it is important that we state for the record what we have done.

In fact, I cited that Speaker HASTERT, who shared the responsibility for developing and putting back together our drug strategy, began that process, putting resources into, again, source country eradication programs, interdiction, getting funds and resources to the military and to the Coast Guard and others to fight this tremendous battle.

Additionally, we put in over a billion dollars in education funding, $191 million last year, to begin public information education and a media campaign, which will be matched by private sector donations. So we should have close to half a billion dollars before we are through this effort to educate folks.

On the front of Colombia, which has become our major source of production, it has been my pleasure to meet with President Pastrana, both in the United States here, soon after he took office, the end of last year, and visiting with him also in Colombia with other Members of Congress, to seek his cooperation, to seek Colombia's cooperation, and we are doing just that. He faces a very difficult challenge now that the Marxist guerillas, the FARC and ELN and others, have taken control of a large portion of the land area of Colombia, have dug their heels in and have now created an incredible war.

If we think the problem in Kosovo is a tragedy, thousands and thousands of

Colombians have died in this civil conflict, and certainly if we look at the national interest, if we looked at Kosovo and we looked at Colombia, our national interest with this being the source of the death of 14,000 Americans, the majority of 14,000 Americans who died, I am sure we could trace the narcotics right to Colombia.

In Colombia, dozens and dozens of elected officials, 11 members of their Supreme Court, have been murdered, killed; over 3,000 of the national police have died in a conflict giving their lives trying to combat the narcoterrorists, which are again related to a Marxist effort and narcoterrorist effort to take over Colombia, but we stopped, again, any resources going down there, ammunition, helicopters, equipment, spare parts, and we now see again this leftist-initiated civil war that has killed tens of thousands of Colombians, thousands of officials, created terror and allowed narcoterrorism to flourish in that country.

I might say that, again, we have begun to put this whole program and effort back together to deal with that situation. Several weeks ago I was so pleased to join with the gentleman from Indiana (Mr. BURTON), who is chairman of the Committee on Government Reform, the full committee of which we are a subcommittee. I also had the pleasure of joining with the gentleman from New York (Mr. GILMAN), who is the Chair of our Committee on International Affairs, two individuals who have fought for years to get resources to Colombia so we would not be in the situation we are in.

I participated with them by going to a factory in Connecticut, near New Haven, Connecticut, for delivery of Black Hawk helicopters, 6 Black Hawk helicopters, which will be supplied in the war and effort against illegal narcotics, both the production and also going after traffickers. These 6 helicopters are long overdue. There should be 16, as I said in my remarks there at the ceremony in which they were turned over. Unfortunately, it will take some months before the pilots are fully trained and before they are in the air. We are doing our part, as a majority. Speaker HASTERT again in his capacity began this initiative to make certain that now that those helicopters and those parts and that ammunition are delivered that we have a war on drugs, so that we have a cost effective operation at the source.

Madam Speaker, if we know where the majority of cocaine and coca is produced and processed, and that is Colombia, and if we know where 75 percent of the heroin coming in to the United States, and we know that without question because we have signature programs like DNA programs that can almost trace the heroin to the poppy fields where they are grown, if we know that 75 percent of this deadly heroin is coming from Colombia, why in heaven's name would we not be sending the adequate resources there?

I am here to say tonight that we are sending some of those resources on their way, and I hope that this time that this administration will not block those resources from getting to where they can do the most cost effective job in stopping deadly heroin, deadly cocaine, from coming into the United States. There is no cheaper way of stopping the supply than stopping it at its source; again, hopefully to help in the resolution of a civil war that has taken thousands of lives, and which we know is directly financed by the proceeds of this narcoterrorism.

So, again, I congratulate the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his assistance and leadership, the gentleman from Indiana (Mr. BURTON), our chair of the full Committee on Government Reform, for their efforts and persistence in getting the resources to where they can be most cost effective.

Madam Speaker, again, we try to address the issues dealing with drugs as they come into the United States and before they come into the United States in a cost effective manner. In that regard, last week my subcommittee held a hearing on the question of Panama, and the effects of the United States losing its flight operations and basically being kicked out of the Panama Canal Zone as far as any forward surveillance operations dealing with narcotics.

On May 1, the United States was prohibited from launching any flights, any narcotics surveillance missions, from the Republic of Panama. This is an incredible blow to our capability to find drugs as they come from, again, their source country. Again, we have to think of the most cost effective way to stop drugs and we have to think of where these illegal narcotics are produced, where they are processed and where the beginning of the trafficking comes from. Our ability to deal with that has been as through an operation that has been found for a number of years in Panama, particularly at Howard Air Force base where we have had various surveillance aircraft, including AWACS and others tracking and monitoring illegal narcotics flights, trafficking, doing surveillance work in cooperation with countries.

□ 1730

Most Americans are not aware of it, but again, we were kicked out May 1. The reason we were kicked out deals back to the Carter administration and the truth agreements that the United States must vacate. However, our subcommittee in Congress was led to believe that this administration was moving forward with negotiations with Panama so that we could, at a minimum, keep our narcotics surveillance operations from that base, which is just ideally located, again for the purpose of interdicting close to the source, illegal narcotics.

Unfortunately, there is no other way to put it, but the State Department bungled the negotiations and this went on until the very last minute. We were in Panama in January hoping that there could be some resolution. Unfortunately, the negotiations failed. The United States lost all access.

In fact, the United States stopped all flights from Panama on May 1. We had 15,000 flights, and we covered 100 percent of the area that needed to be covered to conduct surveillance of illegal narcotics trafficking and production.

In the hearing that we conducted last week, unfortunately we could not be told as to how many operations have been relocated.

Now, it would not be bad enough that we got kicked out and the negotiations were bungled, but part of the $18 billion that the administration has come to Congress to ask for to deal in the drug war, part of that, a large part of it, is $73 million to relocate what we had been not paying for in Panama, but to relocate operations to Aruba or Curacao with the Netherlands, and also to Ecuador.

So what has been patched together, we learned through this hearing, are interim agreements, and we have no long-term agreements, not a single long-term agreement to replace our base operations in Panama, but at a cost of $73 million, which was originally proposed to us to move these operations, which now we cannot even tell how many flights are taking off from that area, but we know that they are less than 50 percent of the coverage we had on May 1, or prior to May 1.

We know it is costing us money, and we also know that a request came to our subcommittee in Congress for an additional $40-some million, I believe it was $45 million, on top of the $73 million that we are being asked to foot the bill for for dealing with, again, a failed negotiation.

And we now have, again, less than 50 percent coverage, and it may be several years before we have any hope of having the coverage that we had from our Panama location. All this will be paid for by the taxpayers, and unfortunately, this is only the tip of the iceberg. We are also told that it may cost as much as $200 million to upgrade some facilities and some airstrips in some of these countries.

□ 1745

Unfortunately, again, we only have interim agreements, no long-term agreements. We also have a very short-term interim agreement with Ecuador, which is of concern because Ecuador has had very difficult political problems, economic instability.

If we are to house a forward operating location there and expend money, we want some assurance that taxpayers' money would be properly expended.

But we have really witnessed a small disaster, which has not been properly recorded by the press in the loss of our operations. The cost is phenomenal. It will probably be a half a billion dollars to replace these operations before we are through.

We have lost over 5,600 buildings, not to mention Howard Air Force Base and its use for these surveillance operations. We lost $10 billion in assets that the American taxpayers paid for in the Canal Zone, all quietly closed down and again leaving an incredible gap in the area that needs protection and surveillance and overflight information.

So we find ourselves in a very difficult situation trying to put this South American strategy and interdiction strategy back together. But, again, we are trying to do our best and do it in a cost-effective manner as we consider the appropriations in this budget.

So we put some of the helicopters into place in Colombia. We have got equipment going back to Colombia as an initiative of the majority, the Republican side, and efforts again by those who fought these cuts, which have had such serious implications for us.

We now are trying to piece together a forward-operating location for surveillance and interdiction of drugs at their source and do that again in a cost-effective manner, picking up the shred of disastrous negotiations by this administration as we quietly make our way from the Panama Canal Zone and pay for access to other countries.

So those are a couple of the agenda items that our subcommittee has been involved in in trying to restore our war on drugs and our efforts to curtail this major national illegal narcotics problem.

One of the other concerns that I have had, as a Member of Congress and also dealing with this drug issue, is try to come up with some solution to address what I will term the Mexican problem.

Now, in addition to Colombia, and we have now cooperation equipment going there, we look at a strategy that deals from a national perspective, an international perspective, again stopping drugs at their source. I have already cited Peru, Colombia, Bolivia and their role in providing both the production and trafficking of illegal narcotics.

The next biggest offender and really the biggest problem that we have facing us is the problem with Mexico. Unfortunately, this administration certified Mexico some weeks ago as fully cooperating in our efforts and with their efforts to stop the production and trafficking of illegal narcotics.

Nothing could probably be further than the truth. Nothing could encourage a country to just kick sand in the face of the United States and ignore the will of the United States Congress and the American people than an action to certify Mexico as fully cooperating.

Our subcommittee held a hearing on Mexican certification and decertification, and today we held another one on the question of extradition and particularly what Mexico has been doing to extradite major drug traffickers.

Let me say, if I may, for way of explanation to Members of Congress, for the Speaker's edification, that the certification law which was passed in the 1980s is a simple law. It says that no country that is not fully cooperating with the United States will be eligible to receive foreign aid or foreign assistance if they do not take steps again to fully cooperate in an effort to curtail illegal narcotics production and trafficking. Simple law, simple concept. No assistance in stopping illegal narcotics and the trafficking and production, no foreign assistance.

Again, this administration, for the past several years, has certified Mexico as fully cooperating. Why would anyone certify a country as fully cooperating who performed as follows: Mexico, first of all, in the last calendar year had a decrease in the number of seizures of heroin. Mexico had a decrease in the number of seizures of cocaine. Mexico also had a decrease in the number of vessels that were seized in narcotics trafficking.

Mexico has ignored every request of the United States Congress and Members of Congress to deal with the hard narcotics. And 50 percent of the narcotics coming into the United States can be traced either as produced or trafficked through Mexico. That is 50 percent of the death and destruction, the 14,000 Americans last year, the 100,000 Americans in the last 6 years who have lost their lives to the effects of illegal narcotics. We can trace them, again, to inaction by Mexico.

Not only do we have inaction and lack of cooperation, lack of effort on their part, we have had actually difficulty in trying to conduct any operations to stop money laundering and illegal narcotics with Mexico.

I bring to the floor and to the attention of my colleagues and the Speaker the situation with Operation Casa Blanca. We asked for cooperation in Operation Casa Blanca, which was a multimillion dollars, in fact one of the largest money laundering operations ever uncovered in the Western Hemisphere, and it involved Mexican bankers.

What did the Mexican officials do? Even though we know that they were alerted and aware of this operation, they threatened to arrest United States Customs officials who were involved in that operation.

This is not fully cooperating by any standards. This is a close ally to which the United States, the Congress, and many Members on both sides of the aisle extended incredible trade benefits through NAFTA, extended incredible finance underwriting when their currency was failing.

When their economy was faltering several years ago, we helped bolster and we do bolster through our international cooperation and finance, financing and the structure of support for international finance for Mexico. We give incredible benefits to that country, which, again, has not in any sense and in any term fully cooperated in meeting requests.

I have tonight from the hearing that we conducted several little posters, wanted posters. We have Ramon Eduardo Arellano-Felix, who has pending U.S. criminal charges dealing with conspiracy to import cocaine and marijuana. He is a fugitive, a United States fugitive. He has not been arrested by Mexico.

I used him as one example in the hearing we held just a few hours ago on extradition. We found again the request of Congress and repeated requests of the House of Representatives in particular has been for Mexico to cooperate in extraditing even one major narcotics trafficker.

Through the hearing that we held this afternoon, we learned that in fact Mexico has been requested to extradite over 270 Mexican nationals. There are over 40 major drug traffickers that we are trying to extradite. To date not one single individual major drug trafficker, not one drug kingpin has been extradited from Mexico.

We heard a tale today from the Department of Justice, Department of State how these drug lords with their oodles of death money are now subverting even the Mexican process and hiring legal experts and doing everything possible to avoid extradition.

But this individual is only one of numerous requests that we have made of Mexico year after year for extradition. This Congress and this House of Representatives passed, 2 years ago March, several simple requests of Mexico. First was extradition of major drug traffickers, even one. Again, to date, nothing has transpired.

Additionally, this House of Representatives 2 years ago asked Mexico to enter into a maritime agreement. That is so important because many of the drug traffickers use the sea lanes and water to transport and also as escape routes. It is so important that we have a maritime agreement. Still to date no maritime agreement with Mexico, another request of this House of Representatives.

Additionally, we had asked for radar to be placed in the south of Mexico, because we knew that from Colombia and from South America illegal narcotics

were coming in through Mexico. To date, no progress and radar to the south of Mexico. Another request completely ignored.

We asked additionally that our DEA agents, our drug enforcement agents that are located in Mexico, be given the ability to protect themselves, in some cases arm themselves, because they are at incredible personal risk in this war there and exposed on every front in Mexico. To date, those requests have still been ignored.

Then we asked that some of the laws that Mexico had passed to deal with illegal narcotics, trafficking and money laundering, we asked that those laws be enforced. Rather than enforcement, what the Mexicans have done, as I just cited, was kick dirt in our face in Operation Casa Blanca, threaten to arrest our United States Customs agents who uncovered multimillion dollar illegal narcotics trafficking.

So by any measure, all of the requests that we have made as a House of Representatives, as individual Members, as members of the subcommittee have been ignored.

Again we have this wanted poster. We had dozens of these at the committee hearing this afternoon of major drug lords, traffickers who have not been extradited, requests that have been pending year after year; and Mexico has ignored time and again the extradition of any of these Mexican nationals to the United States where they know and our DEA agents and our head of DEA has said that there is nothing that these traffickers fear more than coming to the United States where they will face justice, where they will face a jail term, and they will face punishment.

In these countries, many of those who we have asked for extradition after we have indicted them have fled. Many of them are free and in Mexico.

What is unfortunate, Madam Speaker, what is incredible as I conclude this evening is that this situation with Mexico again has rained tremendous damage on the United States of America who has tried to be a good friend, a good ally, and a good trading partner.

□ 1800

When a country which is a close ally and neighbor, and we have millions of great Mexican Americans in the United States who bring great diversity and tremendous contributions to our society, when we have this ally of Mexico not cooperating, it is a tragedy.

What concerns me is that we are on the verge now of seeing Mexico become a narcoterrorist state. It is unfortunate, but the reports that we have is that the entire Baja Peninsula, all the Mexican territory of the Baja Peninsula below California, is now under narcoterrorist control. They control the police, they control the local government, they control the military. Basically, the entire Baja region has become a narcoterrorist state.

Over 300 Mexicans were killed last year. Some 20 of them my colleagues may have read about were machinegunned down, women and children, in violence we had only seen when the drug lords were in power in Cali and Medellin. So Mexico is about to lose the Baja Peninsula, or has lost the Baja Peninsula.

Additionally, Mexico has lost the Yucatan Peninsula. When we met with Mexican officials and the Attorney General, who told us they were doing everything to bring the situation under control, we cited the corruption of the governor of Quintana Roo, the Yucatan Peninsula, that state where President Clinton went down and met with President Zedillo just a few months ago.

They met in another narcoterrorist state, controlled by a governor who was corrupt, who we knew was corrupt and the Mexicans knew was corrupt. In fact, the Mexicans told us the only reason they had not arrested him is because in Mexico public officials have a certain immunity while they are in office, and they were waiting for him to leave office and then he would be arrested. And what took place there just a few days before the governor of Quintana Roo, the Yucatan Peninsula, was to leave office, he fled and is now a fugitive. So we did not even get one of the major traffickers in the Yucatan Peninsula. So another major land area in Mexico is now lost to narcoterrorism.

Additionally, we have reports of mountain regions and other states and locales in Mexico being completely overtaken by narcoterrorism, and it is a different kind of activity than we have seen before with just corruption. Now we see real terrorism, where they are killing local officials and others who cross them in this incredible war that has been fueled by illegal narcotics trafficking.

So tonight, as I close, I am disappointed with the Clinton administration and the problems they have created through their policies of 1993 to 1995, but I am pleased that we have taken a new direction and, with some help from folks on both sides of the aisle, Democrat and Republican, we now have more resources going into cost-effective source country programs, to interdiction, as again we know where these drugs are coming from; for law enforcement, which is a tough way to go, but we must enforce the laws of our land and try to bring illegal narcotics trafficking under control; and also for education, so our young people know about the dangers and about the deadly heroin, cocaine and methamphetamine that is on our streets.

WHERE'S THE BEEF

The SPEAKER pro tempore (Mrs. BONO). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, where's the beef? May 13, today, marks the day in which the European Union is set to respond to its loss of the beef hormone dispute.

The 11-year-old ban on American beef has prohibited our ranchers from exporting to Europe an estimated $500 million worth of beef each year. U.S. cattle producers have won each and every decision of the World Trade Organization to open European markets. It is now time for the European Union to comply with international trading laws and to eliminate its ban on American beef.

Rarely has European protectionism been so soundly defeated. In this case, the U.S. was not alone. Argentina, Canada, Australia, and New Zealand all joined in filing complaints to open markets. The countries have won, and it is time to begin shipments of beef to Europe.

Yet again we hear that the EU will not open its markets, will not allow beef imports, and will continue to defy the World Trade Organization. Perhaps trade barriers may be lowered on other products, perhaps tariffs reduced on goods and services, but no relief will be afforded the U.S. rancher.

Access to European beef markets is the objective. Compensation is not an acceptable alternative. The Clinton administration, its Departments of Agriculture and State and its trade ambassador must aggressively retaliate to force market access. Anything less than the shipment of fresh U.S. beef is unacceptable.

Madam Speaker, where's the beef? It should be on the tables of European families and in the restaurants of France and Germany.

PAKISTANI SUPPORT FOR MILITANTS IN KASHMIR CONTINUES TO CAUSE INSTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, once again the annual State Department report on international terrorism has acknowledged official Pakistani support for militants operating in India's state of Jammu and Kashmir. Yet once again the State Department has refused to designate Pakistan's government as a sponsor of international terrorism.

The report, ''Patterns of Global Terrorism 1998,'' which was released 2 weeks ago, stated, and I quote, ''As in previous years, there were continuing credible reports of official Pakistani support for Kashmiri militant groups that engage in terrorism.''

Still quoting from this report, ''Pakistani officials stated publicly that while the government of Pakistan provides diplomatic, political and moral support for 'freedom fighters' in Kashmir, it is firmly against terrorism, and provides no training or material support for Kashmiri militants. Kashmiri militant groups continued to operate in Pakistan, however, raising funds and recruiting new cadre. These activities create a fertile ground for the operations of militant and terrorist groups in Pakistan, including the HUA (Harkat-ul-Ansar).''

Madam Speaker, I should point out that the HUA is the terrorist organization that has been blamed for the 1995 kidnapping of five western tourists in Kashmir, including two Americans. One of the American hostages managed to escape. One of the other hostages, a Norwegian, was brutally murdered; and the fate of the remaining hostages, including an American, Donald Hutchings of Spokane, Washington, is still unknown, despite what the State Department has said is ''ongoing cooperative efforts between U.S. and Indian law enforcement.''

Even if we accept the argument that there has not been official Pakistani training or material support for the militants, and there has been evidence to cast doubt on this assertion, but if we accept that argument, still it is clear that our State Department recognizes, at a minimum, that Pakistan is a base for various militant groups, and that there are credible reports of official Pakistani support. Pakistan admits to diplomatic, political, and moral support for the militants. And we have to wonder, Madam Speaker, how anyone can use the word moral to describe support for a movement that has caused the deaths of thousands of civilians and the dislocation of hundreds of thousands of people from their homes.

Madam Speaker, the issue of Kashmir frequently gets mentioned in the geopolitical calculations over the larger India-Pakistan conflict. There has been an ongoing Pakistani effort to internationalize this issue by bringing the United States or other world powers into the negotiations. The one aspect of this tragedy that frequently is overlooked is the plight of the Hindu community of this region, the Kashmiri Pandits. The Kashmiri Pandits have suffered doubly, from the atrocities committed by the militants and the indifference of the world community.

I have urged our government, India's government, and various U.N. bodies to accord more attention to the plight of the Kashmiri Pandits, and I will continue these efforts until this tragic situation starts to receive the attention it deserves.

Last month, I had the opportunity to raise some of these issues in a meeting with Chief Minister Farooq Abdullah of Jammu and Kashmir, who was in Washington on a working visit. I have to say that Dr. Abdullah had some important ideas on how the U.S. can help promote investment and international lending to rebuild the economy of Jammu and Kashmir. He also mentioned the importance of lifting the U.S. unilateral sanctions on India.

Chief Minister Abdullah appealed to both the administration and to Congress to do all in our power to get Pakistan to end its proxy war against India, which it wages by means of its support for the insurgency in Kashmir.

Sadly, Madam Speaker, the same May 7, 1999, edition of the newspaper ''India Abroad'' that included coverage of the ''Patterns of Global Terrorism'' and the visit of Chief Minister Abdullah also had this headline, ''Terrorists Gun Down Eight of a Family.'' The article said that in the northwest Kashmir district of Kupwara, that terrorists surrounded the home of Muhammad Maqbool Ganai, a middle-aged resident of the village of Krishipora, and fired indiscriminately at the occupants, killing five men and three women. Apparently, this gentleman was helping security forces in their campaign against the terrorists.

Killing people who cooperate with the police is a tactic that has become widespread recently. The terrorists have also been targeting former militants who have surrendered and their families. In the past few months, these attacks have claimed more than 100 lives. According to a police official quoted in the ''India Abroad,'' ''The state police is receiving tremendous support from the locals, and that has made the militants nervous.''

Madam Speaker, there are indications that leading, moderate Pakistani officials have convinced the State Department not to designate Pakistan a sponsor of international terrorism for fear it would provoke anti-American sentiment and embolden the radicals. The question is, given the continuing pattern of Pakistani support for the militants in Kashmir, what has been accomplished by our refusal to state the obvious?

ANNUAL REPORT OF NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1999*.

COMMUNICATION FROM DEPUTY DISTRICT DIRECTOR OF THE HONORABLE DAVID MINGE, MEMBER OF CONGRESS

The SPEAKER pr tempore laid before the House the following communication from Alana Christensen, the Deputy District Director of the Honorable David Minge, Member of Congress:

Washington, DC, May 13, 1999.

Hon. NEWT GINGRICH
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena ad testificandum issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ALANA CHRISTENSEN,
Deputy District Director.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2208

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 8 minutes p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MCCARTHY of New York) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GANSKE) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. BERKLEY, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

H.R. 432. To designate the North/South Center as the Dante B. Fascell North-South Center.

ADJOURNMENT

Mr. MOLLOHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), the House adjourned until Friday, May 14, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2079. A letter from the Chief Counsel, FinCEN, Department of Treasury, transmitting the Department's final rule—FinCEN Advisory, Issue 11, Enhanced Scrutiny for Transactions Involving Antigua and Barbuda—received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2080. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 [CS Docket No. 96–85] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2081. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Munds Park, Arizona) [MM Docket No. 98–27 RM–9188] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2082. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 13 and 80 of the Commission's Rules to Implement the Global Maritime Distress and Safety System (GMDSS) to Improve the Safety of Life at Sea [PR Docket No. 90–480] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2083. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96–1–011; Order No. 587–K] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2084. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Listing of Color Additives for Coloring Sutures; [Phthalocyanianto(2-)] Copper [Docket No. 98C–0041] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2085. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Investigational New Drug Applications; Clinical Holds; Confirmation of Effective Date [Docket No. 98N–0979] (RIN: 0910–AA84) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2086. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Carbohydrase and Protease Enzyme Preparations Derived From Bacillus Subtilis or Bacillus Amyloliquefaciens; Affirmation of GRAS Status as Direct Food Ingredients [Docket No. 84G–0257] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2087. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2088. A letter from the Assistant Secretary of Commerce, Export Admin., Department of Commerce, transmitting the Department's final rule—Exports to Serbia [Docket No. 990422104–9104–01] (RIN: 0694–AB91) received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2089. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Researcher Registration and Research Room Procedures (RIN: 3095–AA69) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2090. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting a quarterly report of the Statement of Disbursements of the House of Representatives covering receipts and expenditures of appropriations and other funds for the period January 1, 1999 through March 31, 1999, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106–63); to the Committee on House Administration and ordered to be printed.

2091. A letter from the Assistant Secretary, for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Importation, Exportation, and Transportation of Wildlife (User Fee Exemptions for qualified fur trappers) (RIN: 1018–AE08) received Aril 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2092. A letter from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 981231333–8333–01; I.D. 042299A] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2093. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Extension of Effective Date and Amendment of Bycatch Reduction Device Certification [Docket No. 980505118–8286–02; I.D. 110598B] (RIN: 0648–AL14) received April 27,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2094. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Amendments for Addressing Essential Fish Habitat (EFH) Requirements [I.D. 100698A] (RIN: 0648–AL40) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2095. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Vessel Identification System; Effective Date Change [CGD 89–050] (RIN: 2115–AD35) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2096. A letter from the Chairman, Surface Transportation Board, Surface Transportation Board, transmitting the Board's final rule—Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or with a water carrier in the Noncontiguous Domestic Trade [STB Ex Parte No. 580] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2097. A letter from the Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Commercial Space Transportation Licensing Regulations [Docket No. 288851; Amdt. Nos. 401–01, 411–01, 413–01, 415–01 and 417–01] (RIN: 2120–AF99)received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2098. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Claims and Effective Dates for the Award of Educational Assistance (RIN: 2900–AH76) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2099. A letter from the Director, Office of Regulations Management (02D), Department of Veterans Affairs, transmitting the Department's final rule—Estimated Economic Impact Due to Implementation of Reasonable Charges—received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2100. A letter from the Deputy Executive Secretariat, Department of Health and Human Services, transmitting the Department's final rule—Implementation of Section 403(a)(2) of Social Security Act Bonus to Reward Decrease in Illegitimacy Ratio (RIN: 0970–AB79) received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 66. A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; with an amendment (Rept. 106–137). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 658. A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System; with an amendment (Rept. 106–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 659. A bill to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes; with an amendment (Rept. 106–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 747. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds (Rept. 106–140). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1104. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center (Rept. 106–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 883. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands (Rept. 106–142). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 10 Referral to the Committee on Commerce extended for a period ending not later than June 11, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANKS of New Jersey (for himself, Mr. FRELINGHUYSEN, and Mr. LANTOS):

H.R. 1788. A bill to deny Federal public benefits to individuals who participated in Nazi persecution; referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1789. A bill to restore the inherent benefits of the market economy by repealing the Federal body of statutory law commonly referred to as ''antitrust law'', and for other purposes; to the Committee on the Judiciary.

By Mr. BLILEY (by request):

H.R. 1790. A bill to provide for public disclosure of accidental release scenario information in risk management plans, and for other purposes; referred to the Committee on Commerce, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. ROTHMAN, and Mr. CHABOT):

H.R. 1791. A bill to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi (for himself, Mr. HUTCHINSON, Mr. SHOWS, Mr. ETHERIDGE, and Mr. HOLDEN):

H.R. 1792. A bill to provide crime-fighting scholarships to certain law enforcement officers; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. STENHOLM, Mr. SMITH of Michigan, Mr. DOOLEY of California, Mr. SANFORD, Ms. MCCARTHY of Missouri, and Mr. GREENWOOD):

H.R. 1793. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mr. CHABOT):

H.R. 1794. A bill concerning the participation of Taiwan in the World Health Organization (WHO); to the Committee on International Relations.

By Mr. BURR of North Carolina (for himself and Ms. ESHOO):

H.R. 1795. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering; to the Committee on Commerce.

By Mr. CARDIN (for himself, Mr. COYNE, Mr. LEVIN, Mr. STARK, and Mrs. THURMAN):

H.R. 1796. A bill to amend part B of title XVIII of the Social Security Act to provide for a chronic disease prescription drug benefit under the Medicare Program; referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Mr. GUTIERREZ):

H.R. 1797. A bill to amend section 203 of the National Housing Act to require properties that are subject to mortgages insured under the FHA single family housing mortgage insurance program to be inspected and determined to comply with the minimum property standards established by the Secretary of Housing and Urban Development; to the Committee on Banking and Financial Services.

By Mr. GREENWOOD (for himself, Mrs. LOWEY, Mrs. JOHNSON of Connecticut, Mr. BROWN of Ohio, Mr. BURR of North Carolina, Mr. WAXMAN, Mr. PICKERING, Mr. DEAL of Georgia, Mrs. MORELLA, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. NETHERCUTT, Mr. LEACH, Mr. ENGLISH, Mr. TOWNS, Mr. COYNE, Mr. LEWIS of Georgia, Mr. NADLER, Mr. WICKER, Mr. FILNER, and Ms. PELOSI):

H.R. 1798. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H.R. 1799. A bill to amend title 38, United States Code, to revise and improve the authorities of the Secretary of Veterans Affairs relating to the provision of counseling and treatment for sexual trauma experienced by veterans; to the Committee on Veterans' Affairs.

By Mr. HUTCHINSON (for himself and Mr. SCOTT):

H.R. 1800. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. CONYERS, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. ROMERO-BARCELO, and Mr. UNDERWOOD):

H.R. 1801. A bill to make technical corrections to various antitrust laws and to references to such laws; referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mr. CARDIN):

H.R. 1802. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KASICH (for himself and Mr. RYAN of Wisconsin):

H.R. 1803. A bill to preserve and protect the surpluses of the Social Security trust funds by reaffirming the exclusion of receipts and disbursement from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public; referred to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Ms. BERKLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BLAGOJEVICH, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. COOK, Mr. CRAMER, Mr. CROWLEY, Mr. CUNNINGHAM, Mr. DAVIS of Illinois, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. DIXON, Ms. DUNN, Mrs. EMERSON, Mr. ENGLISH, Mr. FOSSELLA, Mrs. FOWLER, Mr. FROST, Mr. GIBBONS, Mr. GILLMOR, Mr. GONZALEZ, Mr. GOODLING, Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. HILL of Indiana, Mr. HOLDEN, Ms. NORTON, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Mr. INSLEE, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KING, Mr. KUCINICH, Mr. LAHOOD, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCHUGH, Ms. MCKINNEY, Mr. MARTINEZ, Mr. MASCARA, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. METCALF, Ms. MILLENDER-MCDONALD, Mr. GARY MILLER of California, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PALLONE, Mr. PASCRELL, Mr. PITTS, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. REYES, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, Mrs. ROUKEMA, Mr. SAWYER, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHERMAN, Mr. SHIMKUS, Mr. SHOWS, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. WOLF, Mr. WYNN, and Mr. YOUNG of Florida):

H.R. 1804. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Resources.

By Mrs. LOWEY (for herself and Mr. GILMAN):

H.R. 1805. A bill to amend the Internal Revenue Code of 1986 to allow a capital loss deduction with respect to the sale or exchange of a principal residence; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. LAZIO):

H.R. 1806. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide adequate access to providers of obstetric and gynecological services; referred to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 1807. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. MATSUI, and Mr. GEJDENSON):

H.R. 1808. A bill to provide an exemption from certain import prohibitions; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. WEINER, Mr. RUSH, Mrs. JONES of Ohio, Ms. DEGETTE, Mr. MEEHAN, Mr. WAXMAN, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. WEXLER, Ms. LOFGREN, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. TIERNEY, Ms. KILPATRICK, and Mr. DAVIS of Illinois):

H.R. 1809. A bill to prohibit the importation of dangerous firearms that have been modified to avoid the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

By Mr. NUSSLE (for himself and Mr. BOSWELL):

H.R. 1810. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Ways and Means.

By Mr. PASTOR:

H.R. 1811. A bill to amend the Indian Gaming Regulatory Act to provide adequate and certain remedies for sovereign tribal governments, and for other purposes; referred to the Committee on Resources, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. ROHRABACHER, Mr. METCALF, Mr. CLAY, Mr. DEFAZIO, and Mr. STARK):

H.R. 1812. A bill to amend the Military Selective Service Act to suspend the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, except during national emergencies, and to require the Director of Selective Service to prepare a report regarding the development of a viable standby registration program for use only during national emergencies; to the Committee on Armed Services.

By Mr. SWEENEY:

H.R. 1813. A bill to prohibit the export to Hong Kong of certain high-speed computers; to the Committee on International Relations.

By Mr. VISCLOSKY (for himself, Mr. ISTOOK, Mr. SANDLIN, Mr. LAHOOD, Mr. ROEMER, Mr. MCINTOSH, Mr. SKELTON, Mr. COBLE, Mr. SOUDER, Mrs. MYRICK, Mr. HOSTETTLER, Mrs. EMERSON, Mr. NEY, Mr. NETHERCUTT, Mr. HILL of Montana, Mr. SESSIONS, Mr. TANCREDO, Mr. BURTON of Indiana, Mr. ROTHMAN, Mr. BUYER, Mr. GRAHAM, and Mr. CANADY of Florida):

H.R. 1814. A bill to provide incentives for Indian tribes to collect and pay lawfully imposed State sales taxes on goods sold on tribal lands and to provide for penalties against Indian tribes that do not collect and pay such State sales taxes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 1815. A bill to rename Mount McKinley in Alaska as Denali; to the Committee on Resources.

By Ms. SLAUGHTER (for herself, Mrs. MORELLA, Mr. SISISKY, and Mr. HASTINGS of Florida):

H.R. 1816. A bill to require coverage for colorectal cancer screenings; referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VENTO (for himself and Mr. SMITH of New Jersey):

H. Res. 169. A resolution expressing the sense of the House of Representatives with respect to democracy, free elections, and human rights in the Lao People's Democratic Republic; to the Committee on International Relations.

By Mr. COX (for himself and Mr. DICKS):

H. Res. 170. A resolution amending House Resolution 5, One Hundred Sixth Congress, as amended; to the Committee on Rules.

By Ms. DELAURO:

H. Res. 171. A resolution expressing the sense of the House of Representatives with respect to the National Conference of Law Enforcement Emerald Societies for their services in honoring slain Detective John Michael Gibson and Private First Class Jacob Chestnut of the United States Capitol Police; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. TAYLOR of Mississippi, Mr. TALENT, and Mr. ROHRABACHER):

H. Res. 172. A resolution to authorize and direct the Archivist of the United States to make available for public use the records of the House of Representatives Select Committee on Missing Persons in Southeast Asia; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII,

68. The SPEAKER presented a memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial 4011 urging the Federal Communications Commission to address promptly the matters raised in the Department of Information Service's Petition for Reconsideration, and find that schools and libraries may participate with independent colleges in consortia to procure telecommunictions services at below-tariffed rates without losing their eligibility for universal services discounts; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SPENCE, Mr. SHIMKUS, Mr. CAMP, Mr. THUNE, Mr. TOOMEY, and Mr. SOUDER.

H.R. 36: Mr. JACKSON of Illinois and Mr. SANDERS.

H.R. 49: Mr. ACKERMAN.

H.R. 113: Mr. JONES of North Carolina and Mr. SCHAFFER.

H.R. 148: Mr. RYAN of Wisconsin and Mr. SMITH of Washington.

H.R. 152: Mr. GUTIERREZ.

H.R. 220: Mr. HERGER.

H.R. 262: Mr. CONYERS, Mr. FORD, Mr. KIND, Mr. CLAY, Mr. TOWNS, Mr. DELAHUNT, Mr. MEEKS of New York, Mr. OLVER, Mr. PAYNE, and Ms. KILPATRICK.

H.R. 315: Mr. PASTOR.

H.R. 357: Ms. LEE and Mr. GILCHREST.

H.R. 372: Mr. DICKS, Mr. MALONEY of Connecticut, and Ms. SCHAKOWSKY.

H.R. 382: Mr. STENHOLM, Mr. JEFFERSON, Mr. CUMMINGS, and Mr. LUTHER.

H.R. 405: Mr. GILMAN and Mr. EVANS.

H.R. 406: Mr. BAIRD.

H.R. 417: Mr. UNDERWOOD.

H.R. 425: Ms. HOOLEY of Oregon, Mr. QUINN, Mr. RUSH, Mr. NEY, Mr. BROWN of Ohio, and Mr. GUTKNECHT.

H.R. 443: Mr. ENGEL.

H.R. 456: Mr. DIXON.
H.R. 488: Ms. ESHOO.
H.R. 505: Mr. PASTOR.
H.R. 517: Ms. RIVERS.
H.R. 541: Mr. HOLT.
H.R. 544: Mr. MOORE and Mr. THOMPSON of Mississippi.
H.R. 556: Mr. SCHAFFER.
H.R. 576: Mr. LUTHER.
H.R. 583: Mr. CAMP.
H.R. 584: Mr. CONDIT.
H.R. 590: Mr. METCALF.
H.R. 595: Mr. GILMAN, Mrs. MEEK of Florida, Mrs. CHRISTENSEN, Mr. HINOJOSA, and Mr. ENGEL.
H.R. 599: Mr. LUTHER, Mr. DAVIS of Illinois, and Mr. GUTIERREZ.
H.R. 601: Mr. BILBRAY, Mr. LOBIONDO, and Mr. EVERETT.
H.R. 629: Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Ms. DEGETTE, and Mr. BROWN of California.
H.R. 648: Mr. JONES of North Carolina.
H.R. 670: Mr. JEFFERSON, Mr. WYNN, and Mr. HOEFFEL.
H.R. 675: Mr. UDALL of Colorado, Mr. GUTIERREZ, Mr. BRADY of Pennsylvania, Mr. LANTOS, and Mr. BROWN of Ohio.
H.R. 689: Mr. NETHERCUTT, Mr. FROST, and Mr. CAMP.
H.R. 701: Mr. WISE, Mr. UPTON, Mr. PASTOR, Mr. GALLEGLY, and Ms. DANNER.
H.R. 716: Mr. MORAN of Kansas.
H.R. 721: Mrs. MCCARTHY of New York and Mr. HILLEARY.
H.R. 742: Mrs. LOWEY and Mr. OLVER.
H.R. 760: Mr. GARY MILLER of California, Mr. MINGE, and Ms. KILPATRICK.
H.R. 765: Mr. KOLBE.
H.R. 777: Mr. HASTINGS of Florida, Ms. LEE, and Mr. THOMPSON of Mississippi.
H.R. 785: Ms. ESHOO and Ms. KILPATRICK
H.R. 804: Mr. LATOURETTE.
H.R. 827: Ms. WOOLSEY, Mr. HINCHEY, and Mr. SHOWS.
H.R. 838: Mr. STRICKLAND.
H.R. 844: Mr. BACHUS, Mr. PORTMAN, Mr. ISAKSON, Mr. MASCARA, Mr. KLINK, and Mr. SMITH of Washington.
H.R. 854: Mr. STRICKLAND.
H.R. 860: Ms. LOFGREN and Mrs. MALONEY of New York.
H.R. 864: Mr. WELDON of Pennsylvania, Mr. TERRY, Mr. FLETCHER, Mrs. MEEK of Florida, Mr. PORTER, Mr. PETERSON of Pennsylvania, Mr. THOMAS, Mr. PASCRELL, Mr. SMITH of New Jersey, Mr. FATTAH, Mr. HUNTER, Mr. TOWNS, Ms. BALDWIN, Ms. DELAURO, Mr. SHUSTER, Mr. TALENT, Mr. KILDEE, and Mr. HUTCHINSON.
H.R. 883: Mr. SKELTON, Mr. TURNER, Mr. JENKINS, Mr. ISAKSON, Mr. SUNUNU, Mr. EHRLICH, and Mr. CAMP.
H.R. 904: Mr. BLUMENAUER.
H.R. 943: Mr. DAVIS of Illinois.
H.R. 979: Mr. BOEHLERT, Mr. ALLEN, and Mr. LUTHER.
H.R. 997: Mr. BERMAN, Mr. CONDIT, Mrs. MCCARTHY of New York, Ms. LOFGREN, and Mr. STRICKLAND.
H.R. 1044: Mr. NETHERCUTT, Mr. GREEN of Wisconsin, Mr. MCHUGH, and Mr. BARCIA.
H.R. 1053: Mr. DEFAZIO.
H.R. 1080: Mr. FORBES.
H.R. 1083: Mrs. EMERSON, Mr. HOUGHTON, Mr. HUTCHINSON, and Mr. BRADY of Texas.
H.R. 1095: Mr. DIXON, Mrs. MEEK of Florida, Mr. METCALF, and Mr. RANGEL.
H.R. 1102: Mr. BOEHLERT, Mr. TALENT, Mr. RAHALL, Mr. LEWIS of Kentucky, and Mr. GILMAN.
H.R. 1123: Ms. VELÁZQUEZ, Mr. DELAHUNT, and Mr. MCGOVERN.
H.R. 1130: Mr. MCNULTY and Mr. RUSH.
H.R. 1172: Ms. LEE, Mr. GUTIERREZ, and Mr. COOK.
H.R. 1180: Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. KILDEE, Mr. FILNER, Mr. TERRY, and Ms. LEE.
H.R. 1188: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1202: Mr. BORSKI, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. GREENWOOD, Mr. DICKS, and Mr. DAVIS of Illinois.
H.R. 1216: Mr. TAYLOR of Mississippi, Mr. CAPUANO, Mr. MCGOVERN, Mr. ENGEL, and Ms. CARSON.
H.R. 1226: Mr. OLVER, Mr. RAHALL, Mr. UNDERWOOD, Ms. RIVERS, Mr. GEJDENSON, Mr. FRANK of Massachusetts, Mr. WYNN, Mrs. THURMAN, Ms. DANNER, Mrs. MINK of Hawaii, Mr. GUTIERREZ, Mr. KLECZKA, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KILPATRICK.
H.R. 1227: Mr. GUTIERREZ.
H.R. 1256: Mr. KING, Mr. QUINN, and Mr. HOUGHTON.
H.R. 1261: Mrs. KELLY, Mr. DEUTSCH, and Mr. WALDEN of Oregon.
H.R. 1274: Mr. LANTOS, Mrs. CHRISTENSEN, Mrs. THURMAN, Mr. DIXON, Mr. BONIOR, Mr. FROST, Mr. WEINER, Mr. ENGLISH, Mr. WYNN, and Mr. JEFFERSON.
H.R. 1287: Mr. RYAN of Wisconsin.
H.R. 1292: Mr. CAMP and Mr. FRANK of Massachusetts.
H.R. 1301: Mr. RYUN of Kansas, Mr. ORTIZ, Mrs. NORTHUP, Mr. HOLDEN, and Mr. WELLER.
H.R. 1304: Mr. RILEY, Ms. BALDWIN, Mr. THOMPSON of Mississippi, Mr. CANADY of Florida, Mr. RADANOVICH, Ms. DELAURO, Mr. MICA, Mr. PASCRELL, and Mr. BERMAN.
H.R. 1333: Mr. KUYKENDALL, Mr. SANDLIN, and Mr. KUCINICH.
H.R. 1342: Ms. MCCARTHY of Missouri, Ms. VELÁZQUEZ, and Mr. HALL of Ohio.
H.R. 1349: Mr. WELDON of Florida.
H.R. 1350: Mr. DEFAZIO, Mr. SHAYS, Mr. MARTINEZ, and Mr. JACKSON of Illinois.
H.R. 1355: Mr. LUTHER, Mr. BALDACCI, and Mr. ROTHMAN.
H.R. 1358: Mr. MCINTOSH.
H.R. 1399: Mr. UNDERWOOD, Mr. PASTOR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GREEN of Texas, Mr. BROWN of California, Mr. WEYGAND, Mr. FILNER, Ms. KILPATRICK, and Mr. ORTIZ.
H.R. 1443: Mr. ROTHMAN.
H.R. 1477: Mr. FORBES, Ms. KILPATRICK, and Mr. TIERNEY.
H.R. 1485: Mr. MEEHAN, Mrs. CHRISTENSEN, and Mr. JACKSON of Illinois.
H.R. 1491: Ms. KILPATRICK.
H.R. 1495: Mr. STRICKLAND.
H.R. 1496: Mr. SMITH of Washington, Mr. GARY MILLER of California, Mr. HILL of Montana, and Mr. SWEENEY.
H.R. 1511: Mr. SWEENEY, Mr. COMBEST, Mr. SAM JOHNSON of Texas, and Mrs. EMERSON.
H.R. 1522: Mr. PETERSON of Pennsylvania and Mr. TAYLOR of North Carolina.
H.R. 1523: Mr. METCALF, Mr. GRAHAM, and Mr. GIBBONS.
H.R. 1524: Mr. NETHERCUTT, Mr. SCHAFFER, Mr. PETERSON of Pennsylvania Mr. HILL of Montana, Mr. WALDEN of Oregon, and Mr. TAYLOR of North Carolina.
H.R. 1536: Mr. BARCIA.
H.R. 1592: Mr. LINDER, Mr. HAYES, Mr. THORNBERRY, Mr. CLEMENT, Mr. STUMP, Mr. LEWIS of Kentucky, Mr. HULSHOF, Mr. TURNER, and Mr. CHAMBLISS
H.R. 1598: Mr. WEXLER.
H.R. 1601: Mr. GRAHAM, Mrs. CUBIN, Mr. BILBRAY, Mr. UDALL of New Mexico, Ms. DEGETTE, Mr. HOLT, Mr. HASTINGS of Washington, and Mr. RODRIGUEZ.
H.R. 1624: Mr. RANGEL, Mr. NADLER, and Mr. SANDLIN.
H.R. 1631: Mr. MEEKS of New York, Ms. KILPATRICK, Mr. CUMMINGS, and Ms. LEE.
H.R. 1634: Mrs. KELLY, Ms. PRYCE of Ohio, Mr. MCCRERY, Mr. SESSIONS, Mr. ISAKSON, Mr. HILLEARY, Mr. WAMP, Mr. ROYCE, Mr. DUNCAN, Mr. LINDER, Mr. JOHN, AND Mrs. EMERSON.
H.R. 1644: Mr. BALDACCI, Mr. CONYERS, Mr. FORD, Mr. KIND, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mr. TRAFICANT, Mr. TOWNS, Mr. VENTO, Mr. JEFFERSON, Mr. LANTOS, Mr. BISHOP, Mr. PAYNE, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. BERRY, Mr. DEFAZIO, Mr. LUTHER, Mr. BLAGOJEVICH, Mr. CLYBURN, Mrs. MCCARTHY of New York, and Mr. BECERRA.
H.R. 1645: Mr. MATSUI, Mr. HASTINGS of Florida, and Mr. INSLEE.
H.R. 1654: Mr. BROWN of California, Mr. GORDON, Mr. WELDON of Florida, Mr. COOK, Mr. NETHERCUTT, and Mr. ETHERIDGE.
H.R. 1658: Mr. WALDEN of Oregon, Mr. WAMP, Mr. CANADY of Florida, Mrs. CHRISTENSEN, Mr. KING, Mr. PHELPS, and Mr. RAHALL.
H.R. 1691: Mr. ENGLISH, Mr. COOK, Mr. STUMP, Mr. TAYLOR of Mississippi, Mrs. EMERSON, and Mrs. MORELLA.
H.R. 1706: Mr. HILLEARY.
H.R. 1710: Mr. BAKER.
H.R. 1718: Mr. DUNCAN, Mr. WAMP, and Mr. JENKINS.
H.R. 1750: Mr. DIXON, Mr. HILL of Indiana, Mr. MOLLOHAN, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. TAYLOR of Mississippi, Mr. WU, Mr. DELAHUNT, and Mr. WEINER.
H.J. Res. 9: Mr. HILLEARY and Mr. CASTLE.
H.J. Res. 25: Mr. GONZALEZ and Mr. GOODLATTE.
H.J. Res. 33: Mr. ARMEY.
H.J. Res. 47: Mr. UDALL of Colorado, Mr. GREEN of Wisconsin, Ms. KILPATRICK, and Mr. BROWN of Ohio.
H. Con. Res. 8: Mr. TAUZIN.
H. Con. Res. 34: Mr. DICKS, Mr. SMITH of Washington, and Mr. RUSH.
H. Con. Res. 60: Mr. MORAN of Virginia, Mrs. MEEK of Florida, Ms. VELÁZQUEZ, Mr. TIERNEY, Ms. DELAURO, and Mr. GEJDENSON.
H. Con. Res. 87: Mr. VENTO, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. ISTOOK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, Mr. LUCAS of Oklahoma, and Mr. ACKERMAN.
H. Con. Res. 99: Mr. ROHRABACHER, Mr. MCHUGH, Mrs. MYRICK, and Mr. COBURN.
H. Res. 161: Mr. SMITH of New Jersey, Mr. LANTOS, Mr. GALLEGLY, Mr. CROWLEY, Mr. ROHRABACHER, Mr. MCGOVERN, Mr. BLAGOJEVICH, Mr. HASTINGS of Florida, Mr. FALEOMAVAEGA, Mr. CAMPBELL, Mr. COOKSEY, Mr. HUTCHINSON, and Mr. PICKERING.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1342: Mr. RYUN of Kansas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 883

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 1: On page 9, line 12, strike ''2000'' and insert instead ''2003.''

SENATE—*Thursday, May 13, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Pastor Lonnie Shull, First Baptist Church, West Columbia, SC.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, Pastor Lonnie Shull, First Baptist Church, West Columbia, SC, offered the following prayer:

God be merciful to us, and bless us; cause Your face to shine upon us.—Psalm 67:1. Gracious Father, we praise You today. You have blessed America, and we are so thankful. You have made us the greatest Nation on Earth. Accept, O Father, our sincere gratitude. May we be a gracious demonstration of the freedom and opportunity, righteousness and justice, You desire for all nations.

I pray that You will empower our Senators with Your wisdom. Give them, I pray, a divine vision for the United States of America. May they be given double portions of courage, honesty, and humility as Your dedicated servants. Save us, I pray, from the enemies who would destroy us. Deliver us from internal strife, selfish arrogance, and moral disintegration.

Today, we especially pray for those who serve this Nation in our Armed Forces overseas. Keep them safe in Your loving care and bring them safely back to their homeland soon. Help us to reach out in love to our fellow citizens whose lives have been devastated by violence and by storms.

O God, please bless America and keep her true as You have kept her free. We ask these things in the name and the authority of the Prince of peace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

Mr. HATCH. I thank the Chair.

SCHEDULE

Mr. HATCH. This morning the Senate will resume consideration of the juvenile justice legislation. Pending is the Hatch-Leahy amendment with a vote to take place at approximately 9:40 a.m. Following the disposition of the Hatch-Leahy amendment, Senator HOLLINGS will resume debate of his television violence amendment with 2 hours of debate remaining on the amendment, with the time for a vote to be determined. It is hoped that significant progress can continue to be made on this important legislation. Therefore, Senators can expect votes throughout today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 254 which the clerk will report.

The legislative assistant read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile individuals, punish and deter violent gang crimes, and for other purposes.

Pending:

Hatch-Leahy amendment No. 335, relating to the availability of Internet filtering and screening software.

Hollings amendment No. 328, to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

Mr. President, I ask unanimous consent to add Senator MCCAIN as a cosponsor of the Hatch-Leahy amendment.

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

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I ask unanimous consent to have my full 5 minutes as previously reserved.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Hatch-Leahy amendment is a good one. I hope everybody will support it. I have talked for years about empowering users of the Internet to control and limit access to material they did not want to see and that could be found on line. This could be any type of material. Parents may not want their children buying things. There may be obscene material. It could be types of sites parents are against.

We also know there is a lot of amazing and wonderful material on the Internet. While I oppose efforts in Congress to regulate content of the Internet, I do want to make sure children can be protected, that parents have the ability to do that, and this gives them a chance to do it.

I have always believed the power to control what people see belongs to the users and the parents, not the Government. The amendment the chairman and I offer requires large on-line service providers to offer their subscribers filtering software and systems to stop objectionable materials from reaching their computer screens. I am supportive of voluntary industry efforts to come together and provide Internet users with one-click-away information resources on how to protect children when they go on line. Senator CAMPBELL and I joined Vice President Gore at the White House last week to hear about this one-click-away amendment. Our amendment helps promote the use of filtering technologies. It is better than Government censorship. It is a fall-back provision, if the companies do not do it themselves.

NOTE FROM SENATOR SASSER

Mr. LEAHY. Mr. President, I wonder if my distinguished friend from Utah will indulge me. I ask unanimous consent for 1 minute to read a note that I just received from our former colleague, Senator Sasser.

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

Mr. LEAHY. Mr. President, many of us served here with Jim Sasser, the very distinguished former chairman of the Budget Committee, now our Ambassador to China at a very difficult time.

We have seen the photographs of Ambassador Sasser under siege in the Chinese Embassy. I faxed him a note the other day, saying how proud I was, and I mentioned the comments of many Senators saying how proud they were, of his grace under fire and the fact that he would not leave the American Embassy that is under siege. When there were Embassy staff there, in the true and best tradition of the State Department and the Senate and the Marine

Corps and everything else, he said he would stay until it was safe. So I faxed him this note.

This morning I got back this note from him, and I will read it for my colleagues. It is handwritten. It says:

Dear Pat: My sincere thanks for your wonderful note. Please tell all my former colleagues that Mary and I are well and safe. Things have stabilized after a turbulent few days. Last night I got a good night's sleep in a real bed. All the best, Jim.

I just wanted everybody to hear that.

I thank my friend from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am glad my friend from Vermont read that letter. I visited with Senator Sasser a couple of years ago over there. He is doing a very good job in China.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. HATCH. Mr. President, I strongly urge my colleagues to support this Hatch-Leahy amendment, which is aimed at limiting the negative impact violence and indecent material on the Internet have on children.

As I noted last evening, this amendment does not regulate the content. Instead, it encourages the larger Internet service providers, the ISPs, if you will, to provide, either for free or at a fee not exceeding the cost to the service providers, filtering technologies that will empower parents to limit or block the access of minors to unsuitable materials on the Internet. We simply cannot ignore the fact that the Internet has the ability to expose children to violent, sexually explicit, and other inappropriate materials with no limits.

A recent Time/CNN poll found that 75 percent of teenagers from 13 to 17 believe the Internet is partly responsible for the crimes that occurred in Littleton, CO, at Columbine High School. The amendment respects the first amendment of the Constitution by not regulating content but ensures that parents will have the adequate technological tools to control access of their children to unsuitable material on the Internet.

I honestly believe that the Internet service providers that do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests, and I believe the market will demand it.

A recent survey reported in the New York Times yesterday found that almost a third of on-line American households with children use blocking software.

In a study by the Annenberg Public Policy Center of the University of Pennsylvania, 60 percent of parents said they disagreed with the statement that the Internet was a safe place for their children. According to yesterday's New York Times, after the shootings in Colorado, the demand for filtering technologies has dramatically increased. This indicates that parents are taking an active role in safeguarding their children on the Internet. That is what this amendment is all about—using technology to empower parents.

I urge my colleagues to support the amendment, and I yield the floor and hope we can go to a vote.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 335. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—100

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The amendment (No. 335) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the Senator from Nevada, Mr. BRYAN, is recognized for up to 12 minutes for a morning business statement.

The Senator from Nevada.

DANGERS OF NUCLEAR WASTE TRANSPORTATION

Mr. BRYAN. Mr. President, next Sunday and Monday, NBC is scheduled to air a miniseries entitled ''Atomic Train.'' The plot of this movie includes a runaway train carrying nuclear weapons and high-level nuclear waste causing a massive accident and catastrophe in Denver.

The movie is obviously fiction. Let me just tell you how the network initially described the scenario:

A runaway train carrying armed nuclear weapons and deadly nuclear waste suddenly careens out of control down the Rocky Mountains.

All of this made the nuclear power industry very nervous, because although the scenario is fictional, much of what is depicted, in part, is a scenario that is entirely possible, given the proposed legislation I will describe that this Congress is considering.

Earlier this week, just days before this was to air, all of a sudden NBC changes the story line of the television miniseries, and now we have:

A runaway train carrying a Russian atomic weapon and hazardous materials, suddenly careening out of control.

All reference to high-level nuclear waste is dropped. The Nuclear Energy Institute, which is the lobbying arm of the atomic energy lobby, was forced to go into high gear. They sent out what they called an ''Info Wire.'' They were very concerned. They say, in effect:

NEI, in consultation with industry communicators and representatives of the U.S. Department of Energy and the American Association of Railroads, has adopted a containment strategy for the upcoming movie. We do not want to do anything to provide additional publicity for this movie prior to the airing. The containment strategy is not a passive one, in that it envisions an aggressive effort prior to the broadcast.

It is the belief of this Senator that indeed it was a very aggressive effort, and the Nuclear Energy Institute put pressure on the network to drop all references to dangerous high-level nuclear waste. The last thing this industry wants the American people to understand is that legislation which has been supported in previous Congresses, and in this Congress, would result in the shipment of 77,000 metric tons of high-level nuclear waste within a mile or less of a total population of 50 million residing in 43 States.

The blue lines depict rails, and indeed there is a transportation corridor going through the State of Colorado, as well as others.

So why did NBC do an ''el foldo''? NBC is owned by General Electric and, surprise, General Electric has a nuclear division, and one of its senior officers is a member of the board of directors of NEI.

I acknowledge it is a fictional scenario. But what is very real is that in point of fact the proposal is to transport high-level nuclear waste through all these rail corridors that are depicted on this map. That is not fictional. That is real.

It is, in fact, real that high-level nuclear waste is deadly, as NBC first described it. In fact, it is deadly for tens

of thousands of years. In point of fact, as we know, every year there are thousands of train accidents in America. A runaway train is not a fictional scenario. That is something that occurs, sadly, from time to time. It is not a fictional scenario for a train and an automobile or a truck to collide at an at-grade crossing. That occurred tragically earlier this year in Illinois. It is not fictional for trains to be derailed.

The last thing this industry wants the American people to know and to understand is that, indeed, the shipment of high-level nuclear waste, proposed to be sent to a temporary—allegedly temporary—storage area in my own State, at the Nevada Test Site, is a scenario that would involve the transshipment of 77,000 metric tons of high-level nuclear waste, with all of the risks that are inherent therein.

What is even more outrageous is that it is totally unnecessary. The Nuclear Waste Technical Review Board tells us it is unnecessary. The Department of Energy has indicated it is unnecessary. The President has indicated he would veto such legislation. All the risks depicted in this scenario with high-level nuclear wastes could be a reality if there was a tragic train accident and, indeed, the canisters were compromised and high-level nuclear waste was scattered along the route.

I think this is a very dangerous proposal. I think the fact the network would cave in is equally dangerous, because the American people have a right to know what is being proposed. In Nevada, we understand the risk. Sadly, there are hundreds of millions of Americans in this country who are not familiar with the nuclear industry's proposal to make their backyards the corridor by which high-level nuclear waste is to pass.

I must say, with tongue in cheek, if this is to be the standard, one might contemplate that the cruise line industry might have put pressure upon the producers of ''Titanic'': Please do not make any reference to the fact that the ship is sinking. This may be bad for business. Or the producers of ''Planet Of The Apes'' might have been subjected to pressure from PETA, People for the Ethical Treatment of Animals, saying: Look, we object to the way in which these apes are being treated in the film; please make changes. Or if some of the advocates of my own State approached the producers of ''Casino'' and said: Look, we don't want you to make any references to ''Casino'' in this story line; please delete that.

In my judgment, the circumstantial evidence is powerful here. The description I have given, namely of deadly nuclear waste, was the network's own description just days ago. The NEI goes into a full court press, what they call a containment strategy—what we all know is damage control—and, miraculously, days before this miniseries is scheduled to air, the story line is changed and all references to deadly nuclear waste are deleted.

I hope the American people will not be misled, that they will understand the risks that affect them and their neighborhoods. Mr. President, 43 different States are affected in this scenario. This map I have here depicts essentially the States. Because, by their nature, highway corridors and rail corridors connect the major metropolitan communities of our country, this high-level nuclear waste would in fact go through major cities in America. That fact is largely unknown.

Last year, I had occasion to travel with my senior colleague to the two communities of Denver and St. Louis, and to share with those communities the risks that are involved. Most people in the community did not have any understanding that this scenario is not fictional and far-fetched but, indeed, it is contemplated that those shipments will occur.

I regret NBC felt it was necessary to respond to the pressure of the nuclear power industry. Having been involved in this battle for the last 17 years, I am not unmindful of what a powerful force they are, not only in Washington but around the country. They have every right to advocate their point of view. As to their concern that somehow their industry would be exposed for what it is, a high-risk industry that threatens the health and safety of many Americans with this ill-conceived and unnecessary plan to ship nuclear waste to a temporary nuclear waste facility in my own State, at least this movie would have made the public aware that high-level nuclear waste is dangerous, to use the description NBC initially gave; that it was indeed going to pass through major cities such as Denver; and that indeed the health and safety of citizens of those communities and many others across the country could be compromised.

Mr. President, I yield the floor and the remainder of my time.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 328

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of the HOLLINGS amendment, No. 328, for the remaining 2 hours of debate, which is to be equally divided in the usual form. Who yields time?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, this amendment is nothing more than reinstituting the family hour or the family viewing period. We had it during the seventies, but we set it aside, just like the distinguished Senator from Nevada was talking about with respect to censoring and making sure these producers and broadcasters don't interfere with the creative impulses of a writer or a producer in Hollywood. But when it comes to the bottom line, they change that around. That is what we have, and it is very, very difficult to make an overwhelming case.

We are again facing the same stonewalling that we viewed Sunday on ''Meet the Press,'' when the representative of the Motion Picture Association, who has been doing this for 30-some years, said he did not know the effect of TV violence on children and asked for another study. We pointed out, of course, that is the way we started with Senator Pastore, back in 1969, 30 years ago, and that is when we had the Surgeon General's study. It has become worse and worse and worse over the years.

Again this morning, in the Washington Post, an article says: ''Movie Mogul Defends Hollywood.'' Mr. Edgar Bronfman states:

> Violence ''is not an entertainment problem''. . . .

Mr. President, all we have to do is go to the May 3 issue of Newsweek. I ask unanimous consent to print the article, ''Loitering on the Dark Side'' in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOITERING ON THE DARK SIDE—THE COLUMBINE HIGH KILLERS FED ON A CULTURE OF VIOLENCE THAT ISN'T ABOUT TO CHANGE

(By Steven Levy)

Now for the recriminations. Was the Colorado tragedy a legacy of our technoculture: Doom, ''Natural Born Killers,'' hate-amplifying Web sites and pipe-bomb plans from the Net? Or simply two teenage killers' ability to collect enough ordnance to sustain a small army? Gathering the potential culprits seems less an exercise in fixing liability than tossing random darts at the violence-fixated cultural landscape. After the massacre, there were calls to cancel two upcoming Denver events: a Marilyn Manson concert and the NRA's annual convention. Guilt has to be spread pretty widely to make bedfellows of the androgynous Goth crooner and Charlton Heston.

Still, we've got to look for answers to prevent further massacres, if not to clear up the mystery in Littleton. The Internet has been getting heat not only as a host for some of the sick enthusiasms of the Trenchcoat Mafia, but as a potential source of explosive information. Defenders of the New rightfully note that criticizing the reach of the increasingly pervasive Web is like blaming paper for bad poetry. Still, it's undeniable that cyberspace offers unlimited opportunity to network with otherwise unreachable creepy people. What's worse is how the Net makes it easy to succumb to the temptation to post anything—even Ubermensch song lyrics or

murderous threats—without the sure sanctions that would come if you tried that in your geographical community. The Internet credo is empowerment, and unfortunately that also applies to troubled teens sticking their toes into the foul water of hatemongering. As parents are learning, the Net's easy accessibility to the netherworlds is a challenge that calls, at the least, for a measure of vigilance.

Hollywood is also a fat target. From Oliver Stone's lyric depiction of random murder (rabidly viewed by the Columbine killers) to stylish slaughter in ''The Matrix,'' violence is the main cource on our entertainment menu. We are a nation that comfortably embraces Tony Soprano, a basic-values type of guy who not only orders hits but himself performs the occasional whacking. The industry's defense is summarized by Doug Richardson, who's scripted ''Die Hard II'' and ''Money Train.'' ''If I were to accept the premise that the media culture is responsible,'' he says, ''then I would be surprised that the thousands of violent images we see don't inspire more acts of violence.'' In other words, the sheer volume of carnage is proof of its harmlessness.

Mr. HOLLINGS. It says:

Hollywood is also a fat target. Oliver Stone's lyric depiction of random murder (rabidly viewed by the Columbine killers) to stylish slaughter in ''The Matrix,'' violence is the main course on our entertainment menu.

I ask unanimous consent that a Time magazine article, again this month, entitled ''Bang, You're Dead,'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANG, YOU'RE DEAD

REVENGE FANTASIES ARE PROLIFERATING IN MOVIES AND ON TV. BUT SHOULD THEY BE BLAMED FOR LITTLETON?

(By Richard Corliss)

The young and the older always eye one another across a gaping chasm. Gray heads shake in perplexity, even in a week of mourning, even over the mildest expressions of teen taste. Fashion, for example. Here are these nice kids from suburban Denver, heroically documenting the tragedy for TV, and they all seem to belong to the Church of Wearing Your Cap Backward. A day later, as the teens grieve en masse, oldsters ask, ''when we were kids, would we have worn sweats and jeans to a memorial service for our friends?'' And of course the trench-coat killers had their own distinctive clothing: Johnny Cash by way of Quentin Tarantino. Should we blame the Columbine massacre on haberdashery?

No, but many Americans want to pin the blame for this and other agonizing splatter fests on pop culture. Adults look at the revenge fantasies their kids see in the 'plexes, listen (finally) to the more extreme music, glance over their kids' shoulders at Druid websites and think, ''Seems repulsive to me. Maybe pop culture pulled the trigger.''

Who wouldn't want to blame self-proclaimed Antichrist superstar Marilyn Mason? Listen to Lunchbox, and get the creeps: ''The big bully try to stick his finger in my chest/ Try to tell me, tell me he's the best/ But I don't really give a good goddamn cause/ I got my lunchbox and I'm armed real well / Next motherf***** gonna get my metal/ . . . Pow pow pow.'' Not quite Stardust.

Sift through teen movies of the past 10 years, and you could create a hindsight game plan for Littleton. Peruse Heathers (1989), in which a charming sociopath engineers the death of jocks and princesses. Study carefully, as one of the Columbine murderers reportedly did, Natural Born Killers (1994), in which two crazy kids cut a carnage swath through the Southwest as the media ferociously dog their trail. Sample The Basketball Diaries (1995), in which druggy high schooler Leonardo DiCaprio daydreams of strutting into his homeroom in a long black coat and gunning down his hated teacher and half the kids. The Rage: Carrie 2 (now in theaters) has jocks viciously taunting outsiders until one girl kills herself by jumping off the high school roof and another wreaks righteous revenge by using her telekinetic powers to pulverize a couple dozen kids.

Grownups can act out revenge fantasies too. In Payback, Mel Gibson dishes it out (pulls a ring out of a punk's nose, shoots his rival's face off through a pillow) and takes it (gets punched, switch-bladed, shot and, ick, toe-hammered). The Matrix, the first 1999 film to hit $100 million at the box office, has more kung fu than gun fu but still brandishes an arsenal of firepower in its tale of outsiders against the Internet droids.

In Littleton's wake, the culture industry has gone cautious. CBS pulled an episode of Promised Land because of a plot about a shooting in front of a Denver school. The WB has postponed a Buffy the Vampire Slayer episode with a schoolyard-massacre motif. Movie-studio honchos, who furiously resist labeling some serious adult films FOR ADULTS ONLY, went mum last week when asked to comment on any connection between violent movies and violent teen behavior. That leaves us to explain things.

Revenge dramas are as old as Medea (she tore her sons to pieces), as hallowed as Hamlet (seven murders), as familiar as The Godfather. High drama is about the conflict between shades of good and evil, often within the same person. But it's easier to dream up a scenario of slavering evil and imperishable good. This is the moral and commercial equation of melodrama: the greater the outrage suffered, the greater the justification for revenge. You grind me down at first; I grind you up at last. This time it's personal.

Fifty years ago, movies were homogenous, meant to appeal to the whole family. Now pop culture has been Balkanized; it is full of niches, with different groups watching and playing their own things. And big movies, the ones that grab $20 million on their first weekend, are guy stuff. Young males consume violent movies, in part, for the same reason they groove to outlaw music: because their parents can't understand it—or stand it. To kids, an R rating for violence is like the Parental Advisory on CDs: a Good Housebreaking Seal of Approval.

The cultural gap, though, is not just between old and young. It is between the haves and the self-perceived have-nots of teen America. Recent teen films, whether romance or horror, are really about class warfare. In each movie, the cafeteria is like a tiny former Yugoslavia, with each clique its own faction: the Serbian jocks, Bosnian bikers, Kosovar rebels, etc. And the horror movies are a microcosm of ethnic cleansing.

Movies may glamorize mayhem while serving as a fantasy safety valve. A steady diet of megaviolence may coarsen the young psyche—but some films may instruct it. Heathers and Natural Born Killers are crystal-clear satires on psychopathy, and The Basketball Diaries is a mordant portrait of drug addiction. Payback is a grimly synoptic parody of all gangster films. In three weeks, 15 million people have seen The Matrix and not gone berserk. And Carrie 2 is a crappy remake of a 1976 hit that led to no murders.

Mr. HOLLINGS. Reading one sentence:

Sift through teen movies of the past 10 years, and you could create a hindsight game plan for Littleton.

Another interesting article, ''Gunning for Hollywood,'' appeared in U.S. News & World Report on May 10. I ask unanimous consent that the column by John Leo be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUNNING FOR HOLLYWOOD

(By John Leo)

Every time a disaster like the Colorado massacre occurs, Democrats want to focus on guns and Republicans want to talk about popular culture. Much of this comes from actual conviction, but economic interest often disguises itself as principle. The Republicans can't say much about the gun lobby, because they accept too much of its money. The Democrats can't talk about Hollywood and the rest of the entertainment industry, because that's where so much of their funding comes from.

The gun and entertainment executives tend to patrol the same familiar borders. Charlton Heston, head of the National Rifle Association, offered some dubious arguments: An armed guard at Columbine High School would have saved lives; legalizing concealed weapons tends to lower crime rates. Gerald Levin, the equally adamant head of Time Warner, said he feared ''a new season of political opportunism and moral arrogance intended to scapegoat the media.'' He raised the specter of censorship, noting that Oliver Cromwell, ''the spiritual forebear of Rev. Falwell,'' shut down the theaters of 17th-century England on moral grounds.

Surely we can do better than this. We can talk about the importance of gun control, and we can talk about the impact on behavior of violence portrayed in the media without suggesting that censorship is any kind of solution.

This time around, a center of sorts seems to be forming. Bill Bennett and Sen. Joseph Lieberman, familiar social conservative voices on this issue, have been joined by Sens. John McCain and Sam Brownback and, it seems, by the Clintons and the Gores. Tipper Gore said that the entertainment media bear some responsibility for the killings in Colorado. In a radio address, President Clinton urged parents to ''refuse to buy products'' which glorify violence.''

If more Republicans will talk about guns, maybe more Democrats will ask their favorite media moguls to start thinking harder about the social impact of the many awful products they dump on the market.

''We want to appeal to their sense of responsibility and citizenship and ask them to look beyond the bottom line,'' said Lieberman. There is talk of some sort of ''summit meeting'' on violence. McCain plans a hearing this week on how violence is marketed to children. For the long term, we need a campaign appealing to pride and accountability among media executives. Shame, too, says Lieberman.

Pointless violence is an obvious topic. In the dreadful Mel Gibson movie Payback, a nose ring is yanked off, bringing some of the nose with it. A penis is pulled off in the new alleged comedy Idle Hands. Worse are the apparent connections between screen and real-

world violence. Michael Carneal's shooting rampage in a Kentucky school was similar to one in a movie he saw, The Basketball Diaries. In the film, the main character dreams of breaking down a classroom door and shooting six classmates and a teacher while other students cheer. In Manhattan in 1997, one of the men who stomped a parade watcher to death on St. Patrick's Day finished with a line almost exactly like the one uttered by a killer in the movie A Bronx Tale: ''Look at me—I'm the one who did this to you.''

A damaging kind of movie violence is currently on display in a very good new movie, The Matrix. Keanu Reeves's slaughter of his enemies is filmed as a beautiful ballet. Thousands of shells fall like snow from his helicopter and bounce in romantic slo-mo off walls and across marble floors. The whole scene makes gunning people down seem like a wonderfully satisfying hobby, as if a brilliant ad agency had just landed the violence account. What you glorify you tend to get more of. Somebody at the studio should have asked, ''Do we really need more romance attached to the act of blowing people away?''

Sadism for the masses. A generation or two ago, movie violence was routinely depicted as a last resort. There were exceptions, of course. But violence was typically something a hero was forced to do, not something he enjoyed. He had no choice. Now, as the critic Mark Crispin Miller once wrote, screen violence ''is used primarily to invite the viewer to enjoy the feel of killing, beating, mutilating.''

We are inside the mind and emotions of the shooter, experiencing the excitement. This is violence not as a last resort but as deeply satisfying lifestyle. And those who use films purely to exploit and promote the lifestyle ought to be called on it.

Some years ago, Cardinal Roger Mahony, Roman Catholic archbishop of Los Angeles, was thought to be preparing a speech calling for a tough new film-rating code. Hollywood prepared itself to be appalled. But instead of calling for a code, the cardinal issued a pastoral letter defending artistic freedom and appealed to moviemakers to think more about how to handle screen violence. When violence is portrayed, he wrote, ''Do we feel the pain and dehumanization it causes to the person on the receiving end, and to the person who engages in it? . . . Does the film cater to the aggressive and violent impulses that lie hidden in every human heart? Is there danger its viewers will be desensitized to the horror of violence by seeing it?''

Good questions. Think about it, Hollywood.

Mr. HOLLINGS. Mr. President, Mr. Leo's column cites that TV violence has a definite effect on children.

Turning to the New Republic of May 17, Gregg Easterbrook in the New Republic wrote another relevant article entitled, ''Watch and Learn.'' I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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Section: Pg. 22.
Length: 3724 words.
Headline: Watch and Learn.
Byline: Gregg Easterbrook.
Highlight: Yes, the media do make us more violent.

Body: Millions of teens have seen the 1996 move Scream, a box-office and home-rental hit. Critics adored the film. The Washington Post declared that it ''deftly mixes irony, self-reference, and social wry commentary.'' The Los Angeles Times hailed it as ''a bravura, provocative send-up.'' Scream opens with a scene in which a teenage girl is forced to watch her jock boyfriend tortured and then disemboweled by two fellow students who, it will eventually be learned, want revenge on anyone from high school who crossed them. After jock boy's stomach is shown cut open and he dies screaming, the killers stab and torture the girl, then cut her throat and hang her body from a tree so that Mom can discover it when she drives up. A dozen students and teachers are graphically butchered in the film, while the characters make running jokes about murder. At one point, a boy tells a big-breasted friend she'd better be careful because the stacked girls always get it in horror films; in the next scene, she's grabbed, stabbed through the breasts, and murdered. Some provocative send-up, huh? The move builds to a finale in which one of the killers announces that he and his accomplice started off by murdering strangers but then realized it was a lot of more fun to kill their friends.

Now that two Colorado high schoolers have murdered twelve classmates and a teacher—often, it appears, first taunting their pleading victims, just like celebrity stars do in the movies!—some commentators have dismissed the role of violence in the images shown to the young, pointing out that horrific acts by children existed before celluloid or the phosphor screen. That is true—the Leopold-Loeb murder of 1924, for example. But mass murders by the young, once phenomenally rare, are suddenly on the increase. Can it be coincidence that this increase is happening at the same time that Hollywood has begun to market the notion that mass murder is fun?

For, in cinema's never-ending quest to up the ante on violence, murder as sport is the latest frontier. Slasher flicks began this trend; most portray carnage from the killer's point of view, showing the victim cowering, begging, screaming as the blade goes in, treating each death as a moment of festivity for the killer. (Many killers seek feelings of power over their victims, criminology finds; by revealing in the pleas of victims, slasher movies promote this base emotion.) The 1994 movie Natural Born Killers depicted slaying the helpless not only as a way to have a grand time but also as a way to become a celebrity; several dozen onscreen murders are shown in that film, along with a discussion of how great it makes you feel to just pick people out at random and kill them. The 1994 movie Pulp Fiction presented hit men as glamour figures having loads of interesting fun; the actors were mainstream stars like John Travolta. The 1995 movie Seven, starring Brad Pitt, portrayed a sort of contest to murder in unusually grotesque ways. (Screenwriters now actually discuss, and critics comment on, which film's killings are most amusing.) The 1995 movie The Basketball Diaries contains an extended dream sequence in which the title character, played by teen heartthrob Leonardo DiCaprio, methodically guns down whimpering, pleading classmates at his high school. A rock soundtrack pulses, and the character smiles as he kills.

The new hollywood tack of portraying random murder as a form of recreation does not come from schlock-houses. Disney's Miramax division, the same mainstream studio that produced Shakespeare in Love, is responsible for Scream and Pulp Fiction. Time-Warner is to blame for Natural Born Killers and actually ran television ads promoting this film as ''delirious, daredevil fun.'' (After it was criticized for calling murder ''fun,'' Time-Warner tried to justify Killers as social commentary; if you believe that, you believe Godzilla was really about biodiversity protection.) Praise and publicity for gratuitously violent movies come from the big media conglomerates, including the newspapers and networks that profit from advertising for films that glorify murder. Disney, now one of the leading promoters of violent images in American culture, even feels that what little kids need is more violence. Its Christmas 1998 children's movie Mighty Joe Young begins with an eight-year-old girl watching her mother being murdered. By the movie's end, it is 20 years later, and the killer has returned to stalk the grown daughter, pointing a gun in her face and announcing, ''Now join your mother in hell.'' A Disney movie.

One reason Hollywood keeps reaching for ever-more-obscene levels of killing is that it must compete with television, which today routinely airs the kind of violence once considered shocking in theaters. According to studies conducted at Temple University, prime-time network (non-news) shows now average up to five violent acts per hour. *In February, NBC ran in prime time the movie Eraser, not editing out an extremely graphic scene in which a killer pulls a gun on a bystander and blasts away.* The latest TV movie based on The Rockford Files, which aired on CBS the night of the Colorado murders, opened with a scene of an eleven-year-old girl in short-shorts being stalked by a man in a black hood, grabbed, and dragged off, screaming. The Rockford Files is a comedy. Combining television and movies, the typical American boy or girl, studies find, will observe a stunning 40,000 dramatizations of killing by age 18.

In the days after the Colorado slaughter, discussion of violent images in American culture was dominated by the canned positions of the anti-Hollywood right and the mammon-is-our-God film lobby. The debate missed three vital points: the distinction between what adults should be allowed to see (anything) and what the inchoate minds of children and adolescents should see; the way in which important liberal battles to win free expression in art and literature have been perverted into an excuse for antisocial video brutality produced by cynical capitalists; and the difference between censorship and voluntary acts of responsibility.

The day after the Colorado shooting, Mike De Luca, an executive of New Line Cinema, maker of The Basketball Diaries, told USA Today that, when kids kill, ''bad home life, bad parenting, having guns in the home'' are ''more of a factor than what we put out there for entertainment.'' Setting aside the disclosure that Hollywood now categorizes scenes of movies stars gunning down the innocent as ''entertainment,'' De Luca is correct: studies do show that upbringing is more determinant of violent behavior than any other factor. But research also clearly shows that the viewing of violence can cause aggression and crime. So the question is, in a society already plagued by poor parenting and unlimited gun sales, why does the entertainment industry feel privileged to make violence even more prevalent?

Even when researchers factor out other influences such as parental attention, many peer-reviewed studies having found causal

links between viewing phony violence and engaging in actual violence. A 1971 surgeon general's report asserted a broad relationship between the two. Studies by Brandon Centerwall, an epidemiologist at the University of Wisconsin, have shown that the postwar murder rise in the United States began roughly a decade after TV viewing became common. Centerwall also found that, in South Africa, where television was not generally available until 1975, national murder rates started rising about a decade later. Violent computer games have not existed long enough to be the subject of many controlled studies, but experts expect it will be shown that playing such games in youth also correlates with destructive behavior. There's an eerie likelihood that violent movies and violent games amplify one another, the film and television images placing thoughts of carnage into the psyche while the games condition the trigger finger to act on those impulses.

Leonard Eron, a psychologist at the University of Michigan, has been tracking video violence and actual violence for almost four decades. His initial studies, in 1960, found that even the occasional violence depicted in 1950s television—to which every parent would gladly return today—caused increased aggression among eight-year-olds. By the adult years, Erons' studies find, those who watched the most TV and movies in childhood were much more likely to have been arrested for, or convicted of, violent felonies. Eron believes that ten percent of U.S. violent crime is caused by exposure to images of violence, meaning that 90 percent is not but that a ten percent national reduction in violence might be achieved merely by moderating the content of television and movies. ''Kids learn by observation,'' Eron says. ''If what they observe is violent, that's what they learn.'' To cite a minor but telling example, the introduction of vulgar language into American public discourse traces, Eron thinks, largely to the point at which stars like Clark Gable began to swear onscreen, and kids then imitated swearing as normative.

Defenders of bloodshed in film, television, and writing often argue that depictions of killing don't incite real violence because no one is really affected by what they see or read; it's all just water off a duck's back. At heart, this is an argument against free expression. The whole reason to have a First Amendment is that people are influenced by what they see and hear: words and images do change minds, so there must be free competition among them. If what we say, write, or show has no consequences, why bother to have free speech?

Defenders of Hollywood bloodshed also employ the argument that, since millions of people watch screen mayhem and shrug, feigned violence has no causal relation to actual violence. After a horrific 1992 case in which a British gang acted out a scene from the slasher movie Child's Play 3, torturing a girl to death as the movie had shown, the novelist Martin Amis wrote dismissively in The New Yorker that he had rented Child's Play 3 and watched the film, and it hadn't made him want to kill anyone, so what was the problem? But Amis isn't homicidal or unbalanced. For those on the psychological borderline, the calculus is different. There have, for example, been at least two instances of real-world shootings in which the guilty imitated scenes in Natural Born Killers.

Most telling, Amis wasn't affected by watching a slasher movie because Amis is not young. Except for the unbalanced, *exposure to violence in video ''is not so important for adults; adults can watch anything they want,'' Eron says. Younger minds are a different story. Children who don't yet understand the difference between illusion and reality may be highly affected by video violence. Between the ages of two and eight, hours of viewing violent TV programs and movies correlates closely to felonies later in life;* the child comes to see hitting, stabbing, and shooting as normative acts. The link between watching violence and engaging in violence continues up to about the age of 19, Eron finds, after which most people's characters have been formed, and video mayhem no longer correlates to destructive behavior.

Trends in gun availability do not appear to explain the murder rise that has coincided with television and violent films. Research by John Lott Jr., of the University of Chicago Law School, shows that the percentage of homes with guns has changed little throughout the postwar era. What appears to have changed is the willingness of people to fire their guns at one another. Are adolescents now willing to use guns because violent images make killing seem acceptable or even cool? Following the Colorado slaughter, The New York Times ran a recounting of other postwar mass murders staged by the young, such as the 1966 Texas tower killings, and noted that they all happened before the advent of the Internet or shock rock, which seemed to the Times to absolve the modern media. But *all the mass killings by the young occurred after 1950—after it became common to watch violence on television.*

When horrific murders occur, the film and television industries routinely attempt to transfer criticism to the weapons used. Just after the Colorado shootings, for instance, TV talk-show host Rosie O'Donnell called for a constitutional amendment banning all firearms. How strange that O'Donnell didn't call instead for a boycott of Sony or its production company, Columbia Tristar—a film studio from which she has received generous paychecks and whose current offerings include 8MM, which glamorizes the sexual murder of young women, and The Replacement Killers, whose hero is a hit man and which depicts dozens of gun murders. Handguns should be licensed, but that hardly excuses the convenient sanctimony of blaming the crime on the weapon, rather than on what resides in the human mind.

And, when it comes to promoting adoration of guns, Hollywood might as well be the NRA's marketing arm. An ever-increasing share of film and television depicts the firearm as something the virile must have and use, if not an outright sexual aid. Check the theater section of any newspaper, and you will find an ever-higher percentage of movie ads in which the stars are prominently holding guns. Keanu Reeves, Uma Thurman, Laurence Fishburne, Geena Davis, Woody Harrelson, and Mark Wahlberg are just a few of the hip stars who have posed with guns for movie advertising. *Hollywood endlessly congratulates itself for reducing the depiction of cigarettes in movies and movie ads. Cigarettes had to go, the film industry admitted, because glamorizing them gives the wrong idea to kids. But the glamorization of firearms, which is far more dangerous, continues.* Today, even female stars who otherwise consider themselves politically aware will model in sexualized poses with guns. Ads for the new movie Goodbye Lover show star Patricia Arquette nearly nude, with very little between her and the viewer but her handgun.

But doesn't video violence merely depict a stark reality against which the young need be warned? American society is far too violent, yet the forms of brutality highlighted in the movies and on television—prominently ''thrill'' killings and serial murders—are pure distortion. Nearly 99 percent of real murders result from robberies, drug deals, and domestic disputes; figures from research affiliated with the FBI's behavioral sciences division show an average of only about 30 serial or ''thrill'' murders nationally per year. Thirty is plenty horrifying enough, but, at this point, each of the major networks and movie studios alone depicts more ''thrill'' and serial murders annually than that. By endlessly exploiting the notion of the ''thrill'' murder, Hollywood and television present to the young an entirely imaginary image of a society in which killing for pleasure is a common event. The publishing industry, including some TNR advertisers, also distorts for profit the frequency of ''thrill'' murders.

The profitability of violent cinema is broadly dependent on the ''down-rating'' of films—movies containing extreme violence being rated only R instead of NC–17 (the new name for X)—and the lax enforcement of age restrictions regarding movies. *Teens are the best market segment for Hollywood; when moviemakers claim their violent movies are not meant to appeal to teens, they are simply lying.* The millionaire status of actors, directors, and studio heads—and the returns of the mutual funds that invest in movie companies—depends on not restricting teen access to theaters or film rentals. Studios in effect control the movie ratings board and endlessly lobby it not to label extreme violence with an NC–17, the only form of rating that is actually enforced. Natural Born Killers, for example, received an R following Time-Warner lobbying, despite its repeated close-up murders and one charming scene in which the stars kidnap a high school girl and argue about whether it would be more fun to kill her before or after raping her. Since its inception, the movie ratings board has put its most restrictive rating on any realistic representation of lovemaking, while sanctioning ever-more-graphic depictions of murder and torture. In economic terms, the board's pro-violence bias gives studios an incentive to present more death and mayhem, confident that ratings officials will smile with approval.

When r-and-x battles were first fought, intellectual sentiment regarded the ratings system as a way of blocking the young from seeing films with political content, such as Easy Rider, or discouraging depictions of sexuality; ratings were perceived as the rubes' counterattack against cinematic sophistication. But, in the 1960s, murder after murder after murder was not standard cinema fare. The most controversial violent film of that era, A Clockwork Orange, depicted a total of one killing, which was heard but not on-camera. (Clockwork Orange also had genuine political content, unlike most of today's big studio movies.) In an era of runaway screen violence, the '60s ideal that the young should be allowed to see what they want has been corrupted. In this, trends in video mirror the misuse of liberal ideals generally.

Anti-censorship battles of this century were fought on firm ground, advocating the right of films to tackle social and sexual issues (the 1930s Hays office forbid among other things cinematic mention of cohabitation) and free access to works of literature such as Ulysses, Story of O, and the original version of Norman Mailer's The Naked and the Dead. Struggles against censors established that suppression of film or writing is wrong.

But to say that nothing should be censored is very different from saying that everything should be shown. Today, Hollywood and television have twisted the First Amendment concept that occasional repulsive or worthless expression must be protected, so as to guarantee freedom for works of genuine political content or artistic merit, into a new standard in which constitutional freedoms are employed mainly to safeguard works that make no pretense of merit. In the new standard, the bulk of what's being protected is repulsive or worthless, with the meritorious work the rare exception.

Not only is there profit for the performers, producers, management, and shareholders of firms that glorify violence, so, too, is there profit for politicians. Many conservative or Republican politicians who denounce Hollywood eagerly accept its lucre. Bob Dole's 1995 anti-Hollywood speech was not followed up by anti-Hollywood legislation or campaign-funds strategy. After the Colorado murders, President Clinton declared, ''Parents should take this moment to ask what else they can do to shield children from violent images and experiences that warp young perceptions.'' But Clinton was careful to avoid criticizing Hollywood, one of the top sources of public backing and campaign contributions for him and his would-be successor, Vice President Al Gore. The president has nothing specific to propose on film violence—only that parents should try to figure out what to do.

When television producers say it is the parents' obligation to keep children away from the tube, they reach the self-satire point of warning that their own product is unsuitable for consumption. The situation will improve somewhat beginning in 2000, by which time all new TVs must be sold with the ''V chips''—supported by Clinton and Gore—which will allow parents to block violent shows. But it will be at least a decade before the majority of the nation's sets include the chip, and who knows how adept young minds will prove at defeating it? Rather than relying on a technical fix that will take many years to achieve an effect, TV producers could simply stop churning out the gratuitous violence. Television could dramatically reduce its output of scenes of killing and still depict violence in news broadcasts, documentaries, and the occasional show in which the horrible is genuinely relevant. Reduction in violence is not censorship; it is placing social responsibility before profit.

The movie industry could practice the same kind of restraint without sacrificing profitability. In this regard, the big Hollywood studios, including Disney, look craven and exploitative compared to, of all things, the porn-video industry. Repulsive material occurs in underground porn, but, in the products sold by the mainstream triple-X distributors such as Vivid Video (the MGM of the erotica business), violence is never, ever, ever depicted—because that would be irresponsible. Women and men perform every conceivable explicit act in today's mainstream porn, but what is shown is always consensual and almost sunnily friendly. Scenes of rape or sexual menace never occur, and scenes of sexual murder are an absolute taboo.

It is beyond irony that today Sony and Time-Warner eagerly market explicit depictions of women being raped, sexually assaulted, and sexually murdered, while the mainstream porn industry would never dream of doing so. But, if money is all that matters, the point here is that mainstream porn is violence-free and yet risque and highly profitable. Surely this shows that Hollywood could voluntarily step back from the abyss of glorifying violence and still retain its edge and its income.

Following the Colorado massacre, Republican presidential candidate Gary Bauer declared to a campaign audience, ''In the America I want, all of these producers and directors, they would not be able to show their faces in pubic'' because fingers ''would be pointing at them and saying, 'Shame, shame.' '' The statement sent chills through anyone fearing right-wing though-control. But Bauer's final clause is correct—Hollywood and television do need to hear the words ''shame, shame.'' The cause of the shame should be removed voluntarily, not to stave off censorship, but because it is the responsible thing to do.

Put it this way. The day after a teenager guns down the sons and daughters of studio executives in a high school in Bel Air or Westwood, Disney and Time-Warner will stop glamorizing murder. Do we have to wait until that day?

Mr. HOLLINGS. Mr. President, we include by reference—not printed in the RECORD of course—the hearings of 1993, 1995, and 1997 which are relevant today. In fact, they have been exacerbated by the events we have not only seen in Colorado, but in Kentucky and Arkansas in the various schools, but more particular, it has supported our case about the industry, the broadcasters, the producers—by Hollywood.

Let's understand first the putoff we had and the stonewalling back in 1990 when Senator Paul Simon said: What we have to do really—let's not rush into this.

We have been rushing in since 1969. But in 1989 and 1990, we could not rush in, and we had to have a code of conduct. The reason they could not get it was because of the antitrust laws. So we put in an estoppel to the antitrust laws applying to this particular endeavor. We had the standards for depiction of violence and television programs issued by ABC, CBS, and NBC in 1992.

Mr. President, this is what the programmers themselves said:

> However, all depictions of violence should be relevant and necessary to the development of character or to the advancement of theme or plot.

Going further:

> Gratuitous or excessive depictions of violence are not acceptable.

Mr. President, that is word for word our amendment. What we try to bar is excessive, gratuitous violence during the family hour. It works in the United Kingdom. It works in Belgium and in Europe. It works down in Australia. It is tried and true and passes constitutional muster.

We had this problem develop with respect to indecency. Finally, the Congress acted and we installed in law the authority and responsibility for the Federal Communications Commission to determine the time period of family hour, which has been determined from 6 in the morning to 10 in the evening, and they barred showing of indecency on television in America. That has worked. It was taken to the courts. The lawyers immediately went to work, but the lower court decision has been upheld by the Supreme Court.

The Attorney General of the United States appeared at our hearing before the Commerce, Science and Transportation Committee and said she thought it definitely would pass constitutional muster. We also had a plethora of constitutional professors come in. The record is replete. It is not haphazard.

Let me quote entertainment industry executives and apologists saying just exactly what we say in our law:

> Programs should not depict violence as glamourous—

I quote that from their own particular code of conduct—

> Realistic depictions of violence should also portray the consequences of that violence to its victims and its perpetrators.

That was 1992. Let's find out what they did with the code of conduct.

In 1998, there was a study sponsored by the National Cable Television Association. This is one of the most recent authoritative documents on the entire subject. It includes not only the National Parent-Teachers Association, Virginia Markel, the American Bar Association, Michael McCann, the National Education Association, Darlene Chavez, but—listen to this—Belva Davis, American Federation of Television and Radio Artists; Charles B. Fitzsimmons, Producers Guild of America; Carl Gotlieb, Writers Guild of America West; Ann Marcus, Caucus for Producers, Writers and Directors; Gene Reynolds, Directors Guild of America.

What do they say? I cannot print the entire document in the RECORD, in deference to economy in Government. I read from the findings on page 29:

> Much of TV violence is still glamorized.

This was their code in 1992. There is no ''glamorized.'' Six years later, they themselves—the producers, the writers, Hollywood itself—say:

> Much of TV violence is still glamorized. Good characters are frequently the perpetrators of violence and rarely do they show remorse. Viewers of all ages are more likely to emulate and learn from characters who are perceived as attractive. Across the 3 years of this study, nearly 40 percent of the violent incidents on television are initiated by characters who possess qualities that make them attractive.

Heavens above. They prove our case for the amendment.

Again reading from the study:

> Another aspect of glamorization is that physical aggression on television is often condoned. For example, more than one-third of violent programs feature bad characters who are never punished. Therefore, violence that goes unpunished in the shortrun poses serious risk to children.

Edgar Bronfman in the morning news said this is not something with the entertainment industry. But it is producers, it is writers, it is guilds, managers in Hollywood. I know if he had

been in the liquor business, he would tell him to go on out there and find out what is going on.

Reading further from their report:

Violent behavior on television is quite serious in nature. Across the 3-year study, more than half of the violent incidents feature physical aggression that would be lethal or incapacitating if it were to occur in real life. In spite of very serious forms of aggression, much of this violence is undermined by humor. At least 40 percent of the violent scenes on television include humor.

And on and on, from this particular report. It is really noteworthy that they prove our case. And to come up at this time saying that it does not have any effect, like they said on ''Meet the Press'' on Sunday, they would like to join in another study—and I understand the distinguished manager, the chairman, is going to ask for another study by the Surgeon General; and my distinguished chairman, the Senator from Arizona, he has joined in with the Senator from Connecticut to get another study.

Whereas the broadcasters, they know the history of broadcasting. We ought to send them all this three-volume set. I quote from page 23. Writers receive numerous plot instructions. This is back in 1953, 46 years ago. I quote:

It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

That is how you make money. They can put out all the language just like we do. I guess we are emulating them because we all talk about a surplus, a surplus, a surplus, when we have a deficit. They talk again and again and again how they are against this violence, and yet they continue, under their own study, to spew it out and have a definite effect out there in Colorado.

Mr. President, I call my colleagues' attention to Senate Commerce Committee Report on ''Children's Protection From Violent Programming Act,'' S. 363, Report No. 105–89 and the report on the ''Children's Protection From Violent Programming Act of 1995,'' S. 470, Report No. 104–117.

Mr. President, let me agree, though, with Mr. Bronfman on this. And I quote Mr. Bronfman from this morning's Washington Post.

''It's unfortunate that the American people, who really look to their government for leadership, instead get finger-pointing and chest-pounding,'' he said.

I will read that again, because I agree with him. ''It's unfortunate that the American people, who really look to their government for leadership, instead get finger-pointing and chest-pounding.''

There it is. We are experts at it when we call the $100 billion more we are spending this year on a deficit a surplus. When we say it is a legitimate gun dealer, and you have to have a background check, a waiting period, it has sidelined 60,000 felons. It is working. But yesterday, due to the stonewalling and influence of the NRA, we said no, you can go to a gun show and there is no background check.

Can you imagine the Congress that has no shame whatever? I wish I were a lawyer outside practicing. I would take that case immediately up on the 14th amendment and the equal protection clause for the gun dealers and say that is an unconstitutional provision when you do not require it at the gun shows. I would easily win that case. So we are going to set that aside or hope it is brought immediately so we will do away with that. Maybe then they will sober up and we will get enough votes.

Here today we are going to be faced again with the same stonewalling. They go down again and again and again, and they will say: There is no problem. We ought to have further studies.

There is one other result I want to mention to my distinguished colleagues here in the Senate. I have already put in the 1972 report. But I ask unanimous consent the American Medical Association article ''Television and Violence'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of the American Medical Association, June 10, 1992]

TELEVISION AND VIOLENCE: THE SCALE OF THE PROBLEM AND WHERE TO GO FROM HERE

(By Brandon S. Centerwall, MD, MPH)

In 1975 Rothenberg's Special Communication in JAMA, ''Effect of Television Violence on Children and Youth,'' first alerted the medical community to the deforming effects the viewing of television violence has on normal child development, increasing levels of physical aggressiveness and violence.[1] In response to physicians' concerns sparked by Rothenberg's communication, the 1976 American Medical Association (AMA) House of Delegates passed Resolution 38: ''The House declares TV violence threatens the health and welfare of young Americans, commits itself to remedial actions with interested parties, and encourages opposition to TV programs containing violence and to their sponsors.''[2]

Other professional organizations have since come to a similar conclusion, including the American Academy of Pediatrics and the American Psychological Association.[3] In light of recent research findings, in 1990 the American Academy of Pediatrics issued a policy statement: ''Pediatricians should advise parents to limit their children's television viewing to 1 to 2 hours per day.''[4]

Rothenberg's communication was largely based on the findings of the 1968 National Commission on the Causes and Prevention of Violence[5] and the 1972 Surgeon General's report, Television and Growing Up: The Impact of Televised Violence.[6] Those findings were updated and reinforced by the 1982 report of the National Institute of Mental Health, Television and Behavior: Ten Years of Scientific Progress and Implications for the Eighties, again documenting a broad consensus in the scientific literature that exposure to television violence increases children's physical aggressiveness.[7] Each of these governmental inquiries necessarily left open the question of whether this increase in children's physical aggressiveness would later lead to increased rates of violence. Although there had been dozens of laboratory investigations and short-term field studies (3 months or less), few long-term field studies (2 years or more) had been completed and reported. Since the 1982 National Institute of Mental Health report, long-term field studies have come into their own, some 20 having now been published.[8]

In my commentary, I discuss television's effects within the context of normal child development; give an overview of natural exposure to television as a cause of aggression and violence; summarize my own research findings on television as a cause of violence; and suggest a course of action.

TELEVISION IN THE CONTEXT OF NORMAL CHILD DEVELOPMENT

The impact of television on children is best understood within the context of normal child development. Neonates are born with an instinctive capacity and desire to imitate adult human behavior. That infants can, and do, imitate an array of adult facial expressions has been demonstrated in neonates as young as a few hours old, ie, before they are even old enough to know cognitively that they themselves have facial features that correspond with those they are observing.[9,10] It is a most useful instinct, for the developing child must learn and master a vast repertoire of behavior in short order.

Whereas infants have an instinctive desire to imitate observed human behavior, they do not possess an instinct for gauging a priori whether a behavior ought to be imitated. They will imitate anything,[11] including behaviors that most adults would regard as destructive and antisocial. It may give pause for thought, then, to learn that infants as young as 14 months of age demonstrably observe and incorporate behaviors seen on television[12,13] (Looking ahead, in two surveys of young male felons imprisoned for committing violent crimes, eg, homicide, rape, and assault, 22% to 34% reported having consciously imitated crime techniques learned from television programs, usually successfully.[14])

As of 1990, the average American child aged 2 to 5 years was watching over 27 hours of television per week.[15] This might not be bad, if young children understood what they are watching. However, up through ages 3 and 4 years, many children are unable to distinguish fact from fantasy in television programs and remain unable to do so despite adult coaching.[16] In the minds of such young children, television is a source of entirely factual information regarding how the world works. Naturally, as they get older, they come to know better, but the earliest and deepest impressions were laid down when the child saw television as a factual source of information about a world outside their homes where violence is a daily commonplace and the commission of violence is generally powerful, exciting, charismatic, and efficacious. Serious violence is most likely to erupt at moments of severe stress—and it is precisely at such moments that adolescents and adults are most likely to revert to their earliest, most visceral sense of what violence is and what its role is in society. Much of this sense will have come from television.

Not all laboratory experiments and short-term field studies demonstrate an effect of

*See footnotes at end of article.

media violence on children's behavior, but most do.[17,18] In a recent meta-analysis of randomized, case-control, short-term studies, exposure to media violence caused, on the average, a significant increase in children's aggressiveness as measured by observation of their spontaneous, natural behavior following exposure ($P<.05$).[19]

NATURAL EXPOSURE TO TELEVISION AS A CAUSE OF AGGRESSION AND VIOLENCE

In 1973, a small Canadian town (called ''Notel'' by the investigators) acquired television for the first time. The acquisition of television at such a late date was due to problems with signal reception rather than any hostility toward television, Joy et al[20] investigated the impact of television on this virgin community, using as control groups two similar communities that already had television. In a double-blind research design, a cohort of 45 first- and second-grade students were observed prospectively over a period of 2 years for rates of objectively measured noxious physical aggression (eg, hitting, shoving, and biting). Rates of physical aggression did not change significantly among children in the two control communities. Two years after the introduction of television, rates of physical aggression among children in Notel had increased by 160% ($P<.001$).

In a 22-year prospective study of an age cohort in a semirural US county (N=875), Huesmann[21] observed whether boys' television viewing at age 8 years predicted the seriousness of criminal acts committed by age 30. After controlling for the boys' baseline aggressiveness, intelligence, and socioeconomic status at age 8, it was found that the boys' television violence viewing at age 8 significantly predicted the seriousness of the crimes for which they were convicted by age 30 ($P<.05$).

In a retrospective case-control study, Kruttschnitt et al[22] compared 100 male felons imprisoned for violent crimes (eg, homicide, rape, and assault) with 65 men without a history of violent offenses, matching for age, race, and census tract of residence at age 10 to 14 years. After controlling for school performance, exposure to parental violence, and baseline level of criminality, it was found that the association between adult criminal violence and childhood exposure to television violence approached statistical significance ($P<.10$).÷

All Canadian and US studies of the effect of prolonged childhood exposure to television (2 years or more) demonstrate a positive relationship between earlier exposure to television and later physical aggressiveness, although not all studies reach statistical significance.[8] The critical period of exposure to television is preadolescent childhood. Later variations in exposure, in adolescence and adulthood, do not exert any additional effect.[23,24] However, the aggression-enhancing effect of exposure to television is chronic, extending into later adolescence and adulthood.[8,25] This implies that any interventions should be designed for children and their caregivers rather than for the general adult population.

These studies confirm what many Americans already believe on the basis of intuition. In a national opinion poll, 43% of adult Americans affirm that television violence ''plays a part in making America a violent society,'' and an additional 37% find the thesis at least plausible (only 16% frankly disbelieve the proposition).[26] But how big a role does it play? What is the effeft of natural exposure to television on entire populations? To address this issue, I took advantage of an historical experiment—the absence of television in South Africa prior to 1975.[8,25]

TELEVISION AND HOMICIDE IN SOUTH AFRICA, CANADA, AND THE UNITED STATES

The South African government did not permit television broadcasting prior to 1975, even though South African whites were a prosperous, industrialized Western society.[8] Amidst the hostile tensions between the Afrikaner and English white communities, it was generally conceded that any South African television broadcasting industry would have to rely on British and American imports to fill out its programming schedule. Afrikaner leaders felt that that would provide an unacceptable cultural advantage to the English-speaking white South Africans. Rather than negotiate a complicated compromise, the Afrikaner-controlled government chose to finesse the issue by forbidding television broad-casting entirely. Thus, an entire population of 2 million whites—rich and poor, urban and rural, educated and uneducated—was nonselectively and absolutely excluded from exposure to television for a quarter century after the medium was introduced into the United States. Since the ban on television was not based on any concerns regarding television and violence, there was no self-selection bias with respect to the hypothesis being tested.

To evaluate whether exposure to television is a cause of violence, I examined homicide rates in South Africa, Canada, and the United States. Given that blacks in South Africa live under quite different conditions than blacks in the United States, I limited the comparison to white homicide rates in South Africa and the United States and the total homicide rate in Canada (which was 97% white in 1951). Data analyzed were from the respective government vital statistics registries. The reliability of the homicide data is discussed elsewhere.[8]

Following the introduction of television into the United States, the annual white homicide rate increased by 93%, from 3.0 homicides per 100,000 white population in 1945 to 5.8 per 100,000 in 1974; in South Africa, where television was banned, the white homicide rate decreased by 7%, from 2.7 homicides per 100,000 white population in 1943 through 1948 to 2.5 per 100,000 in 1974. As with US whites, following the introduction of television into Canada the Canadian homicide rate increased by 92%, from 1.3 homicides per 1,000 population in 1945 to 2.5 per 100,000 in 1974.

For both Canada and the United States, there was a lag of 10 to 15 years between the introduction of television and the subsequent doubling of the homicide rate. Given that homicide is primarily an adult activity, if television exerts its behavior-modifying effects primarily on children, the initial ''television generation'' would have had to age 10 to 15 years before they would have been old enough to affect the homicide rate. If this were so, it would be expected that, as the initial television generation grew up, rates of serious violence would first begin to rise among children, then several years later it would begin to rise among adolescents, then still later among young adults, and so on. And that is what is observed.[8]

In the period immediately preceding the introduction of television into Canada and the United States, all three countries were multiparty, representative, federal democracies with strong Christian religious influences, where people of nonwhite races were generally excluded from political power. Although television broadcasting was prohibited prior to 1975, white South Africa had well-developed book, newspaper, radio, and cinema industries. Therefore, the effect of television could be isolated from that of other media influences. In addition, I examined an array of possible confounding variables—changes in age distribution, urbanization, economic conditions, alcohol consumption, capital punishment, civil unrest, and the availability of firearms.[8] None provided a viable alternative explanation for the observed homicide trends. For further details regarding the testing of the hypothesis, I refer the reader to the published monograph[8] and commentary.[25]

A comparison of South Africa with only the United States could easily lead to the hypothesis that US involvement in the Vietnam War or the turbulence of the civil rights movement was responsible for the doubling of homicide rates in the United States. The inclusion of Canada as a control group precludes these hypotheses, since Canadians likewise experienced a doubling of homicide rates without involvement in the Vietnam War and without the turbulence of the US civil rights movement.

When I published my original paper in 1989, I predicted that white South African homicide rates would double within 10 to 15 years after the introduction of television in 1975, the rate having already increased 56% by 1983 (the most recent year then available).[8] As of 1987, the white South African homicide rate and reached 5.8 homicides per 100,000 white population, a 130% increase in the homicide rate from the rate of 2.5 per 100,000 in 1974, the last year before television was introduced.[27] In contrast, Canadian and white US homicide rates have not increased since 1974. As of 1987, the Canadian homicide rate was 2.2 per 100,000, as compared with 2.5 per 100,000 in 1974.[28] In 1987, the US white homicide rate was 5.4 per 100,000, as compared with 5.8 per 100,000 in 1974.[29] (Since Canada and the United States became saturated with television by the early 1960s, it was expected that the effect of television on rates of violence would likewise reach a saturation point 10 to 15 years later.)

It is concluded that the introduction of television in the 1950s caused a subsequent doubling of the homicide rate, i.e., long-term childhood exposure to television is a causal factor behind approximately one half of the homicides committed in the United States, or approximately 10,000 homicides annually. Although the data are not as well developed for other forms of violence, they indicate that exposure to television is also a casual factor behind a major proportion—perhaps one half—of rapes, assaults, and other forms of interpersonal violence in the United States.[8] When the same analytic approach was taken to investigate the relationship between television and suicide, it was determined that the introduction of television in the 1950s exerted no significant effect on subsequent suicide rates.[30]

To say that childhood exposure to television and television violence is a predisposing factor behind half of violent acts is not to discount the importance of other factors. Manifestly, every violent act is the result of an array of forces coming together—poverty, crime, alcohol and drug abuse, stress—of which childhood exposure to television is just one. Nevertheless, the epidemiologic evidence indicates that if, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults.[25,31]

WHERE TO GO FROM HERE

In the war against tobacco, the tobacco industry is the last group from whom we expect any meaningful action. If someone were to call on the tobacco industry to cut back tobacco production as a matter of social conscience and out of concern for the public health, we would regard that person as being at least simple-minded, if not frankly deranged. Oddly enough, however, people have persistently assumed that the television industry operates by a higher standard of morality than the tobacco industry—that it is useful to appeal to its social conscience. This was true in 1969 when the National Commission on the Causes and Prevention of Violence published its recommendations for the television industry.[32] It was equally true in 1989 when the US Congress passed a television antiviolence bill that granted television industry executives the authority to confer on the issue of television violence without being in violation of antitrust laws.[33] Even before the law was fully passed, the four networks stated that they had no intention of using this antitrust exemption to any useful end and that there would be no substantive changes in programming content.[34] They have been as good as their word.

Cable aside, the television industry is not in the business of selling programs to audiences. It is in the business of selling audiences to advertisers. Issues of ''quality'' and ''social responsibility'' are entirely peripheral to the issue of maximizing audience size within a competitive market—and there is no formula more tried and true than violence for reliably generating large audiences that can be sold to advertisers. If public demand for tobacco decreases by 1%, the tobacco industry will lose $250 million annually in revenue.[35] Similarly, if the television audience size were to decrease by 1%, the television industry would stand to lose $250 million annually in advertising revenue.[35] Thus, changes in audience size that appear trivial to you and me are regarded as catastrophic by the industry. For this reason, industry spokespersons have made innumerable protestations of good intent, but nothing has happened. In over 20 years of monitoring levels of television violence, there has been no downward movement.[36, 37] There are no recommendations to make to the television industry. To make any would not only be futile but create the false impression that the industry might actually do something constructive.

The American Academy of Pediatrics recommends that pediatricians advise parents to limit their children's television viewing to 1 to 2 hours per day.[4] This is an excellent point of departure and need not be limited to pediatricians. It may seem remote that a child watching television today can be involved years later in violence. A juvenile taking up cigarettes is also remote from the dangers of chronic smoking, yet those dangers are real, and it is best to intervene early. The same holds true regarding television-viewing behavior. The instruction is simple: For children, less TV is better, especially violent TV.

Symbolic gestures are important, too. The many thousands of physicians who gave up smoking were important role models for the general public. Just as many waiting rooms now have a sign saying, ''This Is a Smoke-Free Area'' (or words to that effect), so likewise a sign can be posted saying, ''This Is a Television-Free Area.'' (This is not meant to exclude the use of instructional videotapes.) By sparking inquiries from parents and children, such a simple device provides a low-key way to bring up the subject in a clinical setting.

Children's exposure to television and television violence should become part of the public health agenda, along with safety seats, bicycle helmets, immunizations, and good nutrition. One-time campaigns are of little value. It needs to become part of the standard package: Less TV is better, especially violent TV. Part of the public health approach should be to promote child-care alternatives to the electronic baby-sitter, especially among the poor who cannot afford real baby-sitters.

Parents should guide what their children watch on television and how much. This is an old recommendation[32] that can be given new teeth with the help of modern technology. It is now feasible to fit a television set with an electronic lock that permits parents to preset which programs, channels, and times they wish the set to be available for; if a particular program or time of day is locked, the set won't turn on for that time or channel.[38] The presence of a time-channel lock restores and reinforces parental authority, since it operates even when the parents are not at home, thus permitting parents to use television to their family's best advantage. Time-channel locks are not merely feasible, but have already been designed and are coming off the assembly line (eg, the Sony XBR).

Closed captioning permits deaf and hard-of-hearing persons access to television. Recognizing that market forces alone would not make closed-captioning technology available to more than a fraction of the deaf and hard-of-hearing, the Television Decoder Circuitry Act was signed into law in 1990, requiring that, as of 1993, all new television sets (with screens 33 cm or larger, ie, 96% of new television sets) be manufactured with built-in closed-captioning circuitry.[39] A similar law should require that eventually all new television sets be manufactured with built-in time-channel lock circuitry—and for a similar reason. Market forces alone will not make this technology available to more than a fraction of households with children and will exclude poor families, the ones who suffer the most from violence. If we can make television technology available that will benefit 24 million deaf and hard-of-hearing Americans,[30] surely we can do not less for the benefit of 50 million American children.[35]

Unless they are provided with information, parents are ill-equipped to judge which programs to place off-limits. As a final recommendation, television programs should be accompanied by a violence rating so parents can gauge how violent a program is without having to watch it. Such a rating system should be quantitiative and preferably numerical, leaving aesthetic and social judgments to the viewers. Exactly how the scale ought to be quantified is less important than that it be applied consistently. Such a rating system would enjoy broad popular support: In a national poll, 71% of adult Americans favor the establishment of a violence rating system for television programs.[40]

It should be noted that none of these recommendations impinges on issues of freedom of speech. That is as it should b. It is not reasonable to address the problem of motor vehicle fatalities by calling for a ban on cars. Instead, we emphasize safety seats, good traffic signs, and driver education. Similarly, to address the problem of violence caused by exposure to television, we need to emphasize time-channel locks, program rating systems, and education of the public regarding good viewing habits.

FOOTNOTES

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Mr. HOLLINGS. Mr. President, I am limited in time so I am going along:

Following the introduction of television in the United States, the annual white homicide rate increased by 93 percent from 1945 to 1974. In Canada during that same period, the homicide rate increased 92 percent.

This is really the clincher, Mr. President:

In South Africa, where television was not introduced until 1975, the white homicide rate decreased 7 percent between 1943 and 1974; but by 1987, 12 years after television was introduced in South Africa, the white homicide rate there had increased by 130 percent.

Mr. Bronfman says it has nothing to do with television. Come on. Give us a break. For those who come around now and say: We are going to have content, V-chip, and everything else, and we want everything else, we have the content, we all agree—we did not all agree. In fact, NBC, the premium television network, they didn't agree to a content-based rating system; it is voluntary. They said: I do not agree with that, and we are not going to do it. And they do not do it. But they are talking about content.

BET, Black Entertainment Television, another responsible network group, said: We are not going along with that.

But let's see what the Kaiser Family Foundation found out since they have put in now, for a couple years, the so-called content rating system. A 1999 study by the Kaiser Family Foundation found that 79 percent of shows with moderate levels of violence do not receive the content descriptor ''V'' for violence. Of course, NBC and BET do not go along with it.

There is the program, ''Walker, Texas Ranger,'' which appears on the USA cable channel at 8 p.m. in the Washington, DC, area. It included the stabbing of two guards on a bus, an assault on a church by escaped convicts who take people hostage and threaten to rape a nun, and an episode ending where one escapee is shot and another is beaten unconscious. But the show did not receive the content descriptor ''V'' for violence.

This is all in the most recent Kaiser Family Foundation study.

The Kaiser study also found that no programs rated TV-G receive a ''V'' rating for violence. Moreover, 81 percent of the children's programming containing violence did not even receive the ''FV'' rating for fantasy violence.

And then a question. Let me quote this one:

The bottom line is clear.

This is from the Kaiser report:

Parents cannot rely on the content descriptors as currently employed to block all shows containing violence. There is still a significant amount of moderate to high-level violence in shows without content descriptors. And with respect to children's programming, the failure to use the ''V'' descriptor and the rare use of the ''FV'' descriptor leads to the conclusion that there is no effective way for parents to block out all children's shows containing violence, V-chip or no V-chip.

Then finally the Kaiser Family Foundation study says:

Children would still be woefully unprotected from television violence because content rating V is rarely used.

So much for: Content, content; give it time; give it time to work; and everything else like that. They have no idea of that working. What about the V-chip?

If you want to really spend an afternoon and tomorrow, try to toy with this one. I have a V-chip in my hand. I hold it up. You can get them there at Circuit City for $90.

Who is going to spend the time to learn how to use this? Well, they are not. And 70 percent of those polled who use the rating system say they will not buy a V-chip. They are going to trust the children.

How are you going to go through the average home that has three sets? Can't you see that mother in the morning chasing around—she has 64 channels in Washington. It is all voluntary; it is not required. She does not know which channel is which. She has this thing. And, wait a minute, she has her 18 pages of instructions. So she chases around from the kitchen to the bedroom, down to the children's room, and she has the 64 programs, and she has her 18 pages of instructions, and it is complicated because they do not want the children to be able to work it. Well, by gosh, they have succeeded with me. I don't know how to work it. We tried yesterday afternoon when we had a little time. We are going to work on it some more. But I bet you my boots that my grandchildren will learn quicker than I. I can tell you that right now. They will know how to work this blooming thing. It is not going to happen. That was another sop in the 1996 telecommunications act. Those on the House side wanted the V-chip. It was another putoff, another stonewall. We knew it was impractical. We know it is easier to trust your children than to go through this charade and this expense and race around and try to figure out all of these things.

When you have a dial on there, just turn that off. You don't need a chip. Just turn it off. Tell the children they cannot use it.

Well, you say, the children are going to do it anyway. I tell you the truth, with all these rating things, if I was a kid and found out that something was naughty and it was rated where I couldn't see it, just being a child, I would say, well, wait a minute, we are going to go to Johnny's house. My parents got me, but there is nobody home at Johnny's. We'll see this thing.

I mean, you really induce, excite, interest children with the rating system. It is counterproductive to begin with. But then the V-chip they talk about is just next to impossible.

Let us go to the constitutional question, Mr. President. It is not the least restrictive. The family hour is the least restrictive. Under the court decisions with respect to this interference on free speech, it is not that we have an overwhelming public interest established, which we have in the record, but it has to be the least restrictive. The least restrictive, of course, is that that has been tried and true, the family hour approach that we have now submitted in the amendment.

I hope they have enough pride to go along with what they have all voted. We voted this out in 1995, with only one dissenting vote. We voted it out in 1997, with one dissenting vote. I remember in 1995, the distinguished majority leader then, Senator Dole of Kansas, he went out there and he gave Hollywood—I hate to use the word ''hell,'' but that is what it is; that is what the newspapers said. He came back on the floor all charged up.

So I went to him and I said: Bob, I got the bill in. It is on the calendar. You put your name on it, if there is some interest in the authorship or whatever it is, or make any little changes you want to make. I am trying to get something done. I have been trying with John Pastore since 1969, 30 years now, to get something done, get a vote.

I said: Let's go ahead with it. But, no, no, the overwhelming influence of Hollywood, it stops us in our tracks. The overwhelming influence of the NRA, it stops us in our tracks.

I agree with Mr. Bronfman. Mr. Bronfman is right on target: It is unfortunate when the American people, who really look to their government for leadership, they don't find it, because they are bought and sold.

It is a tragic thing. You cannot get anything done around here. I have got a one-line amendment to the Constitution to get rid of this cancer: The Congress of the United States is hereby empowered to regulate or control spending in Federal elections. With that one line we go back to the 1974 act. We limit spending per voter. No cash; everything on top of the table; no soft money. One line says we can go back. We passed it in a bipartisan fashion back in the 1974 act, almost 25 years ago. We were like a dog chasing its tail.

But if we don't get rid of that cancer, you are not going to get any Congress. This Congress, instead of responding to the needs of the people with respect to spending and paying the bill in the budget, with responding to the gun violence around here where we take legitimate dealers and say you have to have a background, but the illegitimate shows, you say, yesterday afternoon, forget about it, and where today they want to move to table an amendment that works in England and Europe, down under, New Zealand, Australia and everything else. Why not? Because we want that support from out there with that group.

Of course, I think they own the magazines, the broadcasters, the Internet; they own each other. I can't keep up with the morning paper, who owns everything, but they are all owning each other. There is a tremendous, overwhelming influence for money, money, money. It is tragic, but it is true.

We have to sober up here and start passing some good legislation that people have been crying out for—the Parent-Teacher Association, National Education Association, American Medical Association, American Psychiatric Association, with the 18 hearings that we have had, 300 formative studies, over 1,000 different articles. Yet they say, well, wait a minute, that is on content. Let's see with the V-chip that is coming in July. They know it is a stonewall.

Mr. President, I yield such time as necessary to the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased and proud to join my colleague, Senator HOLLINGS of South Carolina, as a cosponsor of this amendment. I have worked with Senator HOLLINGS since 1992 on this subject in the Commerce Committee. We have had hearing after hearing. This is a very big issue. We are proposing a baby step on a very big issue. It is likely that this baby step that we propose to take will be turned down by the Senate. We will see. Maybe I will be surprised today. I hope I will. But if the past is prologue, we will likely see the Senate decide it is not time or the amendment is not right or any one of 1,000 excuses.

If ever there was an example of when all is said and done, more is said than done, if ever there was an example of that, it is on this subject. We have thousands of studies. We have had hundreds of hours of debate, many proposals. Almost nothing happens.

Will Rogers said something once instructive, it seems to me. He said: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times.

On this subject, I say to my colleagues, it is time to swallow your tobacco juice. There is no place left to spit on this issue.

Let me give you some statistics. As a parent, I am pretty acutely aware, but I have a 12-year-old son and a 10-year-old daughter. We have a couple television sets, and they have switches on the sets. We try very hard to make sure they are not watching inappropriate television programming, but I tell you, it is hard. There is a lot coming through those sets at all hours of the day and night.

Senator HOLLINGS and I say, let us at least describe a block of time or have the Federal Communications Commission describe a period of time during which children are expected to be watching television, during family hour, and describe that that period will not contain excessive amounts of violence on television. Surely we can entertain adults without hurting our children. That is all this amendment says.

Is it old-fashioned? Yes, it goes back to a time when we actually had a sort of understanding. During certain periods of the evening, during family time, during times when you would expect children to watch television, you won't have excessive acts of violence on television programming. Is that so extreme? Is that censorship? No, of course not.

Let me read you some information. Before I do, let me mention, I said last night that by the time a young person graduates from high school, they have watched 12,500 hours of television. Excuse me, let me change that. They have sat in a classroom, 12,500 hours in a school classroom, and they have watched 20,000 hours of television. They are, regrettably, in many cases much more a product of what they have seen than what they have read. Let me read some statistics about what they are seeing on these television programs.

By the end of elementary school, the American Medical Association reports from their studies, the average American child has watched 8,000 murders on television and 100,000 acts of aggressive violence. That is by the end of elementary school. By age 18, these numbers, of course, have jumped, 112,000 acts of violence, and by age 18, the average young American has watched 40,000 murders on television.

Now, one can make the point that it doesn't matter, it is irrelevant, and this doesn't affect anybody. I am not saying that just because when somebody sees an act on violence on television, they rush out the door and commit an act of violence on somebody else. But I am saying that the media have a profound influence on our lives. People spend $200 billion a year advertising precisely because they feel it makes a difference—it makes a difference in terms of what people wear, what songs they sing, how they act, what kind of chewing gum they buy. It works—except when it comes to violence, we are told it is irrelevant and it doesn't matter.

I would like to call my colleagues' attention to one little community in Canada. I have never been there; I never heard of it before, in fact. But a fascinating study was done in this town. It is a town called Notel, Canada. In 1973, this small community acquired television for the first time. It wasn't because this little Canadian town never wanted television; that wasn't the problem. The problem was that they had signal reception problems that could not be solved and so they didn't get television until much, much later. They didn't have any hostility to television; they just didn't get it. You had this little ''island,'' this little town with no television. Somebody decided to do a study. They did a study concurrent with this community never having had television now receiving television for the first time. They did a double blind study and selected two other towns and then this community. Then they measured young people's behavior.

I want to describe to you what they learned because it is exactly what you would expect: Television affects behavior. Violent television affects behavior.

In the double blind research design, first and second grade students were observed prospectively over a period of 2 years for rates of objectively measured noxious physical aggression, such as hitting, shoving, biting, et cetera. The rates of aggression did not change in the two communities who had had television all along. Their rate of aggression was the same. But that community that just received television in 1973, which had been dark all those years because they could not get reception, they get television now, it is a new thing, and guess what happens? The rates of physical aggression among their children increased by 160 percent. The other two communities didn't change. The community that just began to receive television had a substantial increase in the rate of aggression among their children.

What does that say? It says what we all know: Television affects behavior.

At one of our hearings, we had testimony that said—do you remember the old ''Teenage Mutant Ninja Turtles'' program? There was Leonardo, Donatello, Michelangelo and—perhaps the Senator from South Carolina can name the fourth. It's Raphael, I think. So you have four turtles, and they have sticks and they are beating up each other. It is interesting.

We had testimony before the Commerce Committee that ''Teenage Mutant Ninja Turtles'' had to be produced two ways. One, with all of the full flavor of the hitting and the sticks and all of the things they were doing. And, second, they had to clean it up and tone it down because in some foreign markets they would not allow it to be imported into their television sets with that level of violence because they didn't want the kids to see that. So you make it at one level of aggression and violence for the U.S. market and then clean it up a bit so some of the foreign children aren't exposed to that.

I thought that was interesting because it describes, it seems to me, an attitude here. The attitude has been: Let's keep pushing the limits. I think, as I said yesterday, television has some wonderful things on it. I laud those people who produce it. Some things I see are so wonderful and beautiful. I watch some of these channels. I have mentioned Discovery, the History Channel, and so many other things. Yes, the broadcast channels produce things I believe are wonderful as well. But I also have the right, believing that and saying that, to say there is also a lot of trash. The first amendment gives people a right to produce trash as well. But is the first amendment an impediment for us to say to broadcasters that there are certain times in our living rooms, when our children are going to be expected to be watching television, that we ought to be able to expect a menu of television programming that is free from excessive violence? Is that an unreasonable proposition? I don't think so.

The evidence, as described by the Senator from South Carolina, is so clear. After a couple of decades of research, the National Institutes of Mental Health concluded:

> The great majority of studies link television violence and real life aggression.

The American Psychological Association's review of research was conclusive. They said:

> The accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior.

You can throw these studies away and say it doesn't matter, that it is psychobabble. But, of course, we all know it is not. Every parent here understands that this is real.

I mentioned last evening that if someone came to the door of my colleague, the Senator from Kentucky, or the Senator from South Carolina, and you had children in your living room playing and you had a television set that was turned off and somebody knocked on the door and said: We have some entertainment for your kids; I have a rental truck here and we have props and some set designs and I have some actors; I would like to bring them into your living room and put on a little play for your children. So you invite them into your living room and they put on a play. They pull knives and stab each other, they pull pistols and shoot each other, and they beat each other bloody—all in the context of this dramatic play, this mayhem and violence. And your children are watching with eyes the size of dinner plates. Would you, as a parent, sit there and say that it doesn't matter, that is fine, thanks for bringing this play into my living room? I don't think so. I think you would probably call the police and say: I have a case of child abuse in my living room. Shame on you for bringing that into my living room.

Well, it is brought into our living rooms every day, in every way, with the touch of a button. Some say, well, the solution to that is to turn the TV set off. Absolutely true. There isn't a substitute for parental responsibility. But as a parent, I can tell you it is increasingly difficult to supervise the viewing habits of children.

I introduced the first legislation in the Senate on the V-chip. I introduced it twice, in 1993 and in 1994. It is now law. The V-chip will be on television sets, but it will be a while before almost all television sets have them. Hopefully, that will be one tool to help parents, but it will not be the solution, just a tool.

It seems to me that we ought to decide now, to the extent that we can help parents better supervise children's viewing habits, that we can tell broadcasters, and tell the FCC that we want broadcasters to know, there is a period of time when they are broadcasting shows into our living rooms that we want the violence to be reduced in that programming so as not to hurt our children. That is not unreasonable. That is the most reasonable, sensible thing in the world. We did it before in this country; we ought to do it now. We have done it for obscenity, and we ought to do it for violence. The Supreme Court has ruled that there is a period of time when certain kinds of obscenities and language ought not to be allowed to be broadcast because children will be watching or listening. And the Supreme Court has upheld that. The Supreme Court will uphold this. Again, I say, this is a baby step forward.

Now, let me quote, if I might, the Attorney General of the United States, who testified at the Senate Commerce Committee hearing.

She said:

> I am not at this hearing as a scientist. I am here as Attorney General who has been concerned about the future of this country's children and as a concerned American who is fed up with excuses and hedging in the face of an epidemic of violence. When it comes to these studies about television violence, I think we are allowed to add our common sense into the mix.

She continues:

> Any parent can tell you how their children mimic what they see everywhere, including what they watch on television. Studies show children literally acting out and imitating what they watch. The networks themselves understand this point very well. They have run public service announcements to promote socially constructive behavior. They announce that this year's programs featured a reduced amount of violence, and they boosted episodes encouraging constructive behavior in each instance. Then they endorse the notion that television can influence how people act.

She says, further quoting her:

> As slogans go, I fear that ''Let the parents turn off the television'' may be a bit naive as a response to television violence, especially when you consider the challenge that parents face in trying to convince children to study hard, behave and stay out of trouble. Supreme Court Justice John Paul Stevens compared this argument to saying that the remedy for an assault is to run away after the first blow. Indeed, many parents don't want to have to turn the television set off. They want to expose their children to the good things television can offer, like education and family-oriented programs.

I have watched television for a long time and have seen much good and much that concerns me. I have seen in most recent years an increasing desire to create sensationalized violence and intrigue in entertainment, most notably the shows about the police and the rescue missions.

When I turn it on these days, there is one network that is particularly egregious. They have all kinds of shows where they get their television cameras and put them in the cop's car. I guess what they are doing is probably contracting with the police someplace, and then they are off and showing traffic arrests and drug arrests. The other night, I saw a case where a fellow was in the front seat of the police car with a camera for a television show. And they engaged in a high-speed chase of a drunk driver. The result, of course, was that at the end of the chase there was a dead, innocent driver coming the other direction hit by the drunk.

My mother was killed by a drunk driver. My mother was killed in a high-speed police chase.

I have spent years in the Congress proposing legislation dealing with drunk driving with high-speed pursuits and other things. I have also prepared legislation recently dealing with this question of whether our police departments should contract with television stations, having people with television cameras riding in the police car, of which the conclusion, incidentally, to a high-speed chase must be, it seems to me, to go ''get their man'' because that is going to make a good conclusion to

the television program. The answer to me, though, is absolutely not.

If they want to put a television camera in a police car for the entertainment of people on some television network, then I think we ought to subject them to a very substantial liability when somebody gets hurt as a result of it.

I am, frankly, a little tired of turning on television and seeing television news cameras moving down the highways and above the highway recording high-speed chases, because they think it is excitement that people want to see. I am flat sick of seeing programs in which television network programs are riding with members of the police force because they can maybe record some violence for people who want to see. That is not entertainment, in my judgment. That is just more trash on television. I know some people like to watch it. But I happen to think people die as a result of it. Innocent people die as a result of it, and I think it ought to stop.

But this issue of violence on television is something that Senator HOLLINGS from South Carolina has been at it for a long time. We just had a man come to the Chamber a bit ago, Senator Paul Simon from Illinois. He is not a member of this body anymore. He retired. But he also joined us years ago. In fact, he was one of the earliest ones who talked about this issue. This issue has been around since the 1960s, and has been discussed among families for all of this decade.

With respect to the efforts of the Senator from South Carolina, and, as I indicated, the proposal that he and I offer today to simply allow the FCC the authority to describe a period of time in the evening that would be described as family viewing hours is a baby step forward. Those who come to this Chamber and say that they can't take this baby step, you can make excuses forever. You can make excuses for the next 10 years, as far as I am concerned. You defy all common sense if you say you can't take this baby step. The only reason you can't take this step is because there are a bunch of other big interests out there pressing on you saying we want to make money continuing to do what we are doing. What they are doing is hurting this country's kids.

As I said when I started, surely we ought to be able to entertain adults in this country without hurting our children. And this is one sensible step that we can take. We did it before some years ago. We ought to do it again. It does no violence to the first amendment. It seems to me that it offers common sense to American families.

Mr. President I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Utah to yield to me 10 minutes.

Mr. HATCH. I would be happy to yield 10 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have talked with the distinguished sponsor of this amendment, the Senator from South Carolina, Mr. HOLLINGS, with whom I have had the privilege to serve for 25 years—he has been here longer than that—and also with my distinguished friend from North Dakota, who has just spoken.

Mr. President, as I told the distinguished Senator from South Carolina, I will have to oppose the amendment because of an agreement I made with a number of the industry groups a couple of years ago. I believe that agreement is still appropriate today. It is an agreement that brought about a compromise between Senators and industry to try to work them out, as we have with a number of other things, in a cooperative way, whether it is with legislation or legislative fiat. It involved a V-chip. I wanted to give the V-chip a fair chance to work in the marketplace, because I felt that technology was rapidly changing, and working in the marketplace might be a lot better than legislation that almost fixes technology where it is. I am enough of the old school that having made a commitment I am not going to go back on it.

The American Medical Association, the American Academy of Pediatrics, the National PTA, the National Education Association, the Center for Media Education, the American Psychological Association, the National Association of Elementary School Principals, the Children's Defense Fund, and others agreed in writing on July 10, 1997, to allow the V-chip system to proceed unimpeded by new legislation so that we could see how it works.

Just last week, the Kaiser Family Foundation released a poll showing that 77 percent of parents said that if they had a V-chip in their home they would use the technology. With the rating system and the V-chip, each family can create their own individualized family viewing system.

I think that would work a lot better in protecting children than the amendment we are considering.

Mr. DORGAN. Mr. President, will the Senator from Vermont yield for a question?

Mr. LEAHY. Certainly.

Mr. DORGAN. It is a very brief question.

As the Senator knows, I was the original sponsor of the V-chip that was first introduced in the Senate. The Senator from Vermont is describing an agreement. I am curious. The Senator mentioned a few of the outside groups who are party to the agreement. Which Senators were a part of that agreement? I was the original sponsor of the V-chip. I wasn't a part of that agreement.

Mr. LEAHY. One of the reasons I didn't want to interrupt the Senator when he was speaking was that I wanted to hear his whole statement. If he would allow me to finish so that he may hear——

Mr. DORGAN. Will the Senator yield for a question?

Mr. LEAHY. I will indicate who the Senators were, because the Senator knows all of them well: Senator HATCH, the distinguished chairman of the Judiciary Committee; Senator LOTT, the distinguished majority leader; Senator DASCHLE, the distinguished Democratic leader; Senator MCCAIN, and others. I will give the Senator all of the names, but those are the ones who come to mind initially.

Mr. DORGAN. I wonder. Could I have a dialogue about that following the statement? I don't intend to interrupt the statement. The Senator from Vermont mentioned five. There are 100 Senators. It would be good to have a dialog about that following the Senator's statement.

Mr. LEAHY. I will be glad to put it in the RECORD. I ask unanimous consent to have printed in the RECORD the letter of July 8, 1997, signed by Senators, MCCAIN, BURNS, LEAHY, Moseley-Braun, DASCHLE, Coats, HATCH, BOXER, LOTT, as well as the numerous names I mentioned, such as the American Academy of Pediatrics, the National Association of Elementary and School Principals, and others who signed. I will give copies to the distinguished Senator from North Dakota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 8, 1997.

DEAR COLLEAGUE: The television industry and leading parent groups have agreed on a series of improvements to the Television Parental Guidelines System that will substantially enhance the ability of parents to supervise their children's television viewing.

Given human subjectivity and the sheer volume of television programming, no system will ever be perfect. However, we do believe this revised system more closely approximates what the Congress and American parents had in mind when the V Chip legislation became the law of the land.

It must also be remembered that development of a ratings system is only the first installment of the promise the Congress made to American parents. Until the V Chip is readily available in the marketplace, parents will have information, but not the means to act on it by blocking from their homes programs they consider inappropriate for their children. Therefore:

(1) We will recommend to the FCC that it move expeditiously to find the revised guidelines to be ''acceptable'' as defined by the Telecommunications Act. Moreover, we believe this should be the FCC's universally mandated system for television set manufacturers to follow in putting V Chips into television sets sold in this county;

(2) To allow prompt and effective implementation of the revised parental guidelines

system, we believe there should be a substantial period of governmental forbearance during which further legislation or regulation concerning television ratings, content or scheduling should be set aside. Parents, the industry, and television set manufacturers will need time for this revised system to take hold in the marketplace. The industry will need time to adjust to the new guidelines and then apply them in a consistent manner across myriad channels. Set manufacturers will need to design user friendly, V Chip equipped sets and bring them to market. And most important, parents will need several years to utilize all the tools given to them so that they may act to control their children's television viewing. Additional government intervention will only delay proper implementation of the new guideline system.

This has been a long and difficult process. We acknowledge that any system should indeed be voluntary and consistent with the First Amendment. That is why we believe the voluntary agreement that has been reached, coupled with forbearance on further governmental action as described above, is the best way to proceed in order to balance legitimate First Amendment concerns while giving American parents the information they need in order to help them supervise their children's television viewing.

Sincerely,

John McCain; Conrad Burns; Patrick Leahy; Carol Moseley-Braun; Tom Daschle; Dan Coats; Orrin Hatch; Barbara Boxer; Trent Lott.

JULY 10, 1997.

The attached modifications of the TV Parental Guideline System have been developed collaboratively by members of the industry and the advocacy community. We find this combined age and content based system to be acceptable and believe that it should be designated as the mandated system on the V-chip and used to rate all television programming, except for news and sports, which are exempt, and unedited movies with an MPAA rating aired on premium cable channels. We urge the FCC to so rule as expeditiously as possible.

We further believe that the system deserves a fair chance to work in the marketplace to allow parents an opportunity to understand and use the system. Accordingly, the undersigned organizations will work to: educate the public and parents about the V-chip and the TV Parental Guideline System; encourage publishers of TV periodicals, newspapers and journals to include the ratings with their program listings; and evaluate the system. Therefore, we urge governmental leaders to allow this process to proceed unimpeded by pending or new legislation that would undermine the intent of this agreement or disrupt the harmony and good faith of this process.

Motion Picture Association of America
National Association of Broadcasters
National Cable Television Association
American Medical Association
American Academy of Pediatrics
American Psychological Association
Center for Media Education
Children's Defense Fund
Children Now
National Association of Elementary School Principal
National Education Association
National PTA

MAY 12, 1999.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: We are contacting you on an urgent matter regarding the Juvenile Justice Bill now before the Senate. Senator Hollings' ''safe harbor'' amendment runs counter to the television ratings/V-Chip approach developed two years ago.

In July, 1997 together with members of the non-profit and advocacy community we developed the combined age and content based rating system. At that time, you and a number of your colleagues agreed to a substantial period of governmental forbearance so that the V-Chip television rating system could have a chance to work in the marketplace. There is evidence that this strategy is paying off. Just this week, the Kaiser Family Foundation released a poll showing that 77% of parents said that if they had a V-Chip in their home, they would use the technology.

Since the first V-Chip television set will arrive on the marketplace in July, we should allow parents an opportunity to understand and use the system before moving too quickly on further legislation. We hope you will support the freedom of parents to use their own discretion—and the V-chip—when deciding what programs are appropriate for their families. Therefore, we urge you to vote to table the Hollings amendment.

Sincerely,

JACK VALENTI,
President & CEO, Motion Picture Association of America.
DECKER ANSTROM,
President & CEO, National Cable Television Association.
EDWARD O. FRITTS,
President & CEO, National Association of Broadcasters.

CENTER FOR MEDIA EDUCATION,
Washington, DC, May 12, 1999.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: In July, 1997, together, with members of the entertainment industry, we developed the combine age and content based rating system. I favor this system and believe that it deserves a fair chance to work in the marketplace.

This week, the Center for Media Education announced a national campaign to educate parents about the V-Chip TV Ratings system. The first V-chip televisions will arrive in the marketplace in July. I urge governmental leaders to allow parents an opportunity to understand and use the V-chip system. I continue to believe that legislation such as S. 876 would undermine the intent of the agreement we signed on July 10, 1997.

Sincerely,

KATHRYN MONTGOMERY, Ph.D,
President.

Mr. LEAHY. Obviously, our signing such a letter does not bind the distinguished Senator from North Dakota nor the distinguished Senator from South Carolina, as he and I have discussed. I do feel having stated my commitment binds me. As the Senator from North Dakota knows, I have a reputation of once having given a commitment I never go back on it. I do not suggest that he or anybody else is bound by the agreement that we worked out to give the V-chip a chance. I am suggesting that I assume the Senators who did sign on to that would feel that way.

What we want to do is what I still want to do. I commend the Senators who worked on developing the V-chip, to allow families to create their own individualized family viewing system. I did this when my children were young by reading reviews and determining what they should or should not watch or read.

Now 50 percent of the new TVs will have the V-chip by July 1 of this year; 100 percent of the new TVs will have the V-chip by January of next year. That is why Senators HATCH, LOTT, DASCHLE, MCCAIN, and others signed this letter, so we can ensure that the industry has guidelines and ratings and TV manufacturers will install V-chips. By doing that we move the ball forward very quickly. The TV manufacturers, as they promised us, are getting the job done.

I want to live up to my signed commitment with the other Senators. I want to live up to the expectations of the AMA, the National PTA, the Children's Defense Fund, and the other groups I mentioned. TV parental guidelines and the V-chip give parents the tools to determine the programming children may watch.

In addition, Charles Ergen, the CEO of EchoStar, said this could have serious unintended impacts. Echo-Star gives parents who subscribe to satellite service a powerful tool. His V-chip not only allows parents to block out R-rated shows, but they can block out shows based on specific concerns about language, drug use, violence, graphic violence, sexuality, or other considerations they might have.

Under this amendment, even though they have done all that to cooperate with us, Echo-Star would be punished because they use national feeds and they transmit signals across time zones. They transmit not only into Kentucky or Vermont but in California, Oregon, Ohio, and everywhere in between. They go across the three time zones of this country. They provide the programming for multiple time zones at once on a national basis. I assume they probably do it in the time zones of Alaska and Hawaii, which goes even beyond the three in the Continental United States.

Under the longstanding law, satellite carriers cannot alter the signals they are given which are authorized under a compulsory license. Depending on how long the family time period is, it may be impossible for satellite carriers to comply because they are required to use a national feed from distant stations. For example, on the west coast, the time is earlier than the east coast, where a lot of the programming originates. With the uplink of station WOR

in New York or WGN in Chicago, an hour later, they are going to be in noncompliance with this amendment on the west coast.

One option for them would be for satellite TV carriers to black out programming on the west coast or simply take the programming in the east coast and shift it to very late hours, extremely late hours for east coast viewers, which is the allowed hour for west coast viewers.

Frankly, I think use of the V-chip allows parents to block out what they want and will work much better than blocking out entire time zones in the United States.

I want to also note that two-thirds of American households have no children under the age of 18. If this amendment were enacted, American television viewers of all ages would lose control over the programming available to them. I repeat, two-thirds of American households have no children under the age of 18.

There are, I believe, serious constitutional problems with this amendment. I get very concerned about the Federal Government or any Federal Government agency policing the content of TV programming.

For example, there would be a $25,000 fine for each day there is violent video programming. Is one gunshot in a show considered violent programming? What about two? What if it is a history show that shows the assassination of a President or a world leader? Is that violence?

I am reminded of the old joke of religious leaders of different faiths getting together and they wanted to start the meeting with a prayer, but they couldn't agree on a prayer so they had to cancel the conference.

I worry once again that we denigrate the role of parents, especially the amendment which considers parents almost irrelevant to the development of children. I have been blessed to be married for 37 years this year, and I have three wonderful children. My wife and I took a very serious interest in what movies they saw, what TV programs they watched, what books they read. We tried to guide them the right way. I like the idea that both my wife and I were making those decisions and not somebody else. Someone else might have different moral values, might have a different sense of what was appropriate and what is not appropriate. I really didn't want to turn it over to the hands of a government agency—local, State, or Federal. I felt that was my responsibility, a responsibility that I considered one of the most important roles I had as a parent.

I also think if we let the government do it, let the government take over the parenting, then if something goes wrong, we blame them. It is harder to deal with issues such as bad parenting and lack of parental supervision if we can only blame ourselves, but that should be our responsibility as parents, first and foremost. It was the responsibility of my parents when I grew up in Vermont and the responsibility of my wife and I as our children grew up.

I don't know how the government steps into the shoes of parents by involving our government in the day-to-day regulation of the contents of television shows, movies, or other forms of speech. I recently visited a country which is one of the last of the countries with such restrictions. I prefer we make those choices. Parents should be able to use the V-chips offered by satellite TV providers and by TV manufacturers to block out programming they consider offensive for their children.

Anything any parents want to block out for their child, I don't care what it is—it could be C-SPAN, with me speaking now; if they can even get the children to watch it, they may want to block that out—that is fine; parents should have that right.

I want to remind everyone that the Supreme Court has noted:

> Laws regulating speech for the protection of children have no limiting principle, and a well-intentioned law restricting protected speech on the basis of content is, nevertheless, state-sponsored censorship.

So, while I do not support this amendment, I do not want my comments to be interpreted as backing off at all in my pride in the work of Senator HOLLINGS and Senator DORGAN on these issues. They are concerned, and rightly so, about the content of some of the things we see. There are some things, even if they are shown late at night, I would not watch and I am 59 years old. I was a prosecutor for 9 years. I went to murder scenes. I saw some of the most violent conduct ever. I still have nightmares remembering some of those scenes. I do not want to see them replayed.

There are some, because of their offensive nature, I am not interested in. I do not want to see them, but I will make that decision. But for parents, for their help, we would not have the V-chip without the work of the Senator from South Carolina, the work he and his colleagues have done. It is not only work, it is agitation, I might say. I can almost repeat some of the speeches the Senator gave to push them that far forward. He gives new meaning to the term ''stentorian tones.'' They are stentorian tones in a clarion call, rarely heard anymore in these halls.

I consider myself privileged, over the years, not only to have had the Senator from South Carolina as a close personal friend—both he and his wife are very close personal friends of my wife and myself—he has been a mentor to me. So I commend him for what he has done.

I mention all this because he is not a newcomer to the debate. He has been a parent of this debate. I do not want anybody to lose sight that we all are in this together in this regard. If we have young children—mine are now grown, but I assume it would be the same attitude as towards grandchildren—there are things on television, just as there are in the movies, that we do not want our children to see. Most of us do not want to see them ourselves, but we certainly do not want the children to see them. I think the system we have set up is one that is working. I would love to see something done in a cooperative way.

It is moving rapidly forward. If that could be done without the hand of Government on it, it would make the Senator from Vermont far more comfortable. If they are unable to move forward, if they do not utilize the breathing spell they were given, that is one thing. But they seem to be moving forward during that breathing spell, and I would like to see that work without a heavy hand.

I yield the floor.

Mr. HOLLINGS. I yield such time as necessary to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for the Senator from Vermont. I would not suggest he go back on an agreement he made with anybody. But I do want to make this point clearly. On January 31, 1994, I introduced legislation in the Senate calling for the V-chip. It was the first legislation introduced in the Senate on the V-chip. Within a year or so, with myself, my colleague and others, including Senator CONRAD especially, and Senator LIEBERMAN, the V-chip passed the Senate and became law. There is nothing, no agreement at all for most Members of the Senate about some V-chip versus any other restriction on legislative action.

The letter that was read earlier, that might have been from some people who were not necessarily involved in the V-chip issue. I am the one who introduced it. There might have been some people who made some commitments to somebody else that they would not do something. That is their business. If there are 6 or 8 or 10 of them, that is their business. But that is not the business of the other 90 Senators. They have made no such agreement.

This proposal complements the V-chip. This proposal works with the V-chip. This proposal is not at odds with the V-chip, and there is no such agreement I am aware of with almost all Members of the Senate that we should not take this baby step forward on this sensible proposition.

One more point: This is not content-based Government involvement. We already have a description that says if you are a television broadcaster you cannot, at 7:30 in the evening, broadcast the seven dirty words. You cannot do that. Why? Because we have decided

certain things are inappropriate and the Supreme Court has upheld our capability of doing that through the Federal Communications Commission.

It is also inappropriate, and we used to think as a country that it was, to broadcast excessively violent programs in the middle hours of the evening when children are watching. The Senator from South Carolina and I simply want to go back to that commonsense standard. Suggesting somehow that we have no capability or no interest in determining what some broadcaster somewhere throws into America's living rooms is just outside the debate about what is real. What is real is we have a real responsibility. That is what is being addressed by the amendment offered here by the Senator from South Carolina.

Again, it is a baby step. I do not want anybody to be confused that somehow this is at odds with the V-chip. I introduced the V-chip. This is not at odds with the V-chip. It complements the V-chip, and this Congress and this Senate ought to agree to this amendment and we ought to do it this morning.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes and 16 seconds.

Mr. HOLLINGS. I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, first of all, I just came down after listening to the debate. I want to ask both my colleagues to put me on as an original cosponsor.

The second thing I want to say is in this debate we have been having on this juvenile justice bill, part of the context for this has been the nightmare of Littleton, CO. That is always, ever present.

I read a piece the other day—I don't even remember the author, I say to my colleague from South Carolina—but I thought it was very balanced. The author made the point: Yes, you want to go after the guns, but you also want to go after the culture of violence. I think we have to do both. Yes, you want to do much more for prevention for kids before they get in trouble in the first place. Yes, I argue, you want to have support services and mental health services. All these pieces go together.

But if I could ask my colleague very briefly, will he just describe this amendment? Will my colleague just briefly describe the very essence of this amendment? Because it seems to me to be very, very mild. I want to be sure I am correct in my understanding.

Mr. HOLLINGS. The essence of the amendment is to reinstitute the family hour, and during that time have no excessive, gratuitous violence. That is all it is. We do that right now with indecency, constitutionally, at the FCC level. Just say that excessive, gratuitous violence be treated similarly. It is working in the United Kingdom, it is working Europe and it is working down in Australia. It is tried and true. They want to restore it. To those people who say they want to restore family values, here is the family hour.

Mr. WELLSTONE. I think it needs to be repeated one more time what a moderate, commonsense proposal we have here. This is constitutional. This is the right thing to do. As far as I am concerned, any steps we can take, albeit small steps, but significant steps that can reduce this violence, that can deal with this cultural violence, I think is absolutely the right thing to do. I add my support.

I heard my colleague from Vermont speaking as a grandfather. Our children are all older, but we have children, and now grandchildren: 8, 5 and almost 4. This is the right thing to do. There should be overwhelmingly strong support for this proposal.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to retain a little time here for the closing, but let me go right to the point with respect to the remarks of my distinguished friend from Vermont.

We were not part of any agreement. That was another one of those so-called stonewalls. The significant part of the agreement was the two leaders were on it, and the agencies and entities at that time were told that was all they were going to get. You learn in this town to go along with what you can get from the leadership.

Don't come down to the floor and say it's a leadership vote, because the leader himself has voted this particular measure out of the Commerce Committee on two occasions. He knows the need of the V-chip being in all sets, 100 percent. Wait a minute. The average person holds onto his or her television set at least, they say in the hearings, between 8, 10, 12 years—or an average of 10 years. So you have a 10-year period here. They are not going to replace all the sets. We know this with the digital television problem we have.

In that light, we want to make absolutely sure we do something, as my distinguished friend from North Dakota says, that is consonant, helpful, and a part of the V-chip, if it will work. We have shown how complicated it is. It is going to be a delayed good, if any at all.

I retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I should put all Senators on notice that we are just about out of time for debate with regard to the Hollings amendment on his side and I have somewhere near 42 minutes on our side. I intend to yield back some of that time so we can go to a vote on this matter.

I understand Senator COCHRAN wants to take about 10 minutes to speak on this amendment. I will take a few minutes now.

I rise to explain why I will ultimately move to table the Hollings amendment today. I struggled with this decision because there is much to be commended in my dear friend's amendment. I have a lot of respect for him. He knows that. I think it is important we work to make our culture safer for our families and for children, and that we make entertainment choices more family friendly. No question about it. We should certainly work to make television entertainment, which is so ubiquitous, less coarse, especially when children are watching.

Having said that, I do have a number of concerns with this amendment. Members of the satellite television industry, which we are working to make more competitive with cable, have expressed concerns with this amendment. Because much of the fare on satellites is delivered nationally, they will have difficulty complying. If a satellite carrier picks up programming on the east coast, where much programming originates, it will likely be out of compliance, given that fare appropriate for later hours on the east coast will be beamed simultaneously across the time zones to viewers on the west coast, and across the country, where obviously it will be earlier.

Additionally, opponents of this amendment have raised constitutional concerns. Although I have not had an opportunity to review or visit all of these constitutional issues, I do not believe that the constitutional concerns are clearly right or that opponents have an open-and-shut constitutional case. I do believe the issues bear careful consideration.

Most of all, I must vote to table this amendment because of a commitment I made to my colleagues in 1997 in connection with getting the voluntary television ratings and V-chip systems in place. At that time, I was approached by a number of colleagues to sign a Dear Colleague letter taking a stand against regulating television ratings, content, or scheduling until those systems had time to get underway.

That Dear Colleague letter is dated July 8, 1997, and was signed by Senators LOTT, DASCHLE, MCCAIN, LEAHY, as well as myself, and other Republicans and Democrats. I made that commitment then and I believe I need to honor it now.

Some may believe that an earlier amendment which I supported had a similar impact. The Brownback-Hatch-Lieberman amendment allowed the industry to develop a voluntary code of

conduct but did not impose any regulations on the industry. It also was a comprehensive amendment and had much greater application than the television ratings, content, and scheduling at issue in the V-chip and ratings process. It applied to television, movies, music, video games, and the Internet. At that time yesterday, I recognized my earlier commitment and raised and distinguished it.

Therefore, although I find much to commend in the amendment of the Senator from South Carolina, because of my prior commitment to forbear from supporting legislation or recommendation concerning television ratings, content, or scheduling, I believe I must honor that pledge to my colleagues and vote to table the Hollings amendment.

There is a lot of very bad programming on television in our country today. I think the satellite viewership problem is a big problem. To make someone liable because they have to carry the satellite transmission at a time that fits within the time constraints of this amendment on the west coast—coming from the east coast, it may be in compliance, but the west coast may not be, and the satellite transmitter will be liable—is a matter of great problematic concern to me.

I share the same concern my friend from South Carolina shares with regard to what is being televised and on the airwaves today, especially during times when young people are watching. On the other hand, I have a very strong commitment to uphold the first amendment and to be very reticent to start dictating what can and cannot be done on network television or on television, period.

As for cleaning up the media, we did have the Brownback-Hatch-Lieberman amendment. Senators BROWNBACK and LIEBERMAN have worked long and hard to come up with some solutions that hopefully will be voluntary, that hopefully will resolve these questions.

That amendment yesterday was adopted overwhelmingly. It requires the FTC and Department of Justice to do a comprehensive study of the entertainment industry. It seems to me that is a very reasonable, important thing to do and we ought to get that information before we make any final decisions in this area.

Also, it had a provision asking the National Institutes of Health to study the impact of violence and unsuitable material on children and child development. That brought a lot of angst to a number of people. Having the FTC look into these things brought a lot of angst to a lot of people. I might add, having the Department of Justice do it has caused a lot of concern.

I think that amendment, including its other provisions on antitrust, will go a long way toward cleaning up the exposure of minors to violent material. I would like to see that work and I would like to see these studies done before we go this drastically to a solution in the Senate.

At the appropriate time I will move to table the amendment, and I hope my colleagues will support the motion to table with the commitment from me—and I think others will make it, too—that we will continue to revisit this area, because we are all concerned. It is not only the province of those who are for this amendment; all of us are concerned about what is happening to our children in our society today.

I see that Senator COCHRAN has arrived. I yield 10 minutes to Senator COCHRAN.

Mrs. BOXER. Will the Senator put me on that list for 10 minutes when Senator COCHRAN has finished?

Mr. HATCH. I will be happy to do that. I suppose the Senator from South Carolina wants to end the debate, and then I will yield back whatever time I have remaining at that time.

Mr. President, I ask unanimous consent that Senator COCHRAN be given 10 minutes; immediately following Senator COCHRAN, Senator BOXER be given 10 minutes; and immediately following Senator BOXER, Senator SESSIONS be given 10 minutes. Then I will be prepared to yield back the remainder of our time as soon as the Senator from South Carolina is through.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed as in morning business.

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

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 1029 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COCHRAN. Mr. President, I thank my distinguished friend from Utah for yielding me time from his debate.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes under unanimous consent.

Mrs. BOXER. Thank you very much, Mr. President.

It is rare that I disagree with my wonderful friend, FRITZ HOLLINGS, and my wonderful friend, BYRON DORGAN, but I do on this particular amendment that is pending before us. I think the debate is about this: Do we believe there is violence in the entertainment industry? Yes. So there is agreement there. Does it upset all of us when we see it, when we know kids are seeing it? Yes.

But how should we deal with it? Should Government become parents and decide what our kids watch or should Government give parents the tools to decide what their kids should watch? And I come down on the side of making sure Government gives parents the tools to decide what their children should watch, and not on the side of those who in essence want the Government, through the bureaucracy, the FCC, to determine what shows should or should not be on television.

Again, I do not know who is in the FCC. I think I know the chairman. I think he is a terrific person. But I do not want to say that the FCC members know more about our country's children than the parents do. So if Government can play the role of giving parents the power to determine what their kids watch, I think we are doing the right thing. As a matter of fact, 2 years ago that is what we did do. We required that all new television sets have a V-chip installed. And 50 percent of all the new sets will have the V-chip by July 1; and all the new sets will have it by January 1. So we are moving to the point where all TV sets will have the V-chip when you buy it.

I think it is a smart answer, the V-chip, to dealing with the issue of violence on television. It is a chip that allows the parents to program what shows their children can and cannot see. There you have it. Very simply, it is government doing what I think is the right thing, giving parents this tool, this powerful tool, putting the parents in charge, not the government in charge.

I worry about going down that path of giving the FCC or any other agency or, frankly, any Senator the power to decide what show goes on at what time. It is very subjective; it is a path that I think we should avoid.

Now, the Center for Media Education, which helped develop the TV rating system and is undertaking a national campaign to educate parents about the V-chip, they do not like this particular proposal that is before us. They say ''it would undermine the intent'' of the voluntary rating system and the V-chip.

So why would we, 2 years ago, work very hard, all of us together, to develop this V-chip and then, in the stroke of a vote, if we were to pass the Hollings amendment, undermine what the purpose was of that V-chip?

Also, the Senate yesterday adopted the Brownback amendment, and we know that is going to launch into an investigation of the entertainment industry to see whether it is marketing to kids violent programming. An amendment of mine would also extend that to investigate the gun manufacturers.

I was very happy to see the Senate accept that, because, as I said yesterday, to point the finger of blame at one industry is outrageous. To point the finger of blame at one person or one group of people is outrageous. There is not one of us who can walk away from the issue of our violent culture and

say: It has nothing to do with me. I am just perfect. It is the other guy.

So we undertook this issue 2 years ago. We passed this V-chip proposal. Senator BROWNBACK, yesterday, encouraged the entertainment industry to step up to the plate and develop solutions by giving an antitrust exemption to the entertainment industry so they can sit down together to come up with even more solutions than the V-chip, because, frankly, they need to talk to one another. If it means they say at a certain time we are not going to show these violent shows, that would be terrific. That would be helpful, and that would mean that the parents' job is easier. They don't have to worry as much as they do now. I agree, they have to worry plenty now.

I also want to do this because it is very easy to get up here and blast an industry. In every industry, there are some positive steps. Even the gun manufacturers, which I believe are marketing to children, and many of them are not responsible, there are some who are selling their guns with child safety locks, and they are doing it on a voluntary basis. I praise them. As a matter of fact, the President had those companies to the White House, and he praised them.

I think we ought to look at some of the good things the entertainment industry is doing for our children. Viacom, through the Nickelodeon channel, periodically airs programs to help children work through violence-related issues. In this example that I am going to give you, all these examples, I am not going to mention PBS, because they are incredible as far as producing programs for our children that are wonderful.

I was sitting watching one of the programs with my grandchild the other day, and kids were talking to each other, young kids, about 10, 11, about the pressures in their lives. It was terrific. I enjoyed it. I think my little grandson was too young to understand it. But for the 9-year-olds, the 8-year-olds, the 10-year-olds, there are some good things.

MTV has ''Fight For Your Rights, Take a Stand Against Violence.'' It is a program that gives young people advice on reducing violence in their communities. Now, they also do some things on there that do not give that message. I agree. But are we just going to bash and bash and bash? Let's at least recognize there are some efforts here.

The Walt Disney Company has produced and aired numerous public service announcements on issues such as school violence and has featured in its evening TV shows various antiviolence themes.

We want more of that, and if we don't get more of that, we are going to just make sure that parents can, in fact, program their TVs so the kids do not see the garbage and the violence and the death and all of the things that Senator HOLLINGS is right to point out are impacting and influencing our children.

There are shows and episodes that glorify violence, and there are shows and episodes that denounce violence.

I think we need to be careful in this amendment of the slippery slope we could go down if we decide in our frustration and our worry about our children that government should step in and become the parents. The V-chip, the Brownback amendment, those two things give parents the tools they need and lets the industry sit down together and focus on the issue of violence.

So we have some efforts underway that are very important. I do not want to see us short circuit those efforts.

This is a difficult issue because we know we have a problem here. When we have a problem, let us take steps that don't lead us into another problem. We had a debate in front of the Commerce Committee. I was there and had the opportunity to testify before my friend. It had to do with ratings. There was a big debate over whether government should rate these movies and TV shows or whether the industry should undertake it. I will never forget this. One Congressman came up and he said: I can't believe what I just saw on TV.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mrs. BOXER. I ask unanimous consent for 1 additional minute.

Mr. HATCH. That would be fine.

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

Mrs. BOXER. I remember what happened then. This Congressman came over from the other side and testified that he couldn't believe that ''Schindler's List'' was put on TV and that he felt ''Schindler's List'' had obscenity in it. A big debate ensued, because many thought ''Schindler's List'' was one of the best things that was shown on TV, that it taught our young people about the Holocaust. There were some rough scenes in it that were historically accurate.

All it proved to me is that the eye of the beholder is so important here. Here was someone saying that was one of the best things you could put on TV to teach our children, and here is somebody else saying it was one of the worst things.

Keep government out of these subjective decisions. Give parents the tools. Let them decide if ''Schindler's List'' is right for their children, or any other program.

I yield the floor.

Mr. LEVIN. Mr. President, violence in television shows, video games, and movies horrifies us as parents and grandparents. However, I support the tabling of the Hollings amendment because, in my judgment, it would have gone too far in giving the Government the responsibility for keeping violent television programming away from our children. The principal responsibility belongs in the hands of parents and grandparents. Putting this responsibility in an agency like the FCC to determine what is too violent and what is not is not only of questionable constitutionality, it would foster the idea that the Government should be doing this job. That confuses and defuses the clear message to parents that the principal responsibility is theirs. We should give parents the tools to do this as we have tried to do through the ''V-chip'' filtering technology. The first V-chip equipped televisions are expected to become available this summer. We should also focus the principal responsibility on parents, so that the V-chip is effectively used.

Mr. ASHCROFT. Mr. President, the advent of the television began the extraordinary advance in video technology. Families came together to witness such great programs as: The Andy Griffith Show, I Love Lucy, Leave it to Beaver, and Father Knows Best. The television revolutionized technology and media, and replaced the radio as the main source of family entertainment. The television is an instrumental part of American society, it provides us with news, education, and entertainment and will likely continue to do so.

In recent years, however, the entertainment industry has promoted programming unfit for the children of the next generation. No longer can families come together to watch television without having to see material unfit for their children. In the wake of recent events, it has become clear that exposure to violent programming does in fact play an influential role in children's behavior. It is regrettable that it has come to the point where it may be necessary for Congress to take action in the oversight of television programming. The Children's Protection from Violent Programming Act creates a ''safe harbor'' and eliminates the broadcast of violent programming aired during hours when children are likely to be a substantial portion of the viewing audience.

While I have reservations with this amendment, I am willing to stand in support of it. Admittedly, this amendment gives the Federal Communications Commission additional power to regulate television programming—even when two-thirds of American households have no children under the age of 18. Clearly this amendment will restrict the programming available to viewers of all ages. I also have reservations since the TV rating system, already in place, will provide parents with specific information about the content of a television program. V-chips will be incorporated into all new television sets by January 1, 2000. In

addition, I am concerned that by passing this legislation, we will be giving the Federal Communications Commission additional authority to define violent programming far beyond that which is necessary.

The fact of the matter is that to date the entertainment industry has not yet taken responsibility for themselves. Television programs of an adult nature are undermining and contradicting the virtues parents are trying to teach. Likewise, research from more than ten thousand medical, pediatric, psychological, and sociological studies show that television violence increases violent and aggressive behavior in society. Astonishingly, the murder rate in the United States doubled within 15 years after television was introduced into American homes.

It pains me to stand before you today and say that the federal government may need to regulate yet another industry. What we need is smaller, smarter government. Without the cooperation of television networks, however, Congress has no choice but to give the FCC the authority to impose itself upon the entertainment industry. Each of us, Congress, television networks, and parents need to come together for the sake of our children. Our children are the future of this country, and if we as a nation are going to live together in peace, each of us must take the responsibility to teach our children the difference between right and wrong.

Mr. DODD. Mr. President, it is my intention to vote to table the Hollings amendment regarding television programming and I wanted to say a few words about why I am going to cast this vote. Television can be a valuable entertainment and educational tool and I commend my good friend, Senator HOLLINGS for his work in this important area. I share his concern for the impact that violent programming has on children.

However, I have concerns about a government entity, the FCC, determining for everyone what is deemed ''violent programming''. This amendment has critical free speech implications. What would constitute violent programming? Would a documentary or an historical piece be deemed as such because it depicted violent acts or victims of violence? These determinations are best made by parents—the people who know their children best. The impact of this amendment would be overly broad. In fact, two-thirds of American households have no children under the age of 18. Further, I have concerns about the government mandating another solution before current technology practices have been given a chance. Most television broadcast and cable networks have implemented a voluntary ratings system that gives advance information about program content. The TV Parental Guidelines were designed in consultation with advocacy groups and approved for use by the Federal Communications Commission last year. These voluntary systems are an important step in the right direction, because it allows us to think more carefully about what we watch and what our children watch.

Congress also required that an electronic chip, called a V-chip, be included in newly manufactured television sets to allow parents to screen out material that they find inappropriate for their children. The first television sets equipped with V-chips will arrive in stores July 1, 1999; all new sets will contain a V-chip by July 1, 2000. I support the use of this valuable and innovative technology which enhances our ability to make careful choices.

Just this week, FCC Commissioner William Kennard announced the creation of a task force to monitor and assist in the roll-out of the V-chip. Special emphasis will be given to educate parents about the availability and use of the technology. In fact, the Kaiser Family Foundation recently released a poll stating that 77 percent of parents said that if they had a V-chip in their home, they would use it.

We need to give the integrated V-chip and ratings system a chance to work. It is time to honor the commitment that was made in 1997—to allow this system to proceed unimpeded.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mr. President, I am intrigued by the Hollings amendment.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. SESSIONS. I will.

Mr. HATCH. We said that after you finished we would go to Senator HOLLINGS. With Senator HOLLINGS' permission, I will yield 5 minutes, if I have it, or the remainder of my time, to the distinguished Senator from Montana, and then Senator HOLLINGS.

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

Mr. SESSIONS. Mr. President, this fits along with the general view of mine. We are both lawyers, and Senator HOLLINGS is a better lawyer than I, but I think we have made television prime time movies too much a matter of first amendment freedoms, and not enough of a matter of common sense. To say that you have to meet certain standards during certain hours of the day when our children may be impacted by that does not, in a significant way, prohibit a person from exercising what we generally understood to be free speech when we founded this country. Speech was generally understood, at the most fundamental level, as a communication about ideas and issues, and that you would be able to articulate and defend and promote your issues. It did not mean—and I don't think the Founding Fathers contemplated—that every form of video of vicious murder or sexual relations or obscenity could be published in print and in our homes.

In fact, we have laws all over America that flatly prohibit certain degrees of obscenity. Indecency cannot be prohibited, but things that are determined as a matter of law to be obscene are flatly prohibited anywhere in America. So, therefore, they say that on the public airwaves, which we license people to use, they have to be committed to the public service. They have to give so many hours of public service advertisements, and we monitor the stations to make sure that they do so. To say there is no Government agency that can say certain things can't be shown during limited periods of time, to me, is strange law. I don't think it is quite right.

In addition, I know a lot of people who have spoken on the floor here today—and over the last several days, are worried. Also, the President has spoken about his concern that in the afterschool hours children are not supervised. Many children have parents who work swing shifts or parents who have to be out in the yard or doing other things while they are inside watching TV, and they may not have a V-chip yet. Do we have no responsibility to those children? Is it sufficient to just say it is their parents' fault?

Some say if you are a parent, you can control whatever your children watch. Those of us who are parents know that is not precisely accurate. We can work at it hard, and if you are a parent who is home most of the time, you can do a fairly good job. But even then a determined young person can pretty well watch what they want. The point is, the showing of any one violent scene is not going to cause a normal child to become a murderer. The point is, what happens if every night kids who maybe are not healthy are seeing on their television images of violence—and in years gone by, they have gotten more graphic—and at the same time they get in their car and they play an audio or CD of Marilyn Manson, who has extremely violent lyrics, or they turn on the computer and play computer games. I was looking at one and the pointer was a chopped-off hand with blood dripping off it. That is humorous to some degree, but where you have it constantly, it is a problem.

First of all, in my wrestling with the Hollings amendment, is it appropriate for the Government to do so? The FCC does all kinds of other limitations on programming. Is it appropriate for them to analyze the content for violence? I have had my staff do some research of the law on it.

First of all, my general opinion is that the current state of the law is too restrictive on the ability of the Government to contain what is shown in

the homes of America. I think it is too restrictive. I don't think the Constitution does that. But the current state of the law, I believe, is too restrictive, and these are some of the things I have discovered.

Under the Hollings amendment, we would perhaps be considered to be pushing the envelope a little bit. But I am not sure that we would because it would prohibit distribution of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience. It would require the FCC to reach a definition of what violent programming is and determine the timeframe for it. It would permit the FCC to exempt news and sports programming, and it would have penalties for those who violate that.

The closest law we can find on point is on the FCC's regulation of indecent programming, which has survived challenge in the courts. Obscene material is the kind of material that is illegal, where the Supreme Court has stated that this material can be so obscene and so lacking in any merit, that communities in the country can ban it from being distributed in their communities. Indecent material is the kind of material that is less than obscene. So what do we do about indecent material? The FCC defines indecent material—and I am paraphrasing—as this: Patently offensive descriptions based on local community standards of sexual and excretory functions or organs.

Government regulation of indecent material is possible, but it has to survive a standard of strict scrutiny. The courts are going to look at it very strictly to make sure the first amendment is not being undermined.

In Action for Children's Television v. FCC, a 1995 case decided in the District of Columbia, the DC court of appeals—which is one step from the U.S. Supreme Court—upheld the FCC safe harbor regulation of indecent material, provided the regulation was the least restrictive means to achieve the Government's compelling interest in protecting young people from indecent programming.

It didn't deal with violence. The original ban on indecent programming between 6 a.m. and midnight contained an exception for public programmers to broadcast indecent material between 10 p.m. and midnight.

A lot of public broadcasters quit at midnight. So the law is a compromise that if you are a public programmer, you can show this material at 10 o'clock and you don't have to wait until midnight like everybody else.

The court found that this exception was not narrowly drawn—not the most narrowly drawn restriction and mandated that you have this kind of law and everybody has the 10 o'clock rule. Some of them can't have 10 and some have midnight. But it upheld it. The Supreme Court upheld that restriction and that rule by the FCC. It was appealed to the U.S. Supreme Court, the final arbiter. They affirmed the ruling without opinion. They did not hear the case, but they did not overrule, and they allowed to stand the opinion of the district court.

So I think the difference we have here is that we are dealing with violence as opposed to what may be defined under the law as indecent.

I think we are raising a very good point. I am seriously considering this amendment. I understand those who have concerns about it. My basic inclination is to say that we ought to care about children. We know for a fact that many children are at home and unsupervised. We have a responsibility and it is not in violation of the first amendment to deal with this and have some restrictions on it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I hope that Americans will look upon this debate. I think it is indicative of how hard and how difficult it is to deal with this issue. One cannot paint with a broad brush, whether we are talking about firearms or entertainment programming or games, or anything else. We cannot paint with a broad brush.

We are under the heels of tragedies such as Littleton, CO. We are very quick to blame. We are also reluctant to admit our own shortcomings in assuming our responsibilities as citizens, as parents, as schoolteachers, and as members of a community.

This particular amendment pretty much says, let no good deed go unpunished. It is too broad. We may table this amendment, and it should be tabled. But I hope that those who are in the business of entertainment and providing programming in its many forms, I hope this message gets to downtown Burbank and Hollywood and Vine.

This basically, if you look at the amendment, is pretty much a lawyer's amendment. It says:

> We shall define the term ''hours'' when children are reasonably likely to comprise a substantial portion of the audience, and the term ''violent video programming.''

I will tell you that argument will go on for just a little more than a moon, because we know that long hours of television are experienced just after school when they first get home. Then ''prime time,'' we would have to define ''prime time'' as somewhere between 8 o'clock and midnight.

It also includes maybe the Internet. You could interpret this to say the Internet, because it says in this section the term:

> ''Distribute'' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave or satellite.

You can also interpret that as the Internet.

We have never to this point put restrictions on the Internet. There may be a day coming when, if the ISPs and the programmers don't show some kind of responsibility, Government will.

It is almost unenforceable. In fact, it is unenforceable. I have never seen a section like this that says if any part of this amendment is found unconstitutional, then the remainder stays in. I think again that is pretty much full employment for our legal profession.

The amendment runs counter to the meaning that we had when we all sat down and worked out the V-chip. There were some of us who said the V-chip will probably not work unless we have responsible parents who are in charge of the television, basically. We were told at that time that the V-chip people were ready to go for it.

Do you know that the first television to have a V-chip in it—this was an agreement 2 years ago, back in July of 1997. Guess what. We have yet to see the first television set to have a V-chip in it—2 years later. That television won't be on the market until July of this year.

Let's give it a chance to work, as far as the V-chip is concerned.

I want to send a strong message to those who will provide entertainment. You should get the message right away. There are people looking, and there are people willing to take some steps, if they show no responsibility at all in programming to our young people.

I thank the Chair. I thank the floor leader for the time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Montana is the chairman of our Subcommittee on Communications. He questions now: Is the amendment too broad? It sounds to him like a lawyer's amendment. But the distinguished Senator did vote for something identical in 1995 and in 1997, because he voted for exactly that when we reported out the ''lawyer's amendment,'' or however he wants to describe it right now. I appreciated his vote at that time. I am sorry I didn't get to talk to him this morning when he came in, because I think I could have gotten him back around to where he was. So much for that.

My distinguished colleague from California talks about ''Schindler's List.'' Heavens above. We said, ''Excessive, gratuitous violence.'' You have ''Schindler's List.'' You have ''Civil War.'' You have ''Saving Private Ryan.'' It just couldn't apply under this amendment. So let's not raise questions like that.

With respect to pointing the finger at one industry, no. We pointed the finger yesterday—almost a majority, but half the Senate, almost—to the gun industry. We are trying at every angle we possibly can to do something rather

than to just talk about it, because that is what we have been doing with respect to television violence. Now they come, of course, with the wonderful putoff, that ''shall the Government decide,'' and ''let the parents,'' ''power to the parents,'' and everything else like that. Heavens above.

I haven't seen an amendment yet to repeal the FCC authority over indecency. In fact, the decision—going up before the courts, finding it to be constitutional—by Judge Edwards, who said violence would be even again more appropriately controlled, but he ruled again on the authority of the Government, the heavy hand of Government, rather than the parent, namely the FCC, to come down and control indecency during the family hour that we have today for indecency.

What this boils down to is to merely extend the family hour for indecency, to violence, to television violence. We brought the Attorney General of the United States, the Justice Department, and she attested to the fact of its constitutionality as well as the outstanding force of constitutional law by professors from the various campuses.

Mr. President, we have had that study. It came out again by the voluntary effort of the industry itself back in 1992. We put that one in the RECORD. Then 6 years later, what does Hollywood say?

I repeat the various letters that we have here, Mr. President. We had the American Federation of Television and Radio Artists finding this, the Producers Guild of America finding this, the Writers Guild of America finding this, the Caucus for Producers, Writers and Directors, and the Directors Guild of America—all finding this. When I say ''finding this,'' I mean that much of TV violence is still glamorized. It is trivialized. So we know what the industry does with a study and an investigation in the Brownback amendment.

Mr. President, if we value family values, listen to this one.

Out in Ohio, a 5-year-old child started a fire that killed his younger sister. The mother attributed the fact that he was fascinated with fire to the MTV show Beavis & Butt-Head, in which they often set things on fire. The show featured two teenagers on rock video burning and destroying things. The boy watched one show that had the cartoon character saying ''fire is fun.'' From that point on, the boy has been playing with fire, the mother said. It goes on to say the mother was concerned enough that she took the boy's bedroom door off the hinges so she could watch him more closely, the fire chief said.

Let's give the mothers of America a break. Yes, we can put in the V-chip; yes, we can do all the little gimmicks. But we know one thing is working: They don't shoot 'em up in London schools. They don't shoot 'em up in European schools. They don't shoot 'em up in Australian schools. They have a family hour with respect to television violence. It is working.

In this country, why doesn't the family values crowd have the family hour with respect to TV violence?

Mr. DORGAN. Will the Senator yield?

Mr. HATCH. I yield 2 minutes to the Senator.

Mr. DORGAN. Mr. President, I have listened to this debate. It reminds me of the three stages of denial: The fellow says I wasn't there when it happened; if I was there, I didn't do it; if I did it, I didn't mean it.

I have listened to the denial on this issue. We finally come to the point after three decades of debate, especially in the last 6 or 8 years, where the denial is to say we can't take a baby step forward on this important issue because somebody has reached an agreement somewhere with someone else.

I didn't reach an agreement with anybody. We have a V-chip. I introduced the first V-chip bill in the Senate January 31, 1994. We have a V-chip in law. But don't anybody stand up here and say that because we have a V-chip in law there was some deal someplace with somebody that prevents Members from doing what we ought to do now. Don't anybody say that, because I was not part of a deal. The Senator from South Carolina was not part of a deal, and I daresay that 90 other Senators in this Chamber were part of no deal with anybody about these issues.

This is common sense. This makes sense.

It seems to me that we ought not have anybody ever come to the floor of the Senate again to talk about this issue if Members are not willing to take this baby step in the right direction.

I am pleased to join the Senator from South Carolina in offering this amendment today to say we have had a lot of discussion, hundreds of studies, a lot of debate. Now we come to the time where we choose. Don't make excuses. Don't talk about some deal that doesn't exist for most Senators. Vote for this legislation.

Mr. HOLLINGS. I thank the distinguished Senator for his leadership.

Mr. HATCH. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FITZGERALD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 328. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—60

Allard	Feingold	McCain
Baucus	Fitzgerald	McConnell
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Brownback	Hagel	Reed
Bunning	Hatch	Robb
Burns	Hutchinson	Roberts
Campbell	Inhofe	Roth
Chafee	Jeffords	Santorum
Cleland	Kennedy	Schumer
Cochran	Kerrey	Shelby
Collins	Kerry	Smith (NH)
Craig	Kyl	Smith (OR)
Crapo	Leahy	Specter
Daschle	Levin	Thomas
Dodd	Lott	Thompson
Domenici	Lugar	Torricelli
Enzi	Mack	Voinovich

NAYS—39

Abraham	Edwards	Lieberman
Akaka	Feinstein	Lincoln
Ashcroft	Graham	Mikulski
Biden	Grassley	Reid
Bingaman	Gregg	Rockefeller
Bond	Harkin	Sarbanes
Bryan	Helms	Sessions
Byrd	Hollings	Snowe
Conrad	Hutchison	Stevens
Coverdell	Johnson	Thurmond
DeWine	Kohl	Warner
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden

NOT VOTING—1

Inouye

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that following the disposition of amendment No. 335, Senator FEINGOLD be recognized for up to 8 minutes to make a statement on debate, the Senator from Minnesota be recognized for up to 10 minutes, and then Senator ASHCROFT be recognized to offer an amendment regarding guns, and that there be 45 minutes equally divided for debate prior to the vote on or in relation to the amendment, with no amendments in order to the amendment prior to that vote.

I further ask consent that following the debate, the amendment be laid aside and Senator FEINSTEIN be recognized to offer an amendment regarding gun control, with the debate limited to 90 minutes and under the same parameters outlined above.

The PRESIDING OFFICER (Mr. VOINOVICH). Is there objection?

Mr. LEAHY. Reserving the right to object——

Mr. HATCH. Let me finish. Following that debate, the Senate proceed to vote in the order in which the amendments were offered, with 5 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object, and I will not object, I assume then that 5 minutes would be divided in the usual fashion.

Mr. HATCH. Therefore, for the information of all Senators—do I have the unanimous consent?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Therefore, for the information of all Senators, the next votes will occur at approximately 3:30 p.m. and approximately 4 p.m. today.

Mr. LEAHY. Unless time is yielded back.

Mr. McCAIN. Mr. President, reserving the right to object, following the disposition of those amendments, is it then your intention to move to a Hatch-Craig amendment?

Mr. HATCH. Yes; following that, we intend to move to the Hatch-Craig amendment on firearms.

Mr. LEAHY. That is not part of the unanimous consent request.

Mr. HATCH. That is not part of the unanimous consent request.

Mr. McCAIN. I ask unanimous consent that we move to the Hatch-Craig amendment immediately following the disposition of those amendments.

Mr. LEAHY. Mr. President, at this time I object.

Mr. McCAIN. Then I object to the unanimous consent request.

Mr. LEAHY. We already have that.

Mr. HATCH. Let me ask the Senator——

The PRESIDING OFFICER. The unanimous consent agreement has been agreed to, and the Senator from Wisconsin has 8 minutes.

Mr. HATCH. Would the Senator from Arizona——

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1035 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE CRISIS IN KOSOVO

Mr. WELLSTONE. Mr. President, I have spoken a number of times on the floor of the Senate about the crisis in Kosovo. I think it is important, under the circumstances, that I do so again in order to pose some critical questions that have emerged recently about United States and NATO policy there.

I saw a window of opportunity for diplomacy. I was really optimistic given the direction of the G–8 countries. I thought we were then going to be going to the United Nations, and we had an opportunity perhaps through diplomacy to bring this conflict to an end.

I think that given what has happened over the weekend, and given the very delicate discussions now underway involving NATO, the U.N. Secretary General, Russia, China, and other key players, it is time to reconsider a proposal that I made 10 days ago: a brief, conditional pause in the airstrike campaign to allow for a de-escalation of this military conflict.

Let me be clear. I continue to support the basic military, political and humanitarian goals that NATO has outlined: the safe return of refugees to their homes; the withdrawal of Serb security forces; the presence of robustly armed international forces capable of protecting refugees and monitoring Serb compliance; full access to Kosovo for nongovernmental organizations aiding the refugees; and Serb willingness to participate in meaningful negotiations on Kosovo's status.

These goals must be met. But in the wake of the Chinese Embassy accident, NATO needs to be even more focused on diplomacy, and I think we have to be very careful to not appear to be belligerent in our public statements—to be strong in terms of the goals that have to be met but be creative in our diplomacy.

I don't really know what there is to the withdrawal of some of the Serb military. Secretary Cohen has raised some very important questions. But on the floor of the Senate, I do want to point out that contrary to some published reports of United States and public statements that suggest that we intend to continue the airstrikes even against Serb forces who may actually be beginning to withdraw, I believe we and NATO should reiterate what we have been saying earlier—that NATO will not strike at Serbian troops who are actively pulling out of Kosovo.

How can we expect even the Serbs to withdraw their troops if we have made it clear that we will bomb them on the way out unless they have agreed to full withdrawal and outlined a timetable for it? Is this seeming new emphasis on continuing the airstrikes even if the troops are withdrawing a change in emphasis, or tone, or is it a substantive change? What precisely would the NATO rules of engagement be if substantial numbers of Serb troops begin to actually withdraw from Kosovo? What did Milosevic's statement on a return to ''peacetime troop levels'' mean? If he means a return to prewar levels, that is a nonstarter. What small token Serb forces, if any, would NATO allow to stay, as long as an armed international presence was allowed?

While I understand NATO's decision to remain silent, or to leave some ambiguity on some of these questions, it has created an unnecessarily confusing, and sometimes conflicting, set of policy prescriptions from NATO.

Mr. President, while I think a diplomatic solution is the best way to resolve this crisis, I want to make clear that I have no illusions about Milosevic and what he has done. My disgust with his actions was only increased yesterday when I read some of the information in the new State Department report entitled ''Erasing History: Ethnic Cleansing in Kosovo.''

The report catalogs the horrific events that continue to unfold in Kosovo. Interviews with thousands of refugees have revealed brutalities which boggle the mind and sicken the soul. I shudder to think what else we will learn in the months and years to come after looking at forensic evidence within Kosovo. It is clear that even while the bombing campaign has raged Kosovo has been emptied, and it has been burned.

Mr. President, let me just make it clear that I know why we have been involved, and I think we have launched our military actions with the best intentions and with what I truly believe was sound moral authority. But I am troubled now by some actions by NATO, including the so-called ''collateral'' damage we have wrought, and the embassy bombing, which I believe may undermine that sense of moral legitimacy.

The embassy incident is only the latest of targeted errors which have caused civilian casualties. We have seen errant strikes on a refugee convoy, a civilian train, a bus and other incidents. While I understand clearly the difference between the brutal, deliberate and systematic attacks of Serb forces, which have resulted in the deaths of thousands and displacement of over a million more, and the accidental death of civilians caused by our wayward missiles, any serious moral reflection requires us to consider the impact of our actions on innocent civilians. Taken together, I fear these incidents are beginning to erode the moral authority of our efforts in Kosovo.

I do not mean to suggest in any way a moral equivalence between the two. But as the number of civilian casualties mounts, it will become increasingly difficult to justify as we try to balance these regrettable losses against whatever progress we are making toward our goal.

One way to put an end to Milosevic's atrocities and to the recurring cycle of collateral damage and NATO apologies may be to pursue a more creative coupling of our military, political and diplomatic goals.

Last week, I called for a brief, conditional and reciprocal pause in our military action. I wish we had done so. On NATO's part, this would entail a bombing pause of perhaps 48 hours. Such a pause—if it can be worked out in a way which would protect NATO troops and would not risk Serb resupply of their war machine—could help to reinvigorate—and I think we need to now—diplomatic efforts and halt the steady movement toward bombing that we have now seen which could lead to a deeper involvement and a wider war. Mr. President, we need to reinvigorate our diplomatic efforts, and we need to

halt the steady movement in the bombing. We need to figure out a way that we can involve critical parties and countries in a diplomatic effort.

While my proposal is not the proposal that comes from the Chinese and Russians, it is more qualified. And it would require a more immediate reciprocal response from Milosevic.

I believe we need to take this step. I am not naive about whether we can trust Milosevic. We have seen him break his word too many times with that. We may even be seeing that again now in what NATO leaders have called a ''feint'' of a partial withdrawal. I am not proposing an open-ended halt in our efforts, but I am talking about a temporary pause of 48 hours or so offered on condition that Milosevic not be allowed to use the period to resupply his troops, or to repair his air defenses, and that he immediately order his forces in Kosovo to halt their attacks and to begin to actually withdraw. It would not require his formal prior assent to each of these conditions. But if our intelligence and other means of verification concludes that he is taking military advantage of such a pause by doing any of these things, we should resume the bombing.

I believe, however, that we need to take this first step, a gesture, in order to move diplomacy forward and bring these horrors to an end.

Let me conclude by saying that as a Senator I have been so impressed by the heroic efforts of nongovernmental organizations to bring humanitarian supplies by convoy to hundreds of thousands of homeless and starving misplaced refugees still wandering in the mountains of Kosovo. I believe a pause might very well serve their interests. It might enable these aid organizations and other neutrals in the conflict to more easily airlift or truck in and then distribute relief supplies to them without the threat of their humanitarian mission being halted by the Serbian military. A Serb guarantee of their safe conduct would be an important reciprocal gesture on the part of Milosevic. These people must be rescued. My hope is that a temporary bombing pause might help to enable aid organizations to get there.

Mr. President, I intend to press these questions that I have raised with the administration officials later today. I think we have an opportunity still for diplomacy. We must not allow this window of opportunity provided by the Russians and others to close.

I thank my colleagues for their graciousness.

I urge the President and his foreign policy advisers to consider steps to de-escalate this military conflict, and to work with our allies, with the U.N. Secretary General, with the Russians and others to take advantage of whatever opportunities present themselves to forge a just and lasting peace which restores the Kosovar Albanians to their home, provides for their protection and for their secure futures, allows aid groups access to them, and provides for negotiation on their political status.

We must move forward now. I wish that we could have had this pause that I called for 10 days ago. I am extremely worried about the repercussions of the bombing of the embassy in China. I am worried about the events in Russia. I am worried about a window of opportunity for diplomacy closing and more escalation in this military conflict.

I think it is important that we take this step under the conditions that I have outlined.

I am going to continue to press forward with this proposal. I hope that in the Senate next week we will again have a discussion and debate about the events in Kosovo, about our military involvement, about where we are, about where NATO is, and what we need to do to achieve our objective.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 342

(Purpose: To amendment chapter 44 of Title 18, United States Code, to enhance penalties for the unlawful use by or transfer to juveniles of a handgun, ammunition, large capacity ammunition feeding devices or semiautomatic assault weapons, and for other purposes)

Mr. ASHCROFT. Mr. President, I thank you for recognizing me. It is my understanding that in accordance with the previous consent that I have the opportunity to present an amendment to the juvenile bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 342.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

To be inserted at the appropriate place:

TITLE . RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SECTION 1. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking ''Whoever'' at the beginning of the first sentence, and inserting in lieu thereof, ''Except as provided in paragraph (6) of this subsection, whoever''; and

(2) in paragraph (6), by amending it to read as follows:

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

''(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, larger capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

''(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

''(B) A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

''(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

''(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

''(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(3) This subsection does not apply to—

''(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

''(I) in the course of employment,

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

''(III) for target practice.

''(IV) for hunting, or

''(V) for a course of instruction in the safe and lawful use of a firearm.

''(ii) Clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

''(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(II) during transportation by the juvenile directly from the place of transfer to a place at which on activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

''(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may passes and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibit by Federal, State or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile.

''(B) a juvenile who is a member of the Armed Forces of the Unites States or the National Guard who possess or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

''(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

''(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(5) For purposes of this subsection, the term ''juvenile'' means a person who is less than 18 years of age.

''(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

''(B) The court may use the contempt power to enforce subparagraph (A).

''(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.''

(7) For purposes of this subsection only, the term ''large capacity ammunition feeding device'' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control Law Enforcement Act of 1994.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mr. ASHCROFT. Mr. President, all of us are concerned and deeply so about what we think is a changing landscape in American culture. We are concerned about the fact that young people whom we once felt were the repository for the innocence of the culture are no longer that repository. We find ourselves being outraged and stunned when we find activity in juvenile quarters which are really threatening to all of us. That is why the whole juvenile justice topic is before us. We are amazingly aware, painfully aware, of the fact that we need to take steps to improve the way we deal with young people and to curtail the amount of criminal activity and behavior among those who are the young people of our culture.

It is important that we debate this issue in the Senate. It is important that we offer legislative responses to this serious challenge to the public safety and security of people and their families. But we shouldn't try to telegraph or to communicate the fact that we are addressing this, that we think that we can do everything that is necessary for a safer and saner approach to life by all of our citizens including young people.

There is much that simply can't be done by government. The resources of the State are inadequate to shape the culture totally and completely and to bring the kind of result that we want.

The fact that we are here to talk about things that we can do doesn't mean we believe that what we can do will totally accommodate or otherwise remediate the problem. We should do what we can do. I believe it is important to look around and ask how can we improve the situation and the legal framework.

One of the aspects of juvenile justice that we are discussing today is the access that juveniles have to firearms. In my hometown of Springfield, MO, and towns and cities across Missouri and across the United States, parents have long played an active and crucial role in teaching children the safe and responsible use of firearms.

However, Federal law already recognizes that certain firearms involve a higher level of responsibility than others. Handguns, for instance, have long been recognized as requiring greater restrictions than other firearms. Of course, any restriction must respect the second amendment rights of American citizens, one of the fundamental rights enjoyed under the Bill of Rights under the U.S. Constitution.

The amendment I propose today does exactly that. It simply extends the recognition of the need for increased responsibility to certain military-style semiautomatic assault weapons such as AK–47s and Uzis. In part, this mirrors a bill which I introduced recently in the Senate, Senate bill 994. The amendment which I have sent to the desk restricts the acquisition and possession of semiautomatic assault rifles and high-capacity ammunition-feeding devices—those holding over 10 rounds of ammunition—by juveniles.

Let me say again what this amendment does. This amendment restricts juveniles from acquiring semiautomatic assault weapon rifles and high-capacity ammunition-feeding devices—meaning those feeding devices which hold over 10 rounds of ammunition. It says juveniles do not have the authority to acquire, to purchase, or to possess those rifles generally.

Let me be clear about what this amendment does not do. This amendment does not affect the lawful ownership or possession of semiautomatic hunting or target rifles or semiautomatic shotguns, the kind of firearms that are routinely used responsibly by young people and American citizens across our country in hunting. It does restrict the possession and purchase of semiautomatic assault weapons and the high-capacity ammunition-feeding devices associated with them.

Current Federal gun law can be awfully complicated, but this amendment is not complicated. It is a straightforward commonsense amendment. Let me refer to a chart which shows the existing law. Already, the law requires elevated levels of responsibility in terms of handguns so that a juvenile individual is prohibited from purchasing a handgun from a federally licensed dealer, prohibited from purchasing a handgun in a private transaction or sale, and must have the permission of a parent in order to possess

or use the handgun. I repeat, cannot buy from a licensed dealer, cannot buy in a private sale, and must have permission to use or possess.

Current Federal law in regard to semiautomatic assault rifles prohibits the sale by a federally licensed dealer to a juvenile, but permits juveniles to purchase semiautomatic assault rifles from individuals in private sales, and does not require a juvenile to have parental permission in order to possess or use such a firearm.

We have a disparity. Handguns have been prohibited for sale both privately and through licensed dealers and require parental permission; semiautomatic assault rifles, or AKs or Uzis, although prohibited for sale by a licensed dealer, juveniles are permitted to purchase at private sales; and juveniles require no parental permission. What we are proposing takes care of this disparity.

It says we will treat semiautomatic assault weapons as we treat handguns, that we will prohibit the acquisition of these weapons and firearms by juveniles from private sales just as they have been prohibited from federally licensed dealers, and we would require any possession by a juvenile of such a firearm to be an acknowledged and permitted possession of that firearm by the adult or the guardian parent of the juvenile.

It is pretty clear that what we have done here is to simplify the law by saying the same basic rules that apply to juveniles on handguns will apply to juveniles in semiautomatic assault weapons or assault rifles.

The law currently says in regard to a handgun you can teach your child to shoot a handgun but he can't shoot it without your permission. Basically, this would harmonize semiautomatic assault rifles with the law regarding handguns.

Now, there are under existing law some permitted uses of handguns by juveniles. If a juvenile is in the military service or if a juvenile is in lawful defense of himself against an intruder into his house, he is allowed to use a handgun—eminently reasonable. Those basic exceptions ought to be transferred or ought to exist for other firearms, as well.

Transfer of title to a firearm like this to a juvenile is permitted by inheritance, though the juvenile may not take possession until age 18, absent the kind of permission which would be required not only for this but for handguns.

My amendment simply treats semiautomatic assault weapons such as the AK–47s and the Uzis, street-sweeper shotguns, and high-capacity ammunition-feeding devices the same way for juveniles that we treat handguns. Private parties can no longer sell them to juveniles, and the juvenile needs parental permission to possess one unless he is in the military or uses it for self-defense.

What kind of weapons are we talking about that have been permitted to be sold to juveniles but would be prohibited under this amendment? The list includes: the AK–47, the Uzis, the Galil, Beretta AR 70, Colt AR–15, Fabrique Nationale FN or FAL, SWD M 10, M–11, M–11 1/9, the Steyr Aug, the TEC–9, street-sweeper shotgun, Striker-12 shotgun, and other semiautomatic rifles and shotguns with at least two military features, such as folding stocks, pistol grips, bayonet gloves, and grenade launchers.

These are serious firearms. Because they are serious, they create some new serious penalties. This amendment creates a new penalty of up to 20 years' incarceration for possession of handgun ammunition or semiautomatic assault weapon or high-capacity ammunition-feeding device with the intent to possess, carry, or use it in a crime of violence in a school zone. It raises the penalty for transferring a firearm to a juvenile, knowing that it will be used in a crime of violence or drug crime, to 20 years.

Mr. SESSIONS. Will the Senator yield?

Mr. ASHCROFT. I am happy to yield to the Senator.

Mr. SESSIONS. Mr. President, as chairman of the Youth Violence Subcommittee, I very much appreciate Senator ASHCROFT's leadership on this particular issue. But not just this one, on the entire package of legislation we have put together today. He has conducted hearings in Missouri, which I was pleased to be able to attend. We heard from victims of crime. We heard from police officers. We heard from young people. We went out and met with law enforcement officers who were breaking up drug labs. In the course of that, one of the things we dealt with was adult criminals using young people to commit crimes for them. Senator ASHCROFT has prepared that part of our bill in particular, which I think is invaluable, because young people do get treated less severely, and older adults are using them to commit crimes.

Zeroing in on some weapons that young people do not need to be able to receive in any fashion is good legislation. As chairman of that subcommittee, I appreciate Senator ASHCROFT, former attorney general of the State of Missouri, former Governor of the State, for his leadership throughout this process. I have enjoyed working with him and look forward to continuing to do so as we move this bill through to success.

Mr. ASHCROFT. I thank the Senator. I appreciate his work, coming to Missouri to participate in the hearing.

It became clear to us that adults using children to commit crimes—hoping the children would be excused because of their youth and they would all escape penalty—brings children into a criminal environment. It starts them down a path of crime. That is very dangerous, and this proposal which we are considering today obviously would elevate the penalties for that about threefold. I am delighted.

Again, let me refer to this amendment that really harmonizes the law so the same kinds of prohibitions apply to semiautomatic assault weapons as apply to handguns. There are a few clarifying changes in the existing law. It makes it clear that parental permission allows possession, either with parental supervision or with prior written permission of a parent. Even with this parental permission, juveniles can only possess these weapons for three narrow purposes: For target shooting; for gun safety courses; or if required for their employment in ranching, farming, or lawful hunting. Such a firearm being transported by a juvenile must be unloaded and in a locked case, under this amendment. So for a juvenile, even if he was transporting for one of these lawful purposes—that also relates to handguns, I might add—the law requires the weapon be unloaded and in a locked case.

Likewise, this amendment allows prior written permission to be retained by a parent instead of carried by the juvenile in the case of juvenile possession incident to employment, ranching, or farming activities. In other words, if on a ranch a youngster is carrying a pistol, obviously the written permission can exist in the ranch house while the youngster is doing chores or away from the house with the pistol.

Finally, the amendment clarifies the self-defense provision of the law by permitting possession in lawful defense of self or others in a residence against any threat to the life of the individuals there. I think it is only reasonable to conclude it should not be illegal for a young person to pick up a handgun to defend himself and his family in the event he is in his home and is the victim of a threat to his own life.

If parents want to teach children to use firearms responsibly, the law should not stand in the way. This law encourages parents to play an active role in the lives of their children and respects the judgment of parents. It does not suggest we in Washington know best and are better equipped than parents to make decisions. But it does say, as it relates to semiautomatic assault rifles and weapons, the provisions that relate to handguns ought to be the provisions that relate to semiautomatic rifles. That means this amendment would prohibit the private sale of a semiautomatic assault rifle to a juvenile and the possession of any assault rifle or similar weapon by a juvenile, absent the specific permission of a parent.

With that in mind, I think we take another step forward. We do not cure

all the problems attendant to our society related to law-abiding responsibilities of young people. But we do take a step forward to bring the law to a place of rationality and to prohibit possession of semiautomatic assault rifles where pistols or handguns would be prohibited, and to prohibit such possession without the permission of a parent in a similar way to the way in which it has been prohibited for handguns.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to comment on the amendment the Senator has just submitted before the body. I believe directly following this amendment, I will be introducing an amendment. Last week, I announced I would be introducing an amendment which had essentially all the parts that Senator ASHCROFT has just introduced, plus one additional part. Let me comment on how his amendment differs from mine in the sense of the parts he has just talked about.

He has added exceptions relating to employment, ranching, farming, hunting, inheritance, target practice, and training. The exceptions in my amendment are military and law enforcement.

He also creates a new penalty of up to 20 years for a juvenile who uses these weapons with the intent to commit a violent felony. I think that is a very positive addition.

He does not make any transfer a felony, so the penalty would still be only up to 1 year. That is, if you transfer an assault weapon to a juvenile, the penalty is only up to 1 year. That is part of the problem. The penalty is so low, it is difficult to sustain or even make prosecutions. But I am very pleased he has seen fit to offer this amendment.

I want for a moment to talk about what is missing from the amendment, which I will talk about more deeply on my own time. What is missing from the amendment is plugging a major loophole in the assault weapons legislation which I presented to this body in 1993 as an amendment to the crime bill and which is now law.

When the amendment came before the body and we were standing down in the well, another Senator approached me and said: Would you mind if there were an amendment which would permit the continued grandfathering of big clips into this country, particularly for those that have bills of lading on them already and are in transit? I said no. The amendment went in and got broadened in the course of what turned out to be a rather cantankerous debate on the subject, back and forth between the two Houses.

This is significant because the failsafe in the assault weapons legislation has to do with clips, in that the domestic manufacture of clips, drums, or strips of more than 10 bullets is prohibited in the United States subsequent to enactment of the assault weapons legislation. That is now the law. The loophole is that these clips are coming in from all around the world.

Let me give a few examples. Between March of 1998 and July of 1998, BATF approved permits for over 8 million of these clips. They came in from countries all over—from Austria to Zimbabwe.

Let me tell you some of the things that come in from Great Britain: 826,000 clips, drums or strips, 250-round magazines, 177-round magazines, 71-round magazines, 50-round magazines; from Germany, 426,300; from Italy, 5,900,000, and on and on.

What is the significance of this? What gives an assault weapon the firepower is, first, you can hold it at your hip with two hands and spray fire; secondly, most of them are capable of having a very light trigger which you can pull very rapidly, and being semiautomatic, each time you pull it, it dispenses a bullet; and the clips are very big. The bigger the clip, the less the opportunity somebody has to disarm you.

Hence, they have become the weapon of choice of grievance killers, of drive-by shooters, of gangs, and of drug dealers. None of these big clips are necessary for hunting.

It always puzzles me why there is an exception. As a matter of fact, overwhelmingly, the great bulk of States prohibit more than seven bullets in a clip for hunting. Therefore, why you need to make an exception for hunting—I used to use a bow and arrow. I was pretty good at it. At least there was some sport in it. If you come along with a spray-fire assault weapon and you are hunting some poor deer, my goodness, I am rooting for the deer, that's for sure.

I really question why we cannot plug this loophole. I tried last year. We received 44 votes. I was told some people did not like the timing of it and, therefore, I am trying at a time now when the juvenile justice bill is before this body.

Unless we close this loophole, we will continue to build a nation that is awash with the kind of equipment that wreaks the devastation that is occurring all over this country.

What the Senator has done is commendable. He has put forward certainly some improvements. I have done the same thing with not as many exceptions and added one other item.

I will probably vote for that amendment. I will also, though, press my amendment because, as one who has lived this assault weapons issue now for the past 6 years, unless we close some of these loopholes, the point of the legislation, which is to dry up the huge supply of assault weapons as well as these big clips, essentially will not happen. This is an important loophole to be closed. That is essentially the difference between our two amendments.

How much time remains on our side, Mr. President?

The PRESIDING OFFICER. Fourteen minutes, 52 seconds.

Mrs. FEINSTEIN. Mr. President, I want to take this time, if I may, to do something I have never done before, certainly on the floor of the Senate, and share with you my personal experience with guns and why I feel as strongly as I do with what is happening in this Nation with respect to them.

In 1976, I was president of the board of supervisors in San Francisco. There was a terrorist group by the name of the New World Liberation Front that was operating in the far west. They had blown up power stations throughout the West. They targeted me and placed a bomb in a flower box outside my house. The bomb had a construction-grade explosive which does not detonate below freezing. It never drops below freezing in San Francisco. It was set to detonate at 1:30 in the morning.

It did detonate, but the explosive washed up the side of the building and it did not explode. The timer went out in the street, and the next morning, we found the explosive on the side of the house. It was a very sobering thing because it was right below my daughter's window. Then this same group shot out about 15 windows in a beach house my husband and I owned.

I went to the police department and asked for protection, and I asked if I could learn to carry a weapon. So I received, in 1976, a concealed weapon permit to carry a weapon. I was trained at the police range. The weapon I carried was a chief's special 38, five shots. I practiced regularly.

My husband was going through cancer surgery at this time, and I remember walking back and forth to the hospital feeling safer because I had this small gun in my purse. A year later, arrests were made, and I returned the gun and, as a matter of fact, it was melted down with about eight others into a cross which I was able to present to the Holy Father in Rome in the early 1980s.

Subsequent to that time, a direct contradictory incident changed my life dramatically, when a colleague of mine on the board of supervisors smuggled a gun in, a former police officer, and shot and killed the mayor and shot and killed a colleague.

I spoke about this very briefly on the floor once before, but I was the one who found my colleague's body and put a finger through a bullet hole trying to get a pulse. I became mayor as a product of assassination in a most difficult time in my city's history.

Between those two incidents, I have seen the reassurance, albeit false, that a weapon can give someone under siege. With a terrorist group, one does

not know when they will strike. I was very frightened. I decided I would try to fight back, if I could, and did the legal things to be able to do it. So I understand that reassurance.

On the other hand, I have seen the criminal use of weapons. Then I began to see very clearly, between the late seventies and today, the evolution of the gun on the streets of America and seeing these very high-powered weapons striking hard and killing innocent people. I actually walked a block in Los Angeles where, in 6 months, 30 people were mowed down by drive-by shooters carrying these weapons.

I went to 101 California Street and saw the devastation that an aggrieved man brought about when he walked in with assault weapons and mowed down innocent people.

Let me tell you a couple of the characteristics of some of these weapons. I will begin with the weapon that was used in Littleton.

The Intratech TEC–9, TEC-DC9, TEC–22 is a favorite weapon of drug dealers, according to BATF gun data. One out of every five assault weapons traced from a crime is a TEC–9, according to BATF. It comes standard with a 30- to 36-round ammunition magazine capable of being fired as fast as the operator can pull the trigger. It is one of the most inexpensive semiautomatic assault weapons available. The original pistol version, called KG–9, was so easily converted to fully automatic it was reclassified by the BATF in 1982 as a machine gun.

The TEC–22 is very similar to the TEC–9 and TEC-DC9 and fires .22 caliber ammunition, manufactured in the United States.

The other one widely used is the AK–47. It is the most widely used assault weapon in the world, now manufactured in many countries. An estimated 20 to 50 million have been produced. It comes standard with a 30-round ammunition magazine capable of being fired as fast as the operator can pull the trigger. Some models are available with collapsible stock to facilitate accountability, developed in 1947 in the Soviet Union.

These are two of the weapons most used—banned by the assault weapons legislation.

What is the problem? The problem is the gun manufacturers are so craven that whatever you write, they find a way to get around it, to produce a thumb-hole stock or some other device, but to continue the basics of the weapon—that it can be held in two hands, that it can be spray fired. And what enables it to be so lethal and used in grievance killings and used by drive-by shooters and used by gangs is the big clips. No one can get to you to disarm you if you have a 70-round clip, a 90-round clip, or two 30-round clips strapped together.

So the purpose of the assault weapons legislation was to dry up that supply, not to take one away from anybody but over time dry up the supply. Today, no one in this country can manufacture a clip, drum, or strip of more than 10 bullets. No one can sell it legally. No one can possess it legally if it is made postban. The loophole is that they are pouring in from 20 different nations.

I went to the President, and I said: Can you use your executive authority to stop it? Just as he did with the foreign importation of assault weapons. What I was told by Justice was, no, we need legislation to close the loophole.

So I say to the Senator, where my legislation differs from yours is in exceptions and plugging this loophole. I very much hope we can plug the loophole. I very much hope the intent of your legislation isn't to submarine my legislation, isn't to prevent the closure of this loophole, which, as submitted to me right down there—I will never forget where it happened—was simply a grandfather clause to permit those weapons that had bills of lading on them in transport coming into this country. And I believe it should be closed. I believe the supply should be dried up.

Let me talk about the school killings and how these clips come into it for a moment.

I sent my staff to buy some of these clips. Let's see if it is easy; let's see if it is hard.

On the Internet, no questions asked. It is $8, $10 for a clip; no questions asked. Give your mother's credit card and you get it in the mail within a couple of days. We bought a 75-round magazine for an AK–47. And we bought several 30-round clips for $7.99, $8. And then if it slips into the weapon, you have a gun that can kill 30 people before you can be disarmed. That is why I so desperately want to plug this loophole.

As I believe the time is up, I yield the floor and will continue this on my own time. I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT. I am happy to yield such time to the Senator from Idaho as he might consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Missouri for yielding.

I stand in support of what I think is a very needed piece of legislation. While I stand always in defense of the constitutional right of law-abiding citizens to own guns, I also recognize the tremendously valuable linkage between rights and responsibilities and the ability of people to understand what those responsibilities are and to perform them in law-abiding ways.

The Senator from Missouri has recognized that in the laws we currently have, there is the potential, if not the reality, where we say to juveniles they cannot own handguns, up to a certain age, and that in fact we have seen there is a possibility, by definition of ''semiauto,'' that they could own one.

Certainly, in the case of Littleton, CO, the acts were illegal. That does not make the point. The point is, the law needs to be specific. That is what the Senator from Missouri is doing at this moment. He is making it very clear, as it relates to semiauto assault weaponry and the loading devices, that they be appropriately prescribed under the law as it relates to juveniles and that which we prohibit juveniles from possessing.

So I stand certainly in support of this. I encourage my colleagues to vote for it. I think it is the refinement of the laws of our country relating to gun ownership that clearly is deserving and appropriate in this legislation.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I inquire how much time remains.

The PRESIDING OFFICER. The Senator from Missouri has 3½ minutes.

Mr. ASHCROFT. Mr. President, I thank the Senator from California for her kind remarks about the intent that is expressed in making sure we provide the same kind of restrictions for semiautomatic assault weapons that we provide for handguns.

I just say this is an important amendment. This is the subject of legislation I have previously filed in the Senate. I think this is appropriate because this addresses the subject matter of this bill, which is the juvenile justice framework. This is not, obviously, a comprehensive approach to such weapons but it is very clear and specific in terms of its reference to juveniles and their possession of not only the weapons but the kind of expanded or substantial clips or magazines, and it simply says juveniles are ineligible to possess those kinds of expanded clips or magazines.

So I believe this measure is appropriate and it will harmonize the law to say that juveniles do not have greater authority to possess semiautomatic assault rifles than they do to possess handguns. This harmonizes the law and brings it into a place of reasonability.

I am grateful for the opportunity to present this amendment. I appreciate, and will appreciate, the support of colleagues who intend to vote on behalf of this amendment.

I yield the floor and reserve the remainder of my time.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on both sides, please?

The PRESIDING OFFICER. There is 1 minute 29 seconds for Senator

ASHCROFT; and 4 minutes 27 seconds in opposition.

Mr. DURBIN. I thank the Chair.

Mr. President, I rise in support of the amendment to be offered by the Senator from California, Mrs. FEINSTEIN.

Let me tell you two things that happened yesterday on Capitol Hill which most people across America would find nothing short of incredible. We had a chance on the floor of the Senate to say that if you went to a gun show and bought a gun, you would be subject to the same law as anyone who walked into a gun dealer. In other words, we would check your background. Are you a felon; do you have a criminal record; do you have a history of violent mental illness?

Before we sell a gun at a gun show, we wanted to make sure there was less likelihood that people would walk in with those problems and walk out with a gun. We were defeated. The National Rifle Association defeated that amendment. Despite the best efforts of Senator FRANK LAUTENBERG of New Jersey and many of us, we were defeated.

Instead, this Senate passed an amendment by the Senator from Idaho which went in the opposite direction and made it easier for people to buy guns without background checks. In fact, the amendment offered by the Senator from Idaho, adopted by this Senate, said you could walk into a pawn shop and buy your gun back without any background check.

What is wrong with that? Five times as many criminal felons put their guns in pawn shops as regular citizens. So what the National Rifle Association did with this amendment by the Senator from Idaho was make it easier for those who use guns in crime to get those guns without a background check.

America has to be standing back and saying: Did the Senate learn anything from what happened in Littleton, CO? Can we do anything to deal with gun violence?

Then, last night, I went to a conference committee on the emergency supplemental bill, and I said to the gathered members of the House and Senate, please, we are considering a bill worth billions of dollars. Can we put some money in to help our schools—$265 million so we can hire more counselors in schools to help troubled children; $100 million for more afterschool programs so that kids can be in a constructive, positive, safe environment. They said no, not a penny. In this emergency supplemental bill, not one penny for America's schools, but $6 billion more for military spending than President Clinton asked for, billions of dollars to be spent around the world for problems which the United States is involved in, but not a penny to be spent on safety in schools.

What a message. What a message coming out of Capitol Hill yesterday. If these are truly representative bodies in the Senate and the House of Representatives, to whom have they been listening? They haven't been listening to the families across America who want us to stand up and do something about gun violence. They have been listening to the National Rifle Association. They haven't been listening to the kids that we met with this morning from all across the United States, who came in and talked about their worries and their concerns about safety in schools. And they sure haven't been listening to the parents, worried to death about another school year and more violence.

If this Senate is going to be truly representative of the people who sent us here, if we are going to do something to show leadership instead of powerlessness to groups like the National Rifle Association, we should pass the amendment of Senator DIANNE FEINSTEIN.

Stop these ammunition clips. Who on God's green Earth needs an ammunition clip with 250 bullets in it? If you need that kind of ammunition to go out and shoot a deer, you ought to stick to fishing.

The bottom line is, this amendment is sensible. She is trying to stop those who are buying ammunition clips that are designed to do one thing—kill human beings. Yet, the National Rifle Association says it is our constitutional right to buy these. Ridiculous.

Ask the families across America whether the Dianne Feinstein amendment makes sense and they will say yes. Ask them whether Senator FRANK LAUTENBERG's amendment, to make sure that we check the backgrounds of people before they buy these guns at gun shows, is the sort of thing we want to make certain it is safe for all Americans. They will say yes; that makes sense.

Time and again, we are going to give our colleagues, Democrats and Republicans, on the Senate floor a chance to stand up and decide whether they are going to be for the families across America who want safety in schools or whether they are going to shrink away in cowardice because of the National Rifle Association. Let us do the right thing. Let us adopt Senator FEINSTEIN's amendment.

The PRESIDING OFFICER. All time in opposition has expired. The Senator from Missouri has a minute and a half.

Mr. ASHCROFT. Mr. President, this is a simple amendment. It simply says that what we ought to do in regard to semiautomatic assault weapons in our schools, for young people, is to require them to have the same kind of rules we have for handguns. Most people think that a semiautomatic assault weapon is much more dangerous than a handgun. Yet, under current law, you are permitted to buy one as a juvenile. You don't have to have your parents' permission like you do with a handgun, where you are prohibited and you do have to have your parents' permission.

So what we are talking about in this law is, for semiautomatic weapons, you are prohibited from buying them as a juvenile. And you cannot even possess one unless you have a clear indication of your parents' permission.

We have also dealt with juveniles in these clips that are being spoken of and simply said that they are not eligible to possess these clips, that this kind of automatic ammunition-feeding device is not appropriate for and, therefore, is prohibited, in terms of selling to, in the same way that we would prohibit the sales to young people of semiautomatic assault weapons. It does not include traditional hunting weapons, and we are not talking about these kind of things that are mentioned as spray-firing weapons. As a matter of fact, semiautomatic is not spray firing. Spray firing is a machine gun.

We are simply making the rules for semiautomatic assault weapons the same as they are for handguns. It a change that ought to be made. I urge my colleagues to vote in favor of the amendment.

The PRESIDING OFFICER. All time has expired.

The Senator from California is recognized to offer an amendment.

AMENDMENT NO. 343

(Purpose: Relating to assault weapons)

Mrs. FEINSTEIN. I thank the Chair. I send an amendment to the desk on behalf of myself and Senators CHAFEE, KENNEDY, SCHUMER, TORRICELLI, DURBIN, LEVIN, LANDRIEU, MURRAY, and INOUYE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, Mr. CHAFEE, Mr. KENNEDY, Mr. SCHUMER, Mr. TORRICELLI, Mr. LEVIN, Mr. DURBIN, Ms. LANDRIEU, Mrs. MURRAY, and Mr. INOUYE, proposes an amendment numbered 343.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.''; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting '', semiautomatic assault weapon, or large capacity ammunition feeding device'' after ''handgun''; and

(B) in subparagraph (D), by striking ''or ammunition'' and inserting '', ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device''.

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''1 year'' and inserting ''5 years''; and

(2) in clause (ii)—

(A) by inserting '', semiautomatic assault weapon, large capacity ammunition feeding device, or'' after ''handgun'' both places it appears; and

(B) by striking ''10 years'' and inserting ''20 years''.

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this amendment is designed to close several loopholes in laws that allow juveniles to obtain big guns. The amendment will ban juvenile possession of semiautomatic assault weapons. It will ban juvenile possession of large-capacity ammunition magazines. It will ban future importation of large-capacity ammunition magazines, and it makes the transfer of a handgun, semiautomatic assault weapon or high-capacity clip to a juvenile a felony, punishable by up to 5 years in prison.

It increases the maximum penalty for transferring a handgun to a juvenile, with knowledge that it will be used to commit a crime, from 10 to 20 years. It does that same thing for transfer of a semiautomatic assault weapon to a juvenile.

I think we have had a good discussion on the first part of the amendment with Senator ASHCROFT's legislation; that is, the amendment banning juvenile possession of a semiautomatic assault weapon. Current law already prohibits any person under the age of 18 from owning or possessing a handgun, with certain very limited exceptions. Yet, the law does nothing to prevent a juvenile from possessing the deadliest of assault weapons, those banned by our legislation of 1994. This would close that loophole.

Secondly, the amendment bans juvenile possession of large-capacity ammunition-feeding devices.

Now, what is a large-capacity ammunition-feeding device? It is something like this, where 30 rounds go into this clip. The clip goes up into the weapon, and you can use the weapon and spray fire, having a large number of bullets. Most assault weapons come standard with 20- or 30-round clips. These big drums or clips are the tools that allow a person to rapidly fire shot after shot after shot with no opportunity to be disarmed.

As I said earlier, they have no sporting purpose. Anybody who sees somebody deer hunting with one of these, root for the deer because you don't have much of a hunter if it takes 30 bullets in an assault weapon to take down a deer.

For both of these two provisions, the ban on juvenile possession of assault weapons and high-capacity clips, there are two exceptions. A juvenile may still use or possess a handgun, assault weapon, or high-capacity ammunition magazine if he or she is a member of the Armed Forces or the National Guard, and the use of such items is in the line of duty. Secondly, a juvenile may still use or possess a handgun, assault weapon, or high-capacity ammunition if these items are temporarily being used to defend a home. So, in other words, if there is one in the home and the home is invaded by a number of masked gunmen, the youth can certainly legally pick up that weapon to defend himself or herself. Throughout my amendment, a juvenile is defined as a person under the age of 18.

The third provision I have offered would finally stop the importation of large-capacity ammunition-feeding devices, and that is what the other side of the aisle wants to permit to continue to happen. As I mentioned earlier when we passed the legislation in 1994, a grandfather clause was in it to permit those shipments that have bills of lading on them to come into the country. What a mistake I made at that time. I should have fought it tooth and nail. It was then expanded, and you have the loophole that exists today. It has now been more than 4 years, and I believe anybody who has made pre-1994 assault weapons and clips has had an opportunity to import them into this Nation. My goodness, BATF, in 6 months, approves permits for 8.6 million of them. Now, look at the number of years that have gone by already. If you multiply every 6 months by 8.6 million, you will get a sense of the number that are coming in.

Let me say, once again, it is illegal to manufacture them domestically, sell them domestically, and possess them domestically, if they were made after the ban. The problem is, BATF has no way of knowing whether the clip, once it is in, was made before or after the ban because BATF can't go to Austria, or Great Britain, or Italy, or Zimbabwe, or Czechoslovakia, or East Germany, or any of these other places where these big clips are made and brought into this country.

Last year, the President stopped the importation of most copycat assault weapons into this country with an executive order. The Justice Department has advised that the President doesn't have the authority to ban the big clips and close the loophole. That is why the legislation is before us today.

Mr. President, I ask unanimous consent that a document entitled ''Firearms and Explosives Import Branch, High-Capacity Magazine Import Totals, 3/98 to 7/98'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIREARMS AND EXPLOSIVES IMPORTS BRANCH, HIGH CAPACITY MAGAZINE IMPORT TOTALS, BY COUNTRY OF EXPORT, 3/98–7/98

[This does not reflect the country of manufacture]

	No. of magazines per country	Total rounds approved
Austria:		
20 round magazines	300,000	6,000,000
Totals	300,000	6,000,000
Belgium:		
15 round magazines	3200	48,000
30 round magazines	500	15,000
Totals	3700	63,000
Chile:		
15 round magazines	30,700	460,500
20 round magazines	2,234	44,680
30 round magazines	35,482	1,064,460
32 round magazines	1,008	32,256
Totals	69,424	1,601,896
Costa Rica:		
15 round magazines	6,000	90,000
Totals	6,000	90,000
Czech Republic:		
15 round magazines	20,000	300,000
20 round magazines	25,000	500,000
70 round magazines	5,000	350,000
Totals	50,000	1,150,000
Denmark:		
32 round magazines	238	7,616

FIREARMS AND EXPLOSIVES IMPORTS BRANCH, HIGH CAPACITY MAGAZINE IMPORT TOTALS, BY COUNTRY OF EXPORT, 3/98–7/98—Continued

[This does not reflect the country of manufacture]

	No. of magazines per country	Total rounds approved
36 round magazines	840	30,240
Totals	1,078	37,856
England:		
20 round magazines	644,800	12,896,000
25 round magazines	27,500	687,500
30 round magazines	101,650	3,049,500
32 round magazines	28,490	911,680
50 round magazines	500	25,000
71 round magazines	3000	213,000
177 round magazines	200	35,400
250 round magazines	20,000	5,000,000
Totals	826,140	22,818,080
Germany:		
15 round magazines	10,000	150,000
16 round magazines	800	12,800
20 round magazines	34,500	690,000
30 round magazines	230,000	6,900,000
40 round magazines	100,000	4,000,000
75 round magazines	50,000	3,750,000
100 round magazines	1,000	100,000
Totals	426,300	15,602,800
Greece:		
30 round magazines	6,062	181,860
32 round magazines	55,900	1,788,800
Totals	61,962	1,970,660
Hungary:		
20 round magazines	20,800	416,000
30 round magazines	20,800	624,000
70 round magazines	500	35,000
71 round magazines	200	14,200
Totals	42,300	1,089,200
Indonesia:		
30 round magazines	100,000	3,000,000
Totals	100,000	3,000,000
Israel:		
20 round magazines	65,900	1,318,000
25 round magazines	17,000	425,000
30 round magazines	80,000	2,400,000
32 round magazines	2,000	64,000
35 round magazines	7,000	245,000
50 round magazines	65,900	1,318,000
Totals	172,900	4,502,000
Italy:		
11 round magazines	20,000	220,000
12 round magazines	506,318	6,075,816
13 round magazines	1,151,264	3,049,500
15 round magazines	1,940,556	14,966,432
17 round magazines	1,308,696	22,247,832
20 round magazines	1,000,000	20,000,000
Totals	5,962,834	46,559,580
Nicaragua:		
20 round magazines	10,000	200,000
50 round magazines	500	25,000
Totals	10,500	225,000
South Africa:		
20 round magazines	54,360	1,087,200
25 round magazines	23,500	587,500
Totals	77,860	1,674,700
Switzerland:		
20 round magazines	300	9,000
Totals	300	9,000
Taiwan:		
30 round magazines	1,000	30,000
Totals	1,000	30,000
Zimbabwe:		
30 round magazines	32,000	960,000
32 round magazines	42,874	1,307,968

Mrs. FEINSTEIN. Once again, this describes the countries—Austria, Belgium, Chile, Costa Rica, Czech Republic, Denmark, England, Germany, Greece, Hungary, Indonesia, Israel, Italy, Nicaragua, South Africa, Switzerland, Taiwan, and Zimbabwe—where during this 6-month period these big clips received permits.

The final provision in this amendment will increase penalties on any person who sells or transfers a handgun, assault weapon, or high-capacity ammunition magazine to a juvenile. Any transfer of a handgun, assault weapon, or one of these clips to a juvenile, under my legislation, would become a felony punishable by up to 5 years in prison. And any person who transfers to a juvenile, knowing that it is going to be used to commit a crime, is subject to a maximum penalty of 20 years. As I said earlier, the legislation applies the handgun prohibition to assault weapons as well.

Now, let me just speak for a moment about what we have seen happen in the last 3 years. Since I became, I might say, gun-sensitive in 1976, I have watched incidents develop in the United States. It is not hard for any of us to see that what has happened is a combination of things. In the first place, there are parents that, apparently, don't teach their youngsters values; schools that are too big; counselors that are too rare; the burgeoning group of youngsters who feel aggrieved or not accepted or not ''one of them,'' or is jealous, is going to essentially have the last laugh by going in and really taking out a large number of students. We saw it in Moses Lake, WA; Bethel, AK; Pearl, MS; West Paducah, KY; Jonesboro, AR, which involved 2 killers, one of them just 11 years old; Edinboro, PA; Fayetteville, TN; Springfield, OR; and now Littleton, CO. All of these took place not in Los Angeles, New York, Detroit, Chicago, Cleveland, or San Francisco, but in small suburban communities, many of them deeply religious, most of them middle to upper-class socioeconomically.

So what has happened? I believe that what happened is we have seen the fomenting of a culture of violence surrounding youngsters. I have used this before and I will use it again. I would like to read directly from the Washington Post article dated Monday, May 11:

Angry 5-year-old Took Gun to School. Memphis. Five-year-old kindergartner was arrested after bringing a loaded pistol to school because he wanted to kill his teacher for punishing him with a ''time out,'' according to police records. The .25 caliber semiautomatic pistol in the child's backpack was confiscated by teacher Maggie Foster on Friday after another pupil brought her a bullet. ''He said he wanted to shoot and kill several pupils as well as a teacher,'' the arrest ticket said. He stated he was going to shoot Ms. Foster for putting him in ''time out,'' a form of discipline for young children.

The boy was charged with carrying a weapon. It was unclear if he would be prosecuted. ''A five-year-old is not capable of forming criminal intent,'' juvenile court Judge Kenneth Turner said. ''The boy got the gun from atop his grandfather's bedroom dresser,'' said Jerry Manassass, juvenile director of court services. The boy and his mother live with the grandfather. ''The State's Department of Children Services will investigate the boy's home situation,'' officials said.

And that's that.

Doesn't that frighten you? Doesn't it make you think that this Nation is so awash with guns that it has even trickled down to a five-year-old who knows enough to pick up a gun and take it to school? It frightens me, and I believe it concerns the dominant majority of American people. We have a chance to do something about it.

We can't entirely change the culture. We can pass, as we have, certain pieces of legislation. We can use the bully pulpit. We can talk about parents keeping their guns safe. We can use trigger locks. We can make parents responsible—all of which I think we should do. But the one thing we can and we must do is keep large firepower out of the hands of juveniles. The more you proliferate these weapons and make it easy for youngsters to obtain the ammunition feeding devices, just by using their computer, just by punching in their family's credit card, we create the situation where more lives can be taken.

Almost 1 in 12 high school students report having carried a gun in the last 30 days. This is despite Senator DORGAN and my gun-free schools bill. In 1996, 2,866 children and teenagers were murdered with guns, 1,309 committed suicide with guns, and 468 died in unintentional shootings. Gunshot wounds are now the second leading cause of death among people aged 10 to 34. What a commentary on this Nation. The firearm epidemic in this country is now 10 times larger than the polio epidemic of earlier this century.

In the 1996–1997 school year alone, more than 6,000 students across this Nation were caught with firearms in school. Is there a Member of this body who saw guns in their classrooms as they were growing up? I don't think so. I sure didn't. But I will tell you this: I addressed the fourth grade class in Hollywood and I said: What is your greatest fear? And that fourth grade said being shot. I said: How many of you have heard shots? And every single hand in the class went up in Hollywood, CA, as having heard shots. What kind of a nation are we becoming when our youngsters have to be reared in this kind of environment?

I notice the distinguished Senator, my cosponsor of this amendment, Senator CHAFEE of Rhode Island, is on the floor. If I might, I would like to yield time to him, as much time as he requires.

Mr. CHAFEE. I thank the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the Chair.

Mr. President, I am pleased to cosponsor Senator FEINSTEIN's amendment, which is designed to keep assault weapons and large capacity ammunition feeding devices out of the hands of children. Also, I am grateful to Chairman HATCH for the opportunity to discuss this important matter.

For years, Senator FEINSTEIN has been an ardent proponent of banning

assault weapons and large capacity ammunition clips. In 1994, Congress wisely enacted legislation to prohibit domestic production of assault weapons and large capacity ammunition feeding devices. Regrettably, it took a terrible tragedy to give us that wisdom.

In January 1989, our nation was stunned when Patrick Purdy murdered 5 children and injured 30 others in a schoolyard in Stockton, CA. With the horror of that slaughter fresh in our minds and hearts, Congress enacted the assault weapons ban as part of the Violent Crime Control and Law Enforcement Act of 1994.

That legislation, principally proposed and fought for by the distinguished Senator from California, Mrs. FEINSTEIN, prohibits the manufacture, possession, and transfer of semiautomatic weapons and large-capacity ammunition clips that were not lawfully owned prior to enactment of the 1994 act. Regrettably, there are gaping loopholes in that law.

The amendment Senator FEINSTEIN and I have offered today is designed to close the loophole in the law that enables children to gain access to assault weapons and large capacity ammunition clips. It is intended to close the loophole that allows large capacity ammunition clips, which are manufactured abroad, to flood the United States. And it is designed to increase penalties on adults who provide children with handguns, deadly assault weapons, and large capacity clips.

This amendment is a matter of common sense. Common sense led us to prohibit possession of handguns by children. Nevertheless, we permit children to possess assault weapons and large clips. These are not weapons intended for hunting or recreational purposes. These are lethal weapons designed to make it easy to kill. Yet, the law says it's just fine for children to possess them.

There is a lot of discussion on the floor of this Chamber about the culture of violence.

We are asked to blame the ''culture of violence'' for the rash shootings that have rocked our nation and our schools. Children watch too much TV, therefore they are violent. Children go to violent movies, therefore they act out what they see. Children play video and computer games with violent themes, therefore they become killers. Perhaps there is truth in these conclusions, but there is a much simpler truth. It is foolhardy and irresponsible to allow children to possess assault weapons.

In America, a 15-year-old child can't drive a car, but he can own an assault weapon. An 18-year-old can't buy a beer, but he can own an assault weapon. There are age requirements for buying cigarettes or attending certain movies, but there are no age limits when it comes to assault weapons. The age requirements for certain activities are meant to keep children out of harm's way. That's what this amendment is meant to do, too.

We have an opportunity today to say enough is enough. We have an opportunity to use our common sense and take assault weapons and large capacity clips away from children. We have an opportunity to learn from the horror that all of American has witnessed in our nation's schools.

Assault weapons and large capacity magazines were used in two of the horrific shootings we all watched on the evening news. At Thurston High School in Springfield, OR, a 15-year-old, who was suspended for bringing a gun to school, returned the next day and opened fire in a crowded cafeteria. He killed two students and wounded 22 others, using a large capacity ammunition clip. Most recently, two boys in Littleton, CO, devastated their community by storming their school, murdering 12 schoolmates and a teacher, and finally killing themselves. One of the weapons the boys used was a Tec-9 assault pistol.

It's time to end the madness. It's time to take common sense steps to keep guns, particularly assault weapons and large capacity clips, out of the hands of children. We teach our children not to play with matches; to look both ways before crossing the street; we tell them not to talk to strangers. We teach them lessons to keep them safe, but we allow them access to the deadliest of weapons. It doesn't make sense. It is unjustifiable.

We have a chance today to close the loophole in the assault weapons ban that permits what our common sense tells us is insane.

Mr. President, clearly, it will be argued on the floor of this Senate that we have a host of laws on the books—I think somebody said 40,000 laws. I don't know whether that is accurate or not. But if it is, there is a mass of laws on the books, and all we have to do is enforce these laws and we wouldn't have these troubles.

There is no law dealing with assault weapons in the hands of children—certainly no Federal law. There ought to be one along with passage of these laws on the floor of this Chamber. Certainly, there should be greater enforcement than there is.

But, first of all, let's have the law making it illegal, not only to own one of these weapons—for a minor to or for a child to—but also the clip that goes with it.

It should not be lawful for children to possess assault weapons and large capacity ammunition clips. It should not be possible for foreign manufacturers to flood the United States with a product domestic manufacturers are forbidden to produce. Adults who provide these deadly weapons to children should be punished.

That is part of the legislation for which the distinguished Senator from California has pushed. Senator FEINSTEIN's amendment is about children and safety.

I urge my colleagues to rely on their common sense and vote to take assault weapons away from children.

I thank the Chair. I thank the distinguished proponent of this amendment.

Mrs. FEINSTEIN. Mr. President, I think the distinguished Senator from Rhode Island knows I hold him in very high regard, but I want him to know that my fondness for him has just increased exponentially.

Thank you very much for that very compelling statement.

Mr. CHAFEE. I am delighted to be associated with her. I want to say, regrettably, we haven't passed much gun control legislation on the floor of this Senate, but because the Senator from California was so dogged and determined in, I believe, 1994, some 5 years ago, we were able to take a big step forward. Now she has come up with legislation to eliminate some of the loopholes in that bill.

I thank the Chair and I thank the distinguished Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. LEVIN. I thank my good friend from California, and I commend her and the Senator from Rhode Island and others who are actively pursuing this very important amendment.

Mr. President, I believe that the tragedy in Littleton, Colorado struck a chord with every American. Three weeks ago, we watched in disbelief as children turned violent against other children, and we asked ourselves why. There is no single answer to that question. The violence in movies, on television, and in video games alarms us all. Our culture is surely far too violent. But, in these school shootings, we see one crucial common denominator: guns.

Guns kill some 35,000 people in the United States each year. We've grown so accustomed to the carnage that guns cause that only the most horrific acts of violence are capable of shaking us from our slumber. We paused in the Senate to observe a moment of silence to pay tribute to those who died at Columbine High School and to express our sympathy for their loved ones. But now with this latest tribute for the victims in Littleton behind us, we need to be anything but silent.

There is no one cause of youth violence, the causes are many. But among them there is one that cannot be ignored or denied: the easy access our young people have to deadly weapons.

Violence in television shows, video games and movies horrifies us as parents and grandparents. But these same programs and those same games are the predominant entertainment in

many other countries, as well, which have a small fraction of our gun murder rate. Look at our border with Canada. In 1997, the U.S. death rate involving firearms was about 14 per 100,000 people. The rate for Canada was less than one-third of that, about 4. Canadian towns on our border watch exactly the same T.V. and movies we do. Their kids play the same video games as ours. In 1997, there were 354 firearm homicides in Detroit; across the river in Windsor, Ontario, one fifth its population, there were only 4. The crucial difference is the easy availability of firearms in the U.S. If we equate the populations, that would mean that on an apples and apples basis, Windsor would have had 20 firearm homicides. They watch the same television, they watch the same movies, and they play the same video games. We had 354 firearm homicides in Detroit; Windsor has 20 on a comparable basis.

The crucial difference isn't, then, the atmosphere of violence which pervades too much of our environment; the critical, crucial difference is the easy availability of firearms in the United States.

No matter how severe this plague of gun violence is for society as a whole, for the young it is far worse. For young males, the firearm death rate is nearly twice that of all diseases combined. One hundred and thirty-five thousand guns are brought into U.S. schools every day, according to an estimate by the National School Board Association—135,000 guns every day brought into our schools. Guns are not the cause of violent emotion, but guns are the predominant cause of violent killings and murders when such violent emotions are acted out.

There are numerous loopholes in the Federal gun laws which I think would surprise most Americans. The Feinstein amendment before the Senate addresses loopholes which allow youth access to, for instance, the assault weapons which have been discussed. Most of these are commonsense proposals.

Ten years ago, maybe now a little longer than that, former Senator Barry Goldwater first heard that a madman walked into a schoolyard in Stockton, CA, with a rapid-firing AK–47 and shot off 100 rounds in 2 minutes, killing 5 children and wounding 30. Senator Goldwater said, ''I'm completely opposed to selling automatic rifles, and I have been a member of the NRA. I collect, make, and shoot guns. I've never used an automatic or semiautomatic for hunting. There is no need to. They have no place in anybody's arsenal.''

Senator Goldwater was right when he said that assault weapons have no sporting purpose. How many more tragedies will it take before, at a bare minimum, we take assault weapons and large ammunition clips out of the hands of children?

This amendment does that. I hope this Senate will give its support. I commend the Senators from California and Rhode Island.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Michigan. A while back, a former Vice President said he is one of the great minds of the Senate. I certainly agree with that. I think you know that.

Thank you very much.

I see the distinguished Senator from New Jersey on the floor. I yield 5 minutes of my time to Senator TORRICELLI.

Mr. TORRICELLI. I thank the Senator from California for yielding.

Mr. President, all of us, after Littleton, grieved together. I believe all of those prayers and condolences were sincere. But we also pledged to finally take the issue of gun violence and young people in America seriously. Those pledges may not have been as sincere.

It was my hope in this debate that we would deal with some very fundamental issues—restricting the ability to buy handguns to one a month; stopping the wholesale transfer of these guns into our cities and small towns in States like my own of New Jersey.

I hoped we would extend the Brady period to give a cooling off period to people who buy these weapons. I hoped to regulate firearms like any other consumer product.

We decided not to do these things because we wanted to meet our opponents, those who are advocates for the gun lobby, halfway. So we restricted ourselves to the most reasonable, the least controversial. It might have been a mistake, because even those commonsense initiatives, which I think most Americans would subscribe to, are not succeeding.

Yesterday, this Senate failed in an effort to restrict sales at gun shows without background checks—4,000 gun shows that operate outside of the current checks for mental illness and previous legal convictions. Now we return again with another provision that should be equally noncontroversial. Most people in America wouldn't believe this provision is necessary. I would have a hard time convincing most people in New Jersey that this amendment is required, because most people would believe it was already law: That an 18- or 19-year-old can buy an assault rifle; that any child can buy a rifle or shotgun, including assault rifles such as the infamous street-sweeper; that any youth 18 to 21 can privately buy an assault pistol such as the TEC–9 used in Littleton.

Our country has recognized that there is an age of maturity to drive an automobile. We recognize there is an appropriate age of maturity to consume alcohol, to exercise the right to vote—the basic sovereignty of our people. Yet, with the power to take a human life by the exercise of the extraordinary power in these weapons, young people like those in Littleton who consumed so many lives operate without restrictions.

I believe those who responded to the massacre in Littleton were sincere in wanting to deal with this problem. But it requires more than words. It requires the one area of political life that I most admire and is in the shortest supply in our country—courage—the courage to go to those few advocates who believe they are so right and their privileges are so important that the larger good of the public must be compromised. I suggest to them they must compromise for the sake of the Nation.

That is the moment in which we now find ourselves. Senator FEINSTEIN has offered an amendment that would interfere with the rights of no parents who want to teach their child to use a firearm responsibly or want to have a firearm in their home. It deals only with that class of weapons for which there is no hunting purpose, no legitimate function for which any teenager in any school of America should want to own an assault rifle or a multibullet clip. That is all we deal with. Inexplicably, I do not know if we will succeed.

Last year, we lost over 3,500 young people to gunfire; 3,500 deaths. This is no perfect answer. It will not eliminate all of those deaths. It may not eliminate a majority of those deaths. But no one on this Senate floor can credibly argue that with the adoption of the Feinstein amendment some lives will not be saved; that the chances of a Littleton are not measurably reduced.

The Senate has a choice. Senator ASHCROFT has also offered an amendment and it would also restrict to minors access to some of these weapons.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mrs. FEINSTEIN. Mr. President, I yield the Senator an additional minute.

Mr. TORRICELLI. I thank the Senator for yielding an additional minute.

But only the Feinstein amendment offers not only restricting this class of weapon to young people, but also closes the loophole that allows these multibullet clips that allow the rage of a child who would take a single life to destroy a school, an entire group of people—to commit a mass murder.

I do not argue this alone will stop these tragedies. No one here can argue that any one formula, any one idea will eliminate this problem. But I will tell you this, Senator FEINSTEIN has the one proposal that can address the rage, the inexplicable rage that must be dealt with—by families and schools and churches and synagogues, exploding on such a level—by taking both these weapons of mass destruction and these multibullet clips out of circulation.

I congratulate her for her amendment. I ask the Senate, with all the

rage you felt after Littleton, with all the conviction you felt to solve this problem, and all the compassion you felt for those children, have that strength, that courage and that conviction now. For once, at long last, let's take a stand and cast a vote so, as the years pass, we will have real pride that we made some contribution. Just as we ask those parents, those schools, those churches, those synagogues to play their role and be part of this solution, let the Senate be part of this solution, too.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New Jersey for his thinking. I very much appreciate it. It seems to me, those of us who have big cities in our States really understand what a lot of this is about. I think it is very important. When we get back here I think we forget what it is like out there, the ease with which youngsters can obtain these high-powered implements which are capable of killing so many people at one time. So I thank the Senator very much for his support in this.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 6 minutes 50 seconds.

Mrs. FEINSTEIN. Mr. President, let me once again state what is the fundamental difference between the amendment proposed by the distinguished Senator from Missouri and my amendment. My amendment has one thing that his does not. It closes the loophole in the 1994 assault weapons legislation.

Today, it is illegal for anyone, domestically, to manufacture these big clips. It is illegal for them to sell them. It is illegal for people to possess them. But it is not illegal to bring them in from abroad. So why wouldn't we straighten this out? Why would we disadvantage our domestic manufacturers and allow all of this stuff, these big clips, up to 250 rounds, to come in from abroad? It makes no sense. What is sauce for the goose is sauce for the gander. In a simple equity argument, we have closed the supply off domestically. Why permit these clips to come in from foreign countries?

Mr. President, I believe as soon as Senator SCHUMER comes he would like some time on this amendment as well. But I think we have an opportunity today for both parties to come together and do something important for our Nation. I deeply believe this legislation is supported by 80 percent to 90 percent of the American people. Why would we not enact it? Both of us want the same thing. We want to keep these weapons out of the hands of juveniles and we want to keep these big clips out of the hands of juveniles.

Does it make sense, then, to continue to increase the supply? I do not believe it does.

I suggest the absence of a quorum and reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Mr. President, I ask that the Senator from New York be recognized for the remainder of my time.

Also, I ask unanimous consent the junior Senator from Rhode Island, Mr. JACK REED, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. SCHUMER. I thank the Chair, and I thank the Senator from California, not only for the time but, far more important, for her leadership on this issue.

We were the coauthors of the assault weapons ban of 1994. She carried it bravely in the Senate, and then I followed in the House.

We still have unfinished work to do. That is what this amendment is all about. The Senator from California has well documented the need for this legislation. But let me say that this is such a simple, carefully drawn, and modest measure that to take half a loaf or a quarter of a loaf is not good enough, particularly in light of the tragedy in Littleton and the tragedies which have occurred throughout America.

The Senator from Missouri has tried to deal with a part of the Feinstein amendment, but it still leaves a giant exception for young people to get these clips for hunting, for employment, for a group of other exceptions.

I say, if we believe these clips are unnecessary—unnecessary for hunting, unnecessary for self-defense—because they kill far too many people, then why are we making such an exception? So I ask my colleagues, if you really believe in rational laws on guns, if you really believe that young people should not have the kinds of clips—30-round—from all across the world sent to this country for no other purpose than to harm and maim—no legitimate purpose—then how can you believe it is OK half of the time or a quarter of the time or three-quarters of the time?

So I urge my colleagues to pass this amendment, not to shy away from it with a modification that does not really do the job, but to take this well-thought-out and modest step.

Let me say something else about the climate around here as it relates to this amendment and all of the amendments that are here.

What a bitter disappointment it is that the response to Littleton is that a loophole which allows criminals to get guns just gets wider. The American people are scratching their collective heads and saying, What is going on in this Senate of the United States? There is the blood of young children on our schoolhouse floors, and not only do we fail to take the modest step of closing the gun show loophole, we actually make it wider. I don't get it. I am new in the Senate, but I just don't get it.

As the entire Nation turns its eyes towards the Senate to do something to keep guns out of the hands of criminals, we give criminals a new special pawnshop exemption, one that did not exist even in the months before Littleton. Shame on us.

On the amendment of the Senator from Idaho, there was some discussion between him and me about it yesterday, but now it seems that all of the provisions I mentioned that were in that amendment seem to be true. And, frankly, the Senator from Idaho was gracious enough to admit that to me in the well of this Chamber this morning.

Let me tell you what we passed into law yesterday.

A violent felon gets out of jail and has little cash, so he pawns some of his guns. At this point, he is not even allowed to own a gun by law. Later, he raises money—maybe through a job, maybe through a crime; who knows—and he goes to redeem his gun. And now there will be no background check because of the amendment of the Senator from Idaho.

In 1994, of the 5,405 people who redeemed their own gun at a pawnshop, 294 were caught in the Brady net. When America begged the Senate to do something about guns, they were not asking us to bring back the pawnshop loophole. Why are we back-peddling? And other places, too.

The PRESIDING OFFICER. The Senator from Utah controls 45 minutes.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask unanimous consent for 20 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Will the Senator from California yield for a question?

Mrs. FEINSTEIN. Of course.

Mr. SCHUMER. Will the Senator from California ask unanimous consent that I be recognized for an additional minute, just to finish my point?

Mrs. FEINSTEIN. I ask unanimous consent the Senator from New York be recognized for an additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, we yield a minute to each, if it is all right. Do you want more?

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

Mr. SCHUMER. I thank the Senator for his generosity.

Mrs. FEINSTEIN. You finish, and then I will go.

Mr. SCHUMER. I thank the Senator from California.

There were two other exceptions in the Craig amendment, two other loopholes that, again, made it easier for people—children, criminals—to get guns. One is an exemption from liability for certain gun dealers; another would allow gun dealers to actually set up shop out of State, something unheard of since 1968. I would caution my colleagues in the Senate, evidently the Craig amendment had other loopholes as well, which we will talk more about later.

So please, let us, everyone, if we are afraid to take a step forward—and I pray that we are not—not take three steps backwards, which up to now the Senate has done.

I yield back.

AMENDMENT NO. 343, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to submit a small technical correction to my amendment at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 343), as modified, is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.''; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting '', semiautomatic assault weapon, or large capacity ammunition feeding device'' after ''handgun''; and

(B) in subparagraph (D), by striking ''or ammunition'' and inserting '', ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device''.

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''1 year'' and inserting ''5 years''; and

(2) in clause (ii)—

(A) by inserting '', semiautomatic assault weapon, large capacity ammunition feeding device, or'' after ''handgun'' both places it appears; and

(B) by striking ''10 years'' and inserting ''20 years''.

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act except sections 502 and 505 shall take effect 180 days after the date of enactment of this Act.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I might consume in opposition to the Feinstein amendment.

Mr. President, the Senator from California and I over our years together here in the Senate have remained good friends even though we find ourselves on occasion in disagreement. This is one of those occasions.

I wish I could join with the Senator from California and the Senator from Michigan and those who have spoken on the floor, in the most sincere of ways, in creating a magic wand that would take violence out of our schools and violence off our streets, and proclaim that our Nation is a violence-free nation. If we could do that together, then we would not be here debating this and our Nation would react differently than it is at this moment.

All of us have mourned the loss of those marvelous young people in Littleton, CO. But it would be unfair for anybody to stand on this floor and portray that passage of the Feinstein amendment will solve that problem. It will not. It will not solve the problem of violence in our youth today or the feeling of disillusionment or the frustration which has produced these episodes of extreme violence in juveniles that this society has never seen in its history.

I stand in opposition to the Feinstein amendment today because it would undo a provision of the law that was created in an interest of fairness, because in July of last year, when the Senator brought this to the floor, we argued it and 55 Senators said we ought not change this provision of the law. That is because, in 1994, Congress debated banning the future importation and manufacturing of high-capacity clips with more than 10 rounds of ammunition. Frankly, I was one of those who opposed banning this ammunition because I felt it had nothing whatsoever to do with controlling crime.

Enforcement controls crime: Cops on the street with the ability to make sure, when they arrest somebody who uses a gun in the commission of a crime, that some attorney will not plea bargain them back to the street. Adult crime is going down today because we are locking people up, in part. And yet we are going to have a bill on the floor in the next few minutes which is going to make it even tougher for Federal prosecutors to walk away from their responsibility under the law; and that is to put people away who use guns in the commission of a crime. That is how you make the streets safer.

Well, at least that is how you make the streets safer in relation to also protecting a private citizen's right to own and to collect.

I think, however, even the sponsor has acknowledged it would be unfair to outlaw existing clips or some clips. She did in 1994. In all fairness to her, she has honestly said on the floor she made a mistake. I do not think she made a mistake at that time. I supported her in that, and we voted on it, and it became the law of the land. The ATF proceeded to do everything in its power to frustrate the law we had created. Specifically, it held up imports of legal clips for years, claiming that Congress only intended to grandfather domestic clips. This reading of the statute was obviously so wrong that even the Justice Department went to ATF and said: Sorry, it is unenforceable. So ATF had to give in; they couldn't jawbone their way outside the law.

As a result of that, that importation was allowed as the law had designed. Consequently, the legal magazines finally were allowed to be imported years after the ban went into effect.

Today, those who wrote the law are now trying to undo it. Of course, that is the right of Congress—I do not dispute that—to change the law if they wish. But I hope they would have good grounds to do so.

I think the first provision of the Senator's law is the right thing to do. It is what the Senator from Missouri is doing, to tighten up on juvenile ownership and therefore force a greater level

of juvenile responsibility. But hers is much broader than that, and I simply have to oppose it.

History is not the only reason that this amendment is unfair, however. It also is unfair because it would overnight make certain legal, lawfully owned firearms obsolete. These magazines are still being imported because there is a market for them, yes. She has spoken to that market. I think that is fair and responsible because of the character in which we have tried to shape this particular market.

It was unfair in 1994 to ban these magazines, I believe. It is unfair today. Again, I hope the Senator and I can find that magic wand. Congress is struggling mightily at this moment, and this Senate is, with the juvenile crime bill, to change the definition of how we treat juveniles in our society and to change the law, to treat them more like adults, to look at other dimensions that we believe are causing these levels of frustration and violent outbursts, from movies to videos.

I wish we could even take our magic wand, if we found it, and make the parents of our society more responsible, but that won't happen either. We will try. In the end, I hope we can succeed.

It is my judgment, I believe a fair judgment, to suggest that the Feinstein amendment will not make the Littletons go away, or any other act of violence in this country, unless we bring a whole combination of things and change the way our culture thinks and reacts, as it relates to its children and its future.

I hope my colleagues will join with me this afternoon in opposing the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, for the benefit of our colleagues, these next two votes will begin at about 3:45. We anticipate having a vote at 3:45, but that may be delayed in order to accommodate our Appropriations Committee conference. We will know within the next 10 minutes. If we don't begin voting at 3:45, then, if we can get the time yielded back from the distinguished Senator from Idaho and the distinguished Senator from California, we would then move to the Hatch-Craig amendment with the debate to continue for an hour evenly divided.

I ask unanimous consent that——

Mr. KOHL. Reserving the right to object——

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. As I understand it, all time has been yielded back on the part of the minority. Can we get the majority, Senator CRAIG——

Mr. CRAIG. Mr. President, I yield back the remainder of my time.

AMENDMENT NO. 344

(Purpose: To make an amendment with respect to effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. All time having been yielded back, the clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. CRAIG and Mr. MCCAIN, proposes an amendment numbered 344.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, for the benefit of our colleagues, it appears as though we don't know whether there will be a vote at 3:45 or not. It doesn't look like there will be, in my opinion. Those votes may be deferred for approximately an hour and 15 or 20 minutes. We will announce if we do have votes beginning at that time.

We are going to move ahead, keep moving on these amendments. This is the Hatch-Craig amendment. We would like to limit debate to an hour, but the minority needs to examine the amendment. We will certainly wait until they do before we ask for a limited period of time.

Mr. President, I ask unanimous consent that the previously scheduled votes now occur at 5:00 p.m. under the same conditions as stated earlier.

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

Mr. HATCH. I also ask that no second-degree amendments be in order prior to the scheduled votes.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Senator MCCAIN be placed as a cosponsor of the Hatch-Craig amendment.

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

Mr. HATCH. Mr. President, in discussing several proposals with my colleagues over the last 2 days and nights, I am offering a package of amendments that will increase the effectiveness of S. 254 by sharpening the bill's focus on punishing criminals who use guns illegally, while protecting law-abiding people who use guns lawfully for traditional sporting and self-defense purposes. We want to punish the criminal without burdening law-abiding people.

Our amendment package has four parts: one, more aggressive prosecution; two, enhanced targeted penalties; three, expanded protection for children; and, four, enhanced background checks.

First, we propose an improved version of a program for the aggressive prosecution of the criminal use of firearms by felons or a program that is commonly known as CUFF, C-U-F-F. It is one thing to talk about putting criminals behind bars, and it is another thing to actually do it. We in the Senate must recognize that all the gun laws we could ever pass mean absolutely nothing if the Attorney General does not enforce them.

The Clinton administration talked about the Brady bill and stopping criminals from obtaining and using guns. The Attorney General talked about being tough on criminals, but the record shows otherwise. The chart that we are going to show to you shows that in the last 3 years the Democratic Department of Justice has had a dismal record in protecting the very crimes that the Democratic administration and Democrats in Congress said were an essential part of their program.

This chart shows the prosecutions of Federal firearms laws, cases reported, Executive Office, U.S. Attorney, requested firearms sections, counts charged, calendar years 1996–1998.

Now, for example, between 1992 and 1997, gun prosecutions under Operation Triggerlock—a proven gun crime prosecution program, started under President Bush—dropped nearly 50 percent, from 7,045 to 3,765. Now, these are prosecutions of defendants who use a firearm in the commission of a felony. They had been cut by 50 percent between the years 1992 and 1997. The Executive Office of the U.S. Attorney reports that between 1996 and 1998 the Clinton Justice Department prosecuted a grand total of one criminal who illegally attempted to purchase a handgun, but was stopped by the instant check system.

It is a Federal crime to possess a firearm on school grounds. However, the Clinton Justice Department prosecuted only eight cases under this law in 1998, even though they admit that more than 6,000 students illegally brought guns to school last year.

The Clinton administration had prosecuted only five such cases in 1997. Many believe that the actual number of kids who bring guns to school is much higher than the 6,000, but I think it is pretty pathetic when you stop and think that, in 1998, there were only eight cases prosecuted and in 1997 only five.

It is a Federal crime to transfer a firearm to a juvenile. However, the Clinton Justice Department prosecuted

only six cases under this law in 1998, and only five in 1997. Think about it. It is illegal—illegal—to transfer a firearm to a juvenile yet only six cases were prosecuted in 1998 and only five in 1997.

Now, it is a Federal crime to transfer or possess a semiautomatic assault weapon. However, the Clinton Justice Department prosecuted only four cases under this law in 1998 and only four in 1997. Think about it.

In addition, the Clinton administration has requested only $5 million to prosecute gun crimes. We have a lot of rhetoric from this administration about gun crimes and how effective the Brady law has been. They claim hundreds of thousands of people are stopped from purchasing guns, many of whom they believed were felons. Please note that it costs $1.5 million to fund an effective project in the city of Philadelphia alone—just one city, $1.5 million—and they only requested $5 million for prosecuting gun crimes. Thus, not only has the Clinton administration failed to prosecute gun crimes in the past; it apparently has no plan to do better in the future.

This chart lists the prosecuted cases reported by the Executive Office of the U.S. Attorney.

Providing firearm to a prohibited person, unspecified category: 17 in 1996, 20 in 1997, and 10 in 1998.

Providing a firearm to a felon: 20 in 1996, 13 in 1997, and 24 in 1998.

Possession of a firearm by a fugitive: 30 in 1996, 30 in 1997, and 23 in 1998. That is an important category.

Possession of a firearm by a drug addict or illegal drug user: 46 in 1996, 69 in 1997, 129 in 1998.

Possession of a firearm by a person committed to a mental institution, or an adjudicated mental incompetent: 1 in 1996, 4 in 1997, 5 in 1998.

Possession of a firearm by an illegal alien, and we have millions of them coming into this country: 72 in 1996, 96 in 1997, and 107 in 1998.

Possession of a firearm by a person dishonorably discharged from the Armed Forces: 0 in 1996, 0 in 1997, 2 in 1998.

Possession of a firearm by a person under a certain kind of restraining order provision: 3 in 1996, 18 in 1997, 22 in 1998. Even though this administration has been complaining about domestic violence and the use of handguns and guns in domestic violence. Just think about it. This is the whole country. This is all the Justice Department has done. OK.

Possession of a firearm by a person convicted of a domestic violence misdemeanor: 0 in 1996, 21 in 1997, 56 in 1998.

Look at this.

Possession or discharge of a firearm in a school zone: 4.

Look at that. We have 6,000 kids that they admit came into schools with firearms in this country, and we know it is many more thousands than that; they know it, too. But there were only 4 in 1996, 5 in 1997, and 8 in 1998.

Now, we have heard a lot of mouthing off about the Brady bill and 100,000 cops in the streets. Let's talk about the Brady bill. According to them, hundreds of thousands of people have been prohibited from getting guns because of the Brady Act. Really, it is the check system that we insisted on that is causing these people to be caught.

Look at this: All violations under the Brady Act, first phase: 0 in 1996, 0 in 1996, and 1 in 1998.

Think about that, OK.

All violations under the Brady Act, instant check phase: 0 in 1996, 0 in 1997, 0 in 1998.

How about the hundreds of thousands of people they claim violated the law that they have caught:

Theft of a firearm from a Federal firearms licensee: 52 in 1996, 51 in 1997, and 25 in 1998.

Manufacturing, transferring, or possessing a nongrandfathered assault weapon: 16 in 1996, 4 in 1997, and 4 in 1998.

Transfer of a handgun, or handgun ammunition to a juvenile. We have thousands of cases like this: 9 in 1996, 5 in 1997, 6 in 1998.

Possession of a handgun, or handgun ammunition, by a juvenile: 27 in 1996, 3 in 97, and only 8 in 1998. Think about that.

Unspecified violations: 46 in 1996, 26 in 1997, and 21 in 1998.

Enhanced penalty use of a firearm or destructive device during a crime of violence or drug-related crime prosecutable in Federal Court: 1,987 in 1996, 1,885 in 1997, and 1,763 in 1998. Those are very small numbers compared to the number of people who they claim are misusing firearms.

Possession of a firearm by a prohibited person, unspecified category: 683 in 1996, 752 in 1997, 603 in 1998.

Possession of a firearm by a felon. Think about all these complaints about firearms causing everything in our society. They prosecuted 1,213 in 1996, 1,366 in 1997, 1,550 in 1998.

Who is kidding whom here? The fact of the matter is, this administration hasn't been serious about prosecuting gun cases, and now they want a lot more gun laws. Well, we are going to give them some on this bill, and we are going to give them some that some gun owners don't particularly care for. We are going to see if they do a better job in the future. We have to turn this around.

The CUFF amendment would fund—and we offer it in this amendment—an aggressive firearms prosecution program modeled after Operation Triggerlock, which was so successful during the Bush administration. It focuses on prosecuting gun criminals and obtaining tough sentences on the use of firearms in the commission of crimes of violence.

Mr. LEAHY. Will the distinguished Senator yield for a question?

Mr. HATCH. I am happy to yield for a question.

Mr. LEAHY. The distinguished Senator said the Republican package will offer some things gun owners won't like. Anything that I have seen in the Republican package, including a whole lot of things that were in legislation I had introduced, have been supported by virtually all gun owners. What were the ones the gun owners aren't going to like?

Mr. HATCH. Let me get to that.

Mr. LEAHY. I just didn't see any.

Mr. HATCH. The CUFF amendment, of course, they would like. Anybody who wants to do anything about crime would like that. In contrast to the $5 million requested by the Clinton administration to fund gun crimes, our plan provides $50 million to hire additional Federal prosecutors to prosecute gun crimes. This is just in the area of juvenile justice.

Our program expands to other cities a successful Richmond, Virginia program in which federal prosecutors prosecute as many local gun-related crimes as possible in federal court. Homicides have fallen 50 percent in Richmond since the program was implemented. This program works.

In addition to encouraging aggressive prosecution, our plan requires the Attorney General to report to Congress on the number of possible gun crimes and, if the crimes are not prosecuted, to explain why. I initially hesitated to support such a statute. However, after years of little enforcement of existing laws and after years of holding hearings at which the Attorney General consistently provides no satisfactory explanation, we have no choice.

If Congress passes a law to make an act a crime, it is the duty of the Attorney General to enforce that law. This reporting provision is a necessary step to ensure that the Clinton Justice Department does its duty and prosecutes the illegal use of guns by criminals.

Second, this package of amendments includes several penalty enhancements that I, Senator ASHCROFT, Senator MCCAIN, and Senator CAMPBELL have worked on. These enhancements target the illegal use of guns by criminals.

This proposal would impose the following mandatory minimum sentences:

Five years for the transfer of a firearm to another who the transferor knows will use the firearm in the commission of a crime of violence or a drug trafficking offense.

Ten years for criminals, including straw purchasers, that illegally transfer a firearm to a juvenile who they have reasonable cause to know will use the firearm to commit a violent felony.

Twelve years for discharging a firearm during the commission of a crime of violence or a drug trafficking crime.

Fifteen years for injuring a person in the commission of a crime of violence or a drug trafficking crime.

The proposal would also increase the mandatory minimums for distributing drugs to minors and for selling drugs in or near a school to 3 years for the first offense and 5 years for repeat offenders.

Our proposal would also increase the maximum penalty for knowingly transporting or transacting in stolen firearms, stealing a firearm from a dealer, and stealing a firearm that has moved in interstate commerce to 15 years.

This is strong medicine for the worst criminals that illegally use guns and drugs to harm elderly people, women, and children.

Third, our proposal would protect our children.

After reviewing Senator LEAHY's proposal, I must give the good Senator from Vermont and his colleagues on the Democratic side of the aisle credit. His proposal to expand the Youth Crime Gun Interdiction Initiative is a proposal that we can agree on.

This proposal would facilitate the identification and prosecution of gun traffickers that illegally peddle guns to our children.

The proposal would also facilitate the sharing of information between federal and State law enforcement authorities to stop gun trafficking.

The proposal would also provide grants to State and local governments to assist them in tracing firearms and hiring personnel to stop illegal gun trafficking.

I am glad that on this provision, we can reach a bipartisan agreement to protect our youth from illegal gun trafficking.

This proposal would also prohibit possession of firearms by violent juvenile offenders. This is the juvenile Brady provision, another provision they weren't particularly happy of in the eyes of some people in our society. But it is in this bill, and in this amendment.

It extends the current ban on firearm ownership by certain felons to certain juvenile offenders.

Under this proposal, juveniles who are adjudicated delinquent for serious crimes will not be able to own a firearm—ever.

When they reach maturity, they will not be able to own a firearm.

To ensure that this law will be enforceable, however, we make it effective only after records of such offenses are made available on the Instant Check System.

Finally, this proposal would aid in the overall enhancement of the Instant Check System. Senator DEWINE has played an instrumental role in drafting this provision that will help bring the Instant Check System into the 21st century, something that all on our side have been for from the beginning, and it is the only thing that really is working.

This amendment will fund a feasibility study on the development of a single-fingerprint computer system and database for identifying convicted felons who attempt to purchase handguns.

Under this system, a person will be able to voluntarily put his thumb or index finger onto a scanner at a gun store and a computer would instantly compare his finger print to a national digital database of finger prints for convicted felons. This would provide a truly accurate and truly instant check of a potential purchaser. This would prevent criminals with false identification credentials from purchasing a handgun.

The amendment would also close a loophole in current law. It would require the Attorney General to establish procedures to provide the Instant Check system with access to records not currently on the database. This would include records of domestic violence restraining orders. This will help protect vulnerable women from abusive spouses.

After the shooting at the library in Utah by a mentally disturbed person, I have been in contact with the representatives of mental health organizations to discuss this important problem. My constituents in Utah are very concerned about this issue and so am I, and everybody else is as well who reflects on this matter.

This proposal takes a small but important step on this issue. It directs the Attorney General to establish procedures for including public records of adjudications of mental incompetence and involuntary commitments to mental institution in the Instant Check database. This provision would protect the public, but would also respect the legitimate privacy interests and treatment needs of those with mental health problems.

Mr. President, this package of amendments will increase the prosecution of firearm crimes, increase penalties on criminals that illegally use guns and drugs, protect our children from gun trafficking, and expand the availability of background checks to stop convicted felons from illegally purchasing guns. The package accomplishes this without overburdening the lawful and traditional use of firearms by law abiding citizens for sporting purposes and by our most vulnerable citizens for self-defense purposes. Mr. President, I strongly support this package of amendments as an excellent addition to S. 254.

In addition, Mr. President, this amendment would also punish the solicitation of the violation of federal gun laws over the Internet. It would not require advertisers who do not actually sell a firearm over the Internet to become federally licensed firearms dealers.

The amendment provides that if a person knows or has reason to know that his Internet advertisement offering to transfer a firearm or explosives in violation of existing federal criminal statutes, he will be punished severely.

The amendment imposes fines and prison sentences that escalate for repeat offenders.

The amendment also provides an affirmative defense. If the advertiser is a licensed dealer, he can avoid the penalty imposed by this statute by posting a notice stating that sales of the firearm will be in accordance with federal law and will be made through a licensed dealer.

If the advertiser is a non-licensed individual, he can avoid the penalty imposed by this statute by:

(1) Sending a notice to the solicited party stating that the sale will be made in accordance with federal law; and

(2) Providing that as a term of the sale, the sale will be consummated through a licensed federal firearms dealer. Thus, there will be a background check before the firearm is transferred.

Mr. President, this amendment solves the problem of a non-licensee soliciting an illegal transfer of a firearm over the Internet. It punishes the knowing solicitation of a criminal transaction, and it allows an affirmative defense if the ultimate transaction includes an agreement to transfer the firearm through a licensed firearms dealer. Under current law, a licensed firearms dealer is required to run the buyer's name through the Instant Check system before transferring the firearm. This is a far superior alternative to requiring advertisers who do not sell firearms to become federally licensed firearms dealers and to act as middlement in the sale of firearms.

This amendment would punish those who solicit violations of federal law, but would not over burden law abiding citizens who lawfully advertise legal products.

Yesterday the Senate did two things related to background checks at gun shows. First, it rejected, on a bipartisan basis, the Lautenberg amendment. This proposal was unacceptable to many Members because of the incredible regulatory burden it would have imposed and because of the privacy implications for lawful citizens. Specifically, members were concerned with:

(1) excessive costs of the proposed background check system;

(2) centralized record keeping of lawful gun transactions; and

(3) a new bureaucracy for regulating gun shows designed to do far more than perform background checks.

Second, the Senate passed, on a bipartisan basis, the Craig amendment which represents a great step forward for gun safety while protecting the rights of lawful gun owners: It gave access for the first time to the instant check system, the NICS system, to

nonlicensed individuals who want to sell their firearms; ensured there will be no unlawful recordkeeping by the FBI; established means for people to become licensed dealers of firearms if they want to sell them at a gun show; and provided liability protection when the instant check system tells a seller that a perspective purchaser is eligible to purchase.

Today, we include in our omnibus gun prosecution control package improvements to the Hatch amendment which will ensure that all gun sales at gun shows pass the muster of an instant check background check. This is due to the efforts of the distinguished Senator from Oregon, Mr. SMITH; the distinguished Senator from Arizona, Mr. MCCAIN; Senator CRAIG, and myself.

We want all gun sellers to have the peace of mind that they are selling their firearm to a lawful purchaser. We want gun shows to be a place for legitimate business transactions and for collectors to enjoy their hobby, but never at the expense of public safety.

I ask unanimous consent that Senator SMITH of Oregon be added as an original cosponsor of this amendment.

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

Mr. HATCH. I yield to my colleague from Arizona, Senator MCCAIN.

Mr. MCCAIN. Mr. President, I thank the distinguished Senator from Utah, Mr. HATCH, for his stewardship and his incredible efforts today on this issue. This package and this amendment that I intend to address briefly would not have been possible without his effort. I thank also Senator CRAIG and my colleagues, Senators SMITH, COLLINS, SNOWE, ABRAHAM and many others who have taken an active role in this legislation today that would establish background checks in a manner which is fair and workable.

To start with, I want to point out that this amendment closes a loophole, and it requires instant background checks at all events at which at least 10 exhibitors are selling firearms, or at least 20 percent of the exhibitors are selling guns. This prevents any sale of a gun or a weapon at one of these shows without an instant background check. That is the effect of this amendment.

Specific language says a person not licensed under this section desiring to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State and not licensed under this section:

> Shall only make such a transfer through a licensee who can conduct an instant background check at the gun show or directly to the perspective transferee if an instant background check is first conducted by a special registrant at the gun show on a perspective transferee.

These background checks must be completed within 24 hours. This is not an overly burdensome requirement in the face of the Columbine High School tragedy; rather, it is a responsible means of lessening the likelihood of unlawful gun purchases. I believe this is something every Member of the Senate should be able to support.

It is my understanding this amendment has been cleared by every Member on this side of the aisle. I hope it will be cleared by Members on the other side. If they desire a rollcall vote on this, that would be fine. I think it should receive the unanimous support that it deserves.

I repeat one more time: This now provides for instant background checks at gun shows, and it effectively closes a loophole that was created. I am very appreciative of the Senator from Idaho for his cooperation in closing this loophole. It is a very strongly held belief on his part. I think he showed great statesmanship today.

I thank so many of my colleagues under the leadership of Senator HATCH, Senator COLLINS, Senator SNOWE, and especially my friend from Oregon, Senator GORDON SMITH.

Mr. SMITH of Oregon. Mr. President, I join in thanking those who have submitted this amendment today. I especially thank Senator HATCH for his indulgence and his leadership; Senator CRAIG, for allowing this to go forward; Senator MCCAIN, for his doggedness and determination to help a number of Members to make sure that what we began yesterday to close this loophole, we, in fact, closed today.

I am proud to stand on the floor of the Senate and proclaim myself a defender of the second amendment. I say that and also qualify it only in this respect: I defend the second amendment for law-abiding citizens to bear arms—not for nuts and crooks. I think it is possible to defend this constitutional right and also defend kids in the school cafeteria. But to do that, we need to make this technical amendment today.

I am proud to stand with my colleagues. I hope the other side will allow this to clear. This is something our country needs. It is something I am proud to be a part of.

I yield the floor.

Mr. CRAIG. Mr. President, the Hatch-Craig amendment package is a very broad-based package bringing greater enforcement, aggressive prosecution that this administration has been very reluctant in pursuing. It enhances penalties across a broad cross section of illegal activities to assure that the criminal simply is not going to fall through the cracks.

As my colleagues from Arizona and Oregon indicated, once we were able to defeat the Lautenberg amendment and establish some very clear parameters for creating the permanency of the national instant check system and the funding of that check system and assuring that we were not creating extraordinary liability for private citizens who wish to involve themselves in sales, then I thought it was right and appropriate that we begin to move to clarify and define gun shows and how guns are sold at those gun shows.

That is exactly what we have done this afternoon. I think it is a major step on an issue that has brought a great expression of concern across our country.

What is important to understand is that there is no placebo. Many would rush to the floor hoping we can pass a myriad of laws. As I said with the Senator from California a few moments ago, the world would become instantly and dramatically safer. We hope what we do today will change the thinking in America. Law-abiding citizens have and will always have constitutional rights to own and bear arms for a variety of reasons. What we don't want to do is create a huge Federal bureaucracy that has so many tentacles in its webs that private law-abiding citizens get caught up in them.

That is what would have happened in the Lautenberg amendment. Along with that was the fear that a promoter could be almost anyone who said they were in support of a gun show. They would have to become a licensed Federal firearms dealer. That is not the case nor should it be the case.

Like many people know, when you go to the local drug store today and you want to charge it, you bring out your Visa card, they pass it through the machine and tell you nearly instantly if your credit is good, if you can charge against the card.

What we want to be able to do to free up law-abiding citizens and to catch the criminal in the web, is to make sure that this instant background check is embodied in the law, and that the Justice Department and the politics of any Justice Department—be it Janet Reno or someone else, cannot manipulate the law. That is to assure an instant computerized check system which assures that felons are on it and adjudicated others are on it, those who find themselves defined by the law as being not sufficiently responsible for the ownership of guns. That is what it is all about. That is what we are about here today—in the area of gun shows, that this be done.

Somehow, gun shows have been cast as some bazaar in which illegal criminal activity goes on. That is not true and everybody but a few politicians knows it is not true. Less than 2 percent of the guns sold through gun shows find themselves in criminal activity. We would argue that is too much. We are now asking law-abiding citizens to become involved with us in making sure that guns at gun shows, now that law-abiding citizen is protected, will not be sold to a criminal or to a juvenile. So we do that and I think we strengthen the provisions by doing so.

We also deal with another area my colleague from New York will be dealing with, potentially, later, and that is Internet sales. We are suggesting Internet transactions that are known to be legal activities or that could be legal activities are against the law. What we are not saying is you cannot advertise on the Internet. That is a first amendment right and I do not think the Senator from New York would want to infringe on the right of commerce, to speak out.

Let me correct for the RECORD a dialog that the Senator from New York, who is now on the floor, and I had yesterday. He felt, reading my amendment that was agreed to yesterday, there was a problem. That problem dealt with the potential of interstate transactions, that are now prohibited, being opened up. In all fairness—I said he was wrong. As he read my bill, he was reasonably accurate, because the bill had been mishandled in its typing. What we were trying to define was the temporary situation of a gun show, because when we do tracking and when we do background checks and records, we are dealing with addresses, permanent locations—permanent locations of a business, a dealer of guns. A gun show is not permanent, it is temporary. It is at the convention hall or the fairgrounds. In doing the typing, legislative counsel misqueued the wrong paragraph.

I must say, in all fairness, the Senator from New York was right. He found it. I agreed with him. We corrected it. We are now clearly back to Federal law being absolutely as it is. Interstate sales of guns are banned. Only under certain conditions of the Federal law can that happen. So we have corrected that also in this omnibus amendment, the Hatch-Craig amendment, that we think is right and responsible to do.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to yield for a brief explanation by the Senator from New York.

Mr. SCHUMER. I thank the Senator from Idaho for yielding.

First, I thank him for his graciousness in correcting the RECORD of yesterday, which I very much appreciate.

Second, I say to the Senator, we have received this new amendment about 45 minutes ago. My copy is a little warm, but I think that is because of our Xerox machine, not because of his. We are in the process of analyzing it and hope to very shortly be able to either agree or disagree. But given what happened yesterday, we want to make sure we know what is in the bill and that it is the same thing the Senator from Idaho thinks is in the bill. I appreciate his indulgence.

But I do appreciate his words. They are meaningful to me, and I am glad we can conduct this debate, where we disagree so strongly, in a civil and fine tone.

Mr. CRAIG. I thank my colleague from New York.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEAHY. Will the Senator yield for a question?

Mr. CRAIG. I will not yield for a moment. Let me correct another area the Senator from New York and I had a disagreement on, but that is a gentlemanly disagreement. We still disagree. That deals with pawnshops.

In the Brady environment—that was the period of time in which we were building the national background check—a 3-day period was instituted, not to keep the gun from a person, but to check a person's background for the purpose of finding out whether it was legal for that person to own a firearm, whether the person was a felon or not. If, during that period of time, you pawned your gun at a pawnshop and then you went back to retrieve it, the pawnshop owner gave it back to you, no questions asked. It was your gun, your name was on it, you had the pawnshop ticket; as long as you could show ID, you got your gun back.

ATF and this administration are now interpreting this differently through instant check. They are saying you have to go through a background check again, and there are lawsuits out there in the marketplace today because of that.

It is very important for the RECORD to show what happens. If I am the person who takes a gun to a pawnshop and I pawn my gun, if I have my pawn ticket, within 24 hours the pawnshop owner must not only report the pawning of that gun to the local law enforcement authority with the serial numbers of the gun and my name—that is what goes on today in the law. So there is a background check, per se, because if my name happens to come up the name of a felon, I will never get that gun back; the law enforcement can go and collect it.

But what is happening now is that I go in 3 months later to get my gun. I have my money and my ticket and my record is clear. The ATF, and this administration, are saying: Foul. You have to go through a background check.

We are saying that is wrong. We are reinstating the Brady environment during the period of the 3-day waiting period.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. CRAIG. I am happy to yield to my colleague from New York.

Mr. SCHUMER. Again, I want to go over the language. I agree with much of what the Senator said on the factual situation, but I would make one correction. The pawnshop exception was not part of Brady; it was added in. I remember this because I fought with then Chairman Brooks of the Judiciary Committee about it. It was added in the 1994 crime bill. Brady would have required the background check as is required today. The Brooks amendment exempted pawnshops from that check. And now, with the Craig amendment, we would go back to where the Brooks amendment was. Am I correct in that?

Mr. CRAIG. To the Brooks amendment, yes. I was not in the House at that time. Of course, I knew Jack Brooks was a strong defender of second amendment rights. That sounds like a pretty reasonable rendition.

Mr. SCHUMER. Just one point on the pawnshop exception. The reason it was put in Brady, no exception, the closing of the exception—the reason the administration went ahead and said that instant check required it was that, without the recheck, many people who were felons would get guns.

Of the 5,000-some-odd people who went to pawnshops in this period between the Brooks amendment and the ATF's regulation, over 300 were found to be felons. In other words, they were missed in the first check and the second check found them.

So I say to the Senator—and on this one we do not have to wait for the language because the Senator from Idaho has said the pawnshop exception in the language of yesterday will stay in the bill. I think that is a serious mistake. It will take us, in my judgment at least, a step back because many, many, many—in this case, close to 300; 294 people who were missed in the first check—were stopped in the second check. These are felons. These are not people whom the Senator from Idaho or I generally bend over backwards to help get guns.

So what is wrong with the second check when it is working? I urge the Senator from Idaho to reconsider and take the pawnshop exception out of this amendment.

I yield my time. I appreciate the Senator's courtesy.

Mr. CRAIG. I thank the Senator for his discourse on this. We believe pawnshops are now effectively regulated and their gun pawning activity is fully reported on a 24-hour basis to local law enforcement officers and that check goes forward. We think that is adequate and appropriate and right. That is the way it ought to be. I am not saying people who pawn guns ought not be checked, because they currently are.

Mr. LEAHY. Will the Senator yield for a question?

Mr. CRAIG. I will yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, yesterday I questioned the Senator from Idaho on his exclusion, which at that time was to "determine qualified civil liability actions should not include an action—" and then there was nothing further until we got down to "immunity."

Now he has added a couple of other sections in there which were not in the bill yesterday.

Mr. CRAIG. Will the Senator yield?

Mr. LEAHY. If I might complete my question, I suggested yesterday, the way it was written we were giving immunity against suits. In fact, the court-stripping part further on would actually include suits against gun manufacturers.

The Senator from Idaho suggested I was wrong in that, but I notice now it has been changed. Is that because I was right?

Mr. CRAIG. No, it is not because you were right. It is because there was a section misqueued that was not included that was intended to be included.

If I can go forward, because you deserve this explanation and you deserve this clarification because you raised the question in all fairness and honesty, all the immunity and exceptions within this section are tied to gun show transactions. It is very important to understand that. We are not talking about an environment outside gun shows; we are talking about an environment inside gun shows.

The pending exceptions that the Senator from Vermont raised in question is a unique situation at a gun show. You and I go to a gun show. You are from Vermont, and I am from Idaho. We wish to transact the sale of a gun, but the gun is not there. It is at home in Vermont. You are selling it to me. You and I cannot do that under the law, because we cannot transact business interstate. So we go to a dealer at the gun show, and we agree that the dealer will handle the transaction. That dealer will do a background check on me, the purchaser, because you are selling it. You send the gun to the dealer, and the dealer sends it to me.

That is the way it is currently being done in a voluntary way so that you and I do not find ourselves astraddle the Federal law on interstate transactions. That is what this section deals with.

Mr. LEAHY. I am aware of that. I have purchased both handguns and long guns that way. I have had them shipped from out of State to a gun dealer in my own State.

What I am concerned about—and the question I raised yesterday and the Senator from Idaho, apparently by this redrafting, feels I raised a valid question yesterday—at the end of this, you say:

> A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

Does this contemplate some cases that are now pending?

Mr. CRAIG. It is possible at the time we get the law enacted that there could be pending litigation within this section of operation.

Mr. LEAHY. Is the Senator aware of litigation now pending?

Mr. CRAIG. I am not.

Mr. LEAHY. But if there is some in any Federal or State court, whether it is Idaho or Vermont or Ohio or anywhere else, does not the Senator's legislation take out, not just Federal court, but even if there is a State court where there is a case pending, it would simply dismiss it?

Mr. CRAIG. In these categories where people have found themselves immune if they do the following things—background check, through the registrant, under the conditions—it is important, do not think beyond the box. Think of the box of a gun show and gun show activities and the definitions therein of a special registrant and a new licensee. I am suggesting that we are trying to encourage people to become active in background checks and become increasingly legal by that.

Mr. LEAHY. I understand this, and I find sometimes I am frustrated, but I accept that any time I purchase a weapon in Vermont, even though I am probably as well known as anybody in Vermont, they have to go through the usual record check. That is fine. I accept that.

Mr. CRAIG. They better.

Mr. LEAHY. They do, I can assure you, just as I accept easily the fact that I have to go through metal detectors and x ray machines when I get on an airplane. I am for that. I think it makes a great deal of sense.

What concerns me, I tell my friend from Idaho, is that what this is saying, in this court-stripping part, this says my State of Vermont is being told, even if they have a case, a qualified civil liability action pending, it will be dismissed by this. We do not even know whether there are such cases pending around the country, but we are telling the 50 States of this country and their legislatures: If you have a case pending, tough, the Senate has just decided it for you.

I am wondering, for example, whether this is covering current city lawsuits that are based, in part, on gun show sales. Some cities have brought some lawsuits based on gun show sales. Are we throwing their suits out?

Mr. CRAIG. Let me reclaim my time to discuss that briefly, and then I will yield the floor because others wish to debate.

Mr. LEAHY. Does the Senator understand my question? I think it is a valid question.

Mr. CRAIG. Here is what we are saying. We are saying in this law that the people who abide by the law have done nothing wrong. If they go through the background check and do all the legal things, they have done nothing wrong; they are within the law. If the gun happens to fall into the hands of a criminal and is used in a crime and somebody wants to trace it back to them and make them liable, we are saying, no, no; you were a law-abiding citizen. You cannot say that they were wrong because their gun at sometime in the future fell into the hands of a criminal and was used. The Senator knows today those kinds of lawsuits are going on out there.

Mr. LEAHY. Do we also dismiss the lawsuit against the manufacturers?

Mr. CRAIG. No.

Mr. LEAHY. It is hard to read it otherwise.

Mr. CRAIG. I read it that way because of the transaction within the gun show. Think inside the box. Everybody likes to find the bogeyman outside the gun show. We are talking about a unique class of operatives inside a gun show. We are encouraging them to become increasingly more legal by using background checks. Legal in this sense: Law abiding citizens like you and me who might own a gun——

Mr. LEAHY. I own a lot of guns.

Mr. CRAIG. Want to make darn sure it does not fall into the hands of criminals. If we go through the background check as we sell it and the guy or gal is pure, we are OK. What if down the road the gun falls into the hands of a criminal and here comes your city or a city that says: You are liable because you are the seller we can trace to because of your record. I can say to you under this: Because you did it in a legal way, you are not liable. That encourages you to pursue legal activities. It does not deal with manufacturer liability. That is another issue for another day, not addressed anywhere in these amendments.

Mr. President, that is as thorough as I can get with the Senator from Vermont. Let me conclude, because there are others who wish to debate.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CRAIG. No, I will not. I will let the Senator seek the floor to debate on his time.

I suggest that the Hatch-Craig amendments are a major step toward the enforcement of gun laws in this Nation, of stopping criminals who use a gun in the commission of a crime, to make sure that the transaction does not result in guns falling into the hands of criminals, and still recognizing that the Internet is a fair and first amendment-protected expression as long as those expressions are not found to be illegal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I see the following people on the floor who want to speak and want to be factored into this.

On our side is Senator COLLINS, Senator DEWINE, and Senator SESSIONS. Can I ask how much time they want.

Ms. COLLINS. Five minutes.

Mr. SESSIONS. Ten minutes.

Mr. HATCH. Five minutes for Senator COLLINS; 10 minutes for Senator SESSIONS; 10 minutes for Senator DEWINE.

We have Senator DURBIN, Senator SCHUMER, and Senator LAUTENBERG on the other side.

Mr. LEAHY. If I might, I say to the distinguished chairman, if he will yield to me——

Mr. HATCH. Yes.

Mr. LEAHY. Some of these amendments, at this point particularly, that have just arrived—I think the Senator from New York described it as being still warm from the copying machine. We have several Senators in the Cloakroom who are just looking at it, who have just received it. We are getting calls. My beeper is going off here. I am reading: Somebody wants to check this one, wants to check this one. Let's let the debate continue here for a bit while we try to do it.

Mr. HATCH. Yes. But I want to figure out how we do it. I think we should go back and forth.

Mr. LEAHY. I agree with that.

Mr. HATCH. Can I ask the Senators on this side, how much time would you like, at least initially?

Mr. LEAHY. We do not know.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. Sure. I yield to know how much time.

Mr. SCHUMER. In response to his question, I say to the Senator that probably, when at least my staff's analysis of the proposal is finished, I would like to speak for maybe 10 minutes on it, maybe a little more. But I say to the Senator that I could not agree to any kind of time limit until we analyze the bill.

The Senator from Idaho came over to me early this morning and said that I had been right in some of my complaints, I guess, about his proposal. I said, fine. Get me language and I will analyze it and I will not delay in any way.

Mr. HATCH. We understand.

Mr. SCHUMER. We got the language at 3:30, or maybe a little before that. It takes a little while to analyze. I do not think any of us want to go through the same problems we went through yesterday where we did not understand what was in the bill.

Mr. HATCH. Let me put you down temporarily for 10 minutes, or more if you need it. I want an idea of the time.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. Yes.

Mr. DURBIN. I really have questions that get down to the basics of whether or not the Craig amendment replaces yesterday's amendment or is added to yesterday's amendment. That is it. He left the floor, I am sorry, because it was a question I had.

Mr. HATCH. I will try to answer those questions if I can. And Senator LAUTENBERG has indicated to me that he will need some extensive time here.

Would you have any objection to allowing Senator COLLINS to go first for her 5 minutes?

Mr. LAUTENBERG. Will the Senator yield?

Mr. HATCH. Yes.

Mr. LAUTENBERG. Is it a gun-related issue?

Mr. HATCH. I am afraid it is.

Mr. LAUTENBERG. It is.

Mr. HATCH. It is on this amendment. She just wants to speak to this amendment for debate only.

Ms. COLLINS. For 5 minutes.

Mr. HATCH. Is there any objection to that?

Mr. LAUTENBERG. I would be happy to yield to the Senator.

Mr. HATCH. We can get some of these shorter remarks over, and then you could have adequate time. Could I then go to Senator SESSIONS for 10 minutes?

Mr. LAUTENBERG. I do think we need some time on this side to respond, but I do not want to close down the debate, very honestly, because we have patiently, or impatiently, listened to a fairly extensive debate.

Mr. LEAHY. Mr. President, let's go back and forth from each side, as the Senator from Utah suggested, without locking down the time. One of the reasons why we have a concern, I say to my friend from Utah, is that yesterday we were trying to rush some of these votes forward. I raised the problem with the distinguished Senator from Idaho. I said: I thought there was a whole part of the bill missing. Basically, my argument was dismissed.

Let's go on with the vote.

This afternoon, they say: Oh, by the way, this part you said was missing, yes, it was. Now we have added it back in.

I did not raise it nonchalantly. I thought it was serious. So I think that we ought to at least, if we have just gotten a hot piece of legislation still warm from the Xerox machine, get a chance to see it. It would be a lot easier to take a few minutes longer and make sure it is done correctly and we know what we are voting on than we go through as we did yesterday when the concerns that Senator SCHUMER and I raised were sort of dismissed, and now we find, yes, we were right, and we are back into the thing.

Let's make sure everybody understands where we are going.

I say to the Senator from Utah, maybe during the votes at 5 o'clock he and I might meet with interested parties to see if we can work times out.

Mr. HATCH. Let me make this suggestion. I hope it will be found acceptable to colleagues on the other side. Since they are studying this amendment—and have had it for over an hour—since they are studying this amendment and need to finish their studies, I ask unanimous consent that Senator COLLINS be permitted to proceed for 5 minutes and that Senator SESSIONS be permitted to proceed for 10 minutes, and if Senator DEWINE is here, let him get his until 5 o'clock.

Mr. LEAHY. Can anybody on this side speak?

Mr. HATCH. Sure. If they need more time to study it—

Mr. LEAHY. Couldn't we go side to side as we normally do?

Mr. HATCH. That is fine. We would start with Senator COLLINS on our side for 5 minutes, and then on your side, and then back on our side.

Mr. LAUTENBERG. Just to be sure.

Mr. HATCH. Let the Senator go, and then Senator SESSIONS.

Mr. LAUTENBERG. If the distinguished manager would yield, we are talking about a sequence including the Senator from Maine for 5 minutes, then over here?

Mr. HATCH. Sure.

Mr. LAUTENBERG. Then back to the other side? I have no problem with that as long as the time that we get over here is a reasonable slot of time.

Mr. HATCH. I ask unanimous consent that the time between now and 5 o'clock, when the votes start, be divided equally.

The PRESIDING OFFICER (Mr. DEWINE). Is there objection?

Mr. LEAHY. Between the two leaders?

Mr. HATCH. Between the two leaders.

Mr. LAUTENBERG. Reserving the right to object.

Mr. HATCH. There will be more time afterwards.

Mr. LAUTENBERG. If you eat crow, you have to do it when it is warm.

Mr. LEAHY. I yield to you.

Mr. LAUTENBERG. Thank you. Because what happened is we had an extensive delivery by the distinguished Senator from Idaho. And if we are now going to divide up the time, it is a little out of balance. So I say this to the Senator from Utah, that if we agree to give up 10 minutes now, and reserve, perhaps, 15 for our side, just to get a little bit of balance in here, and we are going to continue the debate——

Mr. HATCH. That is fine.

Mr. LAUTENBERG. Let's divide it equally.

Mr. HATCH. OK. And I ask unanimous consent that the first speaker be Senator COLLINS.

The PRESIDING OFFICER. Is there objection to dividing the time equally?

Mr. LEAHY. Between now and 5?

The PRESIDING OFFICER. Between now and 5.

The Chair hears none, and it is so ordered.

The Senator from Maine.

Mr. HATCH. Our first speaker is the Senator from Maine.

Ms. COLLINS. I thank the distinguished chairman for his patience in working this out. And I also thank the Senators from Vermont and New Jersey for agreeing to this arrangement.

Mr. President, I rise to support the provisions in the Hatch-Craig amendment requiring background checks at

gun shows. I believe we have very carefully crafted provisions that strike the right balance. I support the requirement that sales of firearms at gun shows pass the muster of an instant background check. Gun shows are a popular mechanism for buying and selling guns, and these legitimate business transactions should be made with the knowledge that the sellers are selling their firearms to lawful purchasers.

What I opposed yesterday is something I will always oppose—and that is the creation of a Federal centralized recordkeeping system of gun owners. That would be a heavy regulatory burden that would seriously infringe on the privacy rights of millions of law-abiding American citizens who own guns. That is why I voted against the amendment offered by the Senator from New Jersey.

I would like to make one brief comment regarding gun shows. I am very concerned that the publicity surrounding this issue has created the false impression that gun shows are somehow gathering places for criminals, anarchists, and mercenaries. Nothing could be further from the truth. In reality, thousands of Americans go to gun shows every weekend in this country. People who attend these shows live in every State in the Union. They come from all walks of life. They share a common interest in a part-time hobby that is deeply ingrained in our American culture. Many are sportsmen or target shooters; many others are collectors who enjoy showing, buying and selling their antique firearms.

These are people who enjoy the tradition of responsible gun ownership in this country. This is a tradition—and a right—that we need to preserve.

Our gun laws should be directed at the illegal misuse of firearms, not the lawful ownership of guns by law-abiding citizens. The first step we should take is to address the concerns the Senator from Alabama will speak on shortly that gun laws are not being strictly enforced. The Senator from Alabama has documented an appalling drop in prosecutions of gun-related offenses, gun control laws under this administration.

That should be our first step.

Second, the Republican package puts together reasonable restrictions that will ensure that guns do not fall into the hands of criminals through the mechanism of a gun show.

I know the people who attend gun shows across America want to make sure they are selling to people who will use firearms in a responsible way that is the American tradition.

This legislation before us strikes the right balance, and I urge support of the amendment. I commend those who have worked on this to respond to the concerns we raised yesterday.

I yield back the remainder of my time to the chairman of the committee.

Ms. SNOWE. Mr. President, I rise today in support of the Hatch-Craig amendment to S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act. This amendment provides four important components in the efforts of combating juvenile violence and crime.

I also want to thank the Majority Leader, Senator LOTT, Senators HATCH, CRAIG and MCCAIN for listening to my concerns and working with me to ensure the National Instant Check System applies to all sales made at gun shows.

This amendment provides for more aggressive prosecution of criminals who use guns to commit crime, enhances penalties on criminals who use guns, increases protection of children from gun violence. Most importantly, this amendment mandates that individuals purchasing weapons at gun shows must undergo a background check through the National Instant Check System. This is the same requirement currently in place for purchases made at gun shows, when buying a weapon from a licenced gun dealer.

Mr. President, gun shows are community events, usually held over a weekend at State Fairgrounds, convention centers, or exhibit halls. These shows have been going on for years and attract a wide cross section of gun owners. At the shows, people not only buy, sell, or trade firearms, they also exchange tips on hunting, gunsmithing, and firearm history.

By implementing an instant check system at gun shows, law abiding gun buyers can receive their background check within minutes and be able to obtain the firearm they wish to add to their collection. On the other hand, criminals and other people who are not allowed to possess firearms can be identified and arrested for trying to purchase a weapon, in violation of the law.

Mr. President, this amendment, of which I am a co-sponsor, provides a good balance between allowing law-abiding citizens to purchase weapons at gun shows without burdensome regulations and preventing criminals from obtaining weapons from individuals at gun shows.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

Mr. LEAHY. Mr. President, parliamentary inquiry: What time is the vote scheduled for?

The PRESIDING OFFICER. Five.

Mr. LEAHY. How much time is there for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. LEAHY. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont, and I thank the Chair.

If the audience here or out there is mystified, I wouldn't be surprised, because I think we, too, are mystified. We are buried under a volume of language and words, and we are not addressing the point.

The point is whether or not we are willing to say, if guns are sold, there has to be a measure of identification of the buyer. That is the question. Ask the parents in Littleton, CO, what they think. Should we have identified everybody who walks into a gun show? Describe the gun show as you will, we will talk about that in a minute. Should everybody who buys a gun at a gun show be identified? I think yes.

The shallow arguments about, we have 40,000 laws on the books and therefore why do we need one more—well, you tell me what happened when Terry Nichols and Timothy McVeigh were out at a gun show selling guns to raise money for their terrorist operation. What is the point?

Obviously, the laws that we have do not cover all of the situations. I say this. I just heard the distinguished Senator from Maine say it, I have heard the Senator from Idaho say it and others. There is no blanket accusation here that says everybody who goes to a gun show is a felon, an anarchist, a crook, a thug—not at all. But we want to protect those families who do go to gun shows with an earnest interest in seeing what is around and maybe buying a hunting rifle or what have you. Why should they be ashamed? Why should anybody be ashamed or unwilling to leave their name behind when they take this lethal weapon and stick it in their pocket? That is the problem. No matter how much language is thrown out here, we ought to try to cut through it and see what the mission is.

The mission is to try to protect the NRA, not to protect the people of our country, the innocents who send their kids to school every day of the week and now pray that the children come back not only learned but safe and sound. That is the message we are trying to get across here.

We hear this obfuscational language: Well, if they had this and they had that and they didn't have measles and they had some other condition, then it is all right.

Stop with the loopholes. I offered an amendment yesterday which was clear and concise, which said that everybody who buys a gun ought to be identified and that those dealers who are unlicensed dealers, call them what you will, who can sell guns out of the trunk of their car in any quantity they want, to anybody they want, without getting so much as a name, except the cash on the barrelhead, walk away, someone buys 10 guns, there is not an ounce of suspicion raised about that.

We heard the Senator from Idaho yesterday say, well, a measly 2 percent,

that is all, 2 percent of the guns sold in these gun shows, only 2 percent, are unlicensed. Then he was gentleman enough and sincere enough to say, I made a mistake; it wasn't 2 percent; it is 40 percent. Forty percent. Two percent. That is a significant difference.

So he said he realized only too late that 40 percent of the people who bought guns at gun shows bought them from unlicensed dealers—or 40 percent of the guns sold, forgive me, were from unlicensed dealers.

Well, that is pretty significant. That is a lot of guns floating out there that nobody has any record of, unless someone volunteers to leave their name. I do not see a lot of volunteers coming up throwing their photo ID on the counter and saying, hey, give me a dozen guns, will you. You don't see that happening.

We ought to clear the air, clear the language here, tell the American people, as they were told yesterday—I want everybody within earshot to remember this—yesterday there were 47 of us who voted to close a loophole. There were 51 people who voted to leave it open, to make sure that those who want to buy a gun without identifying themselves could still have the liberty to do so.

We hear all kinds of specious arguments—another bureaucratic imposition on free citizens in this country. We have laws in this country. We are a country of laws. It says so in our Constitution. If you have laws, you have to have a structure. You have to have an orderly process by which those laws are developed and enforced. Our job here is to develop them.

So what is wrong with having people enforce laws that we think otherwise might bring harm and injury to innocent people? I do not want my grandchildren going to school with other kids who might be able to get their hands on a gun because a father or a relative left the gun unattended. I think it is terrible. I think they ought to be responsible for the actions that that child who takes the gun brings upon his or her classmates or friends.

So we ought to clean up the language here so the American people know what we are talking about. Some of us are for closing the loophole and some of us are for leaving it open.

The vote yesterday was quite a revelation. It should have been for the American public. Yesterday 51 percent of the people in this room said: Do not close the loophole. Do not take away the rights of someone who wants to be unidentified, anonymous, buying guns out there. Permit them to do it, because otherwise it is an infraction of their rights. If a neighbor wants to sell a gun to a neighbor, why shouldn't he be able to do it without having to go through the trouble of identifying him?

Try to give your neighbor your car and not take note of the transfer. If that neighbor has that car and it still has your name on it, you are responsible for it, whatever it is that happens.

We see immediately now in the presentation today some apologies. The apology is not for the American people. The apology is to those who might be inconvenienced because they have to identify themselves when they buy a gun. We ought not to be apologizing to them. We ought to apologize to every parent, to every family, to everyone who might be injured by a gun that is bought, 40 percent of those guns that come out of gun shows without any identification. That is what we are talking about. We are clearly divided on the issue.

Now what has happened, there is kind of a fail-safe that has developed, because yesterday not only brought the picture into focus, but it also said to the American people, who are enraged by what is happening in these schools, enraged, pained—87 percent of the people in this country said close the loophole. But in this Senate, 51 percent said: No, don't close the loophole; we want to protect the rights of those who would buy guns as if it was in the dark of night.

So today we see an attempt at a legislative redress for the error that was made yesterday that was caught by the newspapers. It was caught by television. It was caught by the public at large, who are indignant. We hear it couched in flowery phrases—I didn't know there was that exception, or I didn't know there was this exception—when they heard from their constituents and the constituents were angry and mortified by the fact that their representative voted to keep open the loophole.

So now we are trying to figure out what it is exactly that is being proposed. If we are cynical and suspicious, we should be, because yesterday the vote was one way and today it suddenly dawns on them that maybe people who buy guns ought to really leave their name behind, regardless of whether the dealer is a federally licensed dealer or just someone who throws up a table and pays a $10 fee at a gun show. We are talking about the definition of ''gun show'' and the definition of ''dealer.'' Nonsense. We ought to talk about the lives that we can save, about the children that we can protect. I hope that the debate is going to get into that area before this discussion is over.

I hope that we look carefully at what is being proposed and study it because it came up all of a sudden—suddenly, to have an agreement that, OK, some people ought to have their names identified with their purchase but not for others.

Mr. President, I yield back my time with the understanding that we are going to be discussing this after the votes we are going to take.

Mr. HATCH. Mr. President, I yield such time as remains to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, all of us agree we need to do a better job of keeping track of guns that might fall into vulnerable young hands. That is why I support the amendment offered by the distinguished chairman of the Judiciary Committee, Senator HATCH, which contains several measures that I have developed that would help to achieve these goals.

Mr. President, the most effective method to assure that gun sellers and dealers are selling their products to law-abiding citizens is the background check. In 1993, Congress passed the Brady bill, which is designed, in part at least, to move us toward the National Instant Check System for gun sales. Due to this initiative, we have expanded and made more accessible the National Instant Criminal Background Check System, also known as NICS. Now, could this system be improved? The answer is, yes, it could be. For example, today, handgun checks are ''name only'' checks, which frequently come back inconclusive because a potential purchaser may have a similar name as a convicted offender, or that potential purchaser could be using a false name, or an alias. When this happens, a manual check has to be performed.

Mr. President, one way we can improve the instant check system is through technology that is now available, which can check a purchaser's fingerprint against a single print database. The time has come for this idea; it is an idea worth exploring. Our amendment would direct the Attorney General of the United States to study the feasibility of creating a single print instant check system and database to enable a voluntary, rapid, and accurate search of potential gun purchasers. Currently, there are 40 million fingerprint cards in the master criminal fingerprint file from which convicted offender prints could be placed online for an instant search. With a single print database, firearm dealers could facilitate the completion of a gun sale. A single print system could reduce the potential for felons to obtain firearms through the use of false identification. It would close a major loophole.

Mr. President, we can also improve the system by ensuring that our records are accurate and up to date. I have often said that type of information is absolutely critical and vital to good police work. Information can and does save lives. Mr. President, our background check system is only as good as the information that is in it. The unfortunate fact is that serious record backlogs exist in many States.

Many of our State databases are simply incomplete, and many are very inaccurate. We have improved it over the years but we have a long way to go. Since the instant check system became effective last November, over 900 individuals who have been convicted for class one felonies—murder, rape, serious assaults—were able to buy guns because the appropriate records were simply not available.

Mr. President, States desperately need financial help to eliminate this dangerous records gap and to plug this loophole. Our amendment would provide $25 million to central repository directors to facilitate logging in, dispositions, including assistance to courts to automate their current records systems.

Everybody will benefit from this more-thorough criminal history—law enforcement and the public, in general. We can improve our background check system by expanding it to include records of those who have not broken the law, but who are still prohibited under current law from possessing firearms. These people include involuntary commitments to mental health institutions and those subject to domestic restraining orders. Those are the people who, many times, are also falling through the cracks of our current system.

This amendment would direct the Attorney General of the United States to develop procedures by which nonconviction and other data can be available for the instant check system, stopping people who are currently prohibited from possessing a firearm, but who the current system is not watching. This amendment would fully fund the National Instant Check System to pay for the operation costs of background checks. The FBI would be provided operations costs of performing instant checks, and also States serving as point of contact States will be reimbursed by up to $7 per background check.

Finally, we need to better provide information not just on the lawbreakers, but on the guns they use to commit crimes. To accomplish this goal requires a strong investment in the national integrated ballistic identification network. This system combines the ballistic and forensic capabilities of the FBI and ATF to create one enhanced ballistic system for State and local law enforcement agencies. This amendment before us would provide funds, much-needed funds, to expedite this process.

Mr. President, a greater investment of innovative thinking and resources is urgently needed to improve the National Instant Check System. This amendment would provide that investment. It would make the system more responsive, more accurate and, yes, more thorough. Most important, it would make our efforts to keep guns out of hands of children and criminals more effective. Mr. President, this amendment will save lives.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. The remaining time is 1 minute 46 seconds controlled by the Senator from Utah.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire of the state of time?

The PRESIDING OFFICER. There are 15 seconds remaining before the 5 o'clock time for voting, and there will be 5 minutes equally divided between the two sides. At this point, the Senator controls 2½ minutes.

Mr. ASHCROFT. It is my understanding that I am eligible to spend the 2½ minutes in favor of the Ashcroft amendment at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. Thank you, Mr. President.

The Ashcroft amendment is a very simple amendment. It recognizes that in addition to handguns, which require some special responsibility and, therefore, are prohibited for sale to minors, and are even prohibited in private sales to minors, and for them to be in the possession of a minor requiring the permission of parents, that the same kind of rules ought to apply to semiautomatic assault rifles as apply to handguns as it relates to minors.

Right now, where handgun sales to minors are prohibited, semiautomatic assault rifle sales to minors are permitted. Where a minor, in order to have a handgun, has to have parental permission, a minor can own an assault rifle, a semiautomatic assault rifle without parental permission.

The Ashcroft amendment simply wants to remove this disparity, because it expresses a belief that a semiautomatic assault rifle, assault weapon, ought to have the same level of responsibility attendant to it as a handgun.

The Ashcroft amendment would prohibit private sales of semiautomatic assault rifles to minors, and it would require that they have parental permission in order for one even to be in the possession of a minor.

This really makes the rules about handguns and semiautomatic assault weapons identical for all basic intents and purposes. There are some exceptions in the law for purposes of the possession of handguns that relate to employment. There are some minors, for instance, who are required in their employment to be involved with a handgun. Those exceptions would be the same basically as well.

The thrust of this amendment is to say that this situation where semiautomatic assault weapons were not required to have the level of responsibility that we had assigned to handguns for juveniles, that should be changed so that assault rifles and the semiautomatic assault weapons have the same kind of responsibility requirements that had previously been applied to handguns resulting in the requirement that there be parental permission before there can even be possession, and that there would not be a potential for purchase in private sales.

I urge my colleagues to vote in favor of this reasonable and simple change in the law.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator's time has expired. Who yields time in opposition to the amendment?

Mr. LEAHY. Mr. President, I will take this side's time.

I have listened to the debate and read the amendment. It is deja vu. It is very similar to the Leahy law enforcement amendment that the Republican majority voted down yesterday. The Leahy amendment, which was the Democratic consensus position on gun control, included the enhanced parental penalties for the transfer of handguns, assault weapons, and high-capacity ammunition clips to juveniles and the ban on the juvenile possession of handguns, assault weapons and high-capacity ammunition clips. This amendment has a couple of changes. It increases the exceptions for such transfers.

But if imitation is the highest form of flattery, then I guess I should be flattered where all the Democrats signed onto the one amendment that was voted down by the Republicans yesterday. Of course, I am going to support this amendment, because it is so similar to the form of what we had yesterday.

I just wish it had adopted a couple of other consensus positions. I wish it included our gun ban for life for dangerous juvenile offenders. For the life of me, I cannot understand why the other side opposes my proposal, the Democrat proposal, that if you have a juvenile who is convicted of assault with a deadly weapon, is convicted of murder, or attempted murder, why that person should not be banned for life from owning a gun.

I wish it had the money that we put into mine that was dedicated just to Federal prosecution of the firearms violations. I wish it had the resources for firearm tracing that we put under the youth crime interdiction initiative. But perhaps when they look at the rest of my amendment that will be in the next Republican package. I hope it is.

To the extent that this primarily includes a number of the things that I had in my amendment yesterday, of course, I will be consistent enough to vote for it again this time.

Ralph Waldo Emerson once said: ''A foolish consistency is the hobgoblin of

little minds.'' There are no hobgoblins on the other side. They don't mind being inconsistent in voting for it today when they voted for it yesterday.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent Ms. COLLINS be added as cosponsor of the Hatch-Craig-McCain-DeWine-Smith amendment that is pending.

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

Mr. HATCH. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. HATCH. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 342. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote ''aye.''

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—96

Abraham	Edwards	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden

NAYS—2

Enzi	Smith (NH)

NOT VOTING—2

Inouye	Moynihan

The amendment (No. 342) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

Mr. President, I know all the Senators are interested in what the schedule might be. It is that time of the week when we begin to have to make some decisions. I would like for us to finish this bill tonight. There have been a dozen or more amendments that have been considered and others I am sure have been accepted. We still have a large number of amendments, though, that are pending.

I hope Senators will consider either not offering their amendments or agreeing to put them in a package of amendments. We are encouraging Senators on this side of the aisle to do that, and we have at least one that has been done that way.

If we finish the bill tonight, then we will not have any votes tomorrow. If we do not finish it tomorrow, then it is essential we stay in tomorrow. This is important legislation. A lot of amendments have been offered. Others will be offered that are critical amendments and very important to Members on both sides. I have discussed this with Senator DASCHLE, and I know Senators on both sides and the managers are trying to work through a list of amendments that probably is still in the range of 40 or 50. We have to work very fast and hard to get through those.

With that in mind, I say, again, that we will go as late as we can tonight. I know we have a delegation of eight or so Senators that is supposed to leave for Kosovo at 6:30 in the morning. We will have to ask them to delay that. We can keep going tomorrow and we can keep going, if it is the desire of the Senate, even into Saturday. I have to check with Senator HATCH and Senator LEAHY. They are committed to getting this bill done.

The reason we have to complete it this week is that next week we have to deal with supplemental appropriations, which I hope will be ready then. We hope to have something we can vote on concerning Y2K next week. We have the bankruptcy bill. We also have State Department authorization, defense authorization and defense appropriations and a satellite bill, all of which we would like to consider and get done before the Memorial Day recess.

It is not a question of not wanting to complete this bill. It is just we do not have time next week. So we will either have to work through these amendments quickly or we will have to keep going tonight and over into tomorrow. Please work with the managers. They are trying to do the job and they need your cooperation. I say to those of you who are looking to leave tonight or tomorrow morning, right now it looks as if we will not be able to finish tonight and we will have to be in session tomorrow. We cannot even give you assurances that we will finish by noon. We will just have to keep going until we get it done.

If we really cooperate with these managers, which happens quite often, I believe we can finish tonight. I looked down the list, and I think there are maybe four to six amendments that we really need to have discussion and votes on. I think we can find a way to complete that tonight or early in the morning.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 343, AS FURTHER MODIFIED

Mrs. FEINSTEIN. I thank the Chair. Mr. President, it is my understanding that I have 2½ minutes to wrap up the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, in light of the action the Senate just took in adopting the ban on juvenile possession of assault weapons and large clips, I ask unanimous consent to modify my amendment by striking sections 503 and 504 which will do essentially the same thing.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Can the Senator from California clarify for us—we have all studied her original amendment, but what are you changing in your amendment that would be subject to a vote?

Mrs. FEINSTEIN. I will be very happy to answer that question. Essentially, a part of my amendment was also Senator ASHCROFT's amendment, with some technical changes, particularly in the exemptions. What we are doing by this is accepting Senator ASHCROFT's amendment and separating out the part of my amendment which would close the loophole in the assault weapons legislation and ban the importation of the big clips, just as these clips are now prohibited from domestic manufacture in this country.

Mr. CRAIG. Will the Senator yield for an additional question?

Mrs. FEINSTEIN. I will be happy to yield.

Mr. CRAIG. In the original amendment, the Senator bans a class of firearm that is used in schools and colleges for professional target shooting and target practice. Has she taken that particular provision out?

Mrs. FEINSTEIN. That is correct.

Mr. CRAIG. All right.

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

The amendment, as further modified, is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act except Secs. 502 and 505 shall take effect 180 days after the date of enactment of this Act.

Mrs. FEINSTEIN. Mr. President, if I may then discuss what is in the division of the question. When we passed the assault weapons legislation in 1994, there was a grandfather clause which permitted the continued importation of shipments of clips, drums and strips of large size, large size being defined here by more than 10 bullets.

In the legislation passed in 1994, the domestic manufacture of these same clips and the sale of these same clips and the possession of these same clips was made illegal. The loophole is permitting the importation of foreign clips while we close off the manufacture of them domestically, the sale of the domestic clip. These new clips, manufactured after the ban, the fact of the matter is, are coming in.

I submitted for the record BATF statistics that in 6 months 8.6 million clips are approved for entry from 20 different countries, many of them as big as 250 rounds, 90 rounds, 70 rounds, 50 rounds, by the hundreds of thousands. We are trying to cut off that loophole.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I will be very brief.

I do stand in opposition. Last year, we had the same vote on the floor, and it was to overturn the 1994 law that creates some exceptions. It is the exception that the Senator disagrees with now as it relates to the importation of a form of automatic loading device, better known as a clip.

The vote last year was 54 to 44 in opposition to that amendment on a tabling motion. I hope we can continue to maintain that position. I think it is consistent with the law that we passed in 1994.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified. The yeas and nays have been ordered.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I move to table the Feinstein amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 343, as further modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are necesssarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—39

Allard	Enzi	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bingaman	Grams	Roberts
Bond	Hagel	Santorum
Breaux	Hatch	Shelby
Brownback	Helms	Smith (NH)
Bunning	Hutchison	Snowe
Burns	Inhofe	Specter
Campbell	Kyl	Stevens
Cochran	Leahy	Thomas
Craig	Lott	Thompson
Crapo	Mack	Thurmond

NAYS—59

Abraham	Feingold	Lincoln
Akaka	Feinstein	Lugar
Bayh	Fitzgerald	Mikulski
Bennett	Frist	Murray
Biden	Graham	Nickles
Boxer	Grassley	Reed
Bryan	Gregg	Reid
Byrd	Harkin	Robb
Chafee	Hollings	Rockefeller
Cleland	Hutchinson	Roth
Collins	Jeffords	Sarbanes
Conrad	Johnson	Schumer
Coverdell	Kennedy	Sessions
Daschle	Kerrey	Smith (OR)
DeWine	Kerry	Torricelli
Dodd	Kohl	Voinovich
Domenici	Landrieu	Warner
Dorgan	Lautenberg	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

NOT VOTING—2

Inouye	Moynihan

The motion was rejected.

Mr. LEAHY. I ask unanimous consent that we vitiate the yeas and nays on the underlying amendment.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of Senator FEINSTEIN.

The amendment (No. 343), as further modified, was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor to the Hatch-Craig amendment.

Mr. LAUTENBERG. Mr. President, the Chamber is not in order. I was unable to hear the request. I would like to hear it before it is agreed to.

The PRESIDING OFFICER. Will the Senator renew his request?

Members in the well will take their conversations to the cloakroom.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor to the Hatch-Craig amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to call to the attention of the Senate that we have possible Democrat amendments of 51 and possible Republican amendments of 22. We have disposed of 12 or 13.

Look, this is ridiculous. We have been very fair. Both sides have had an opportunity to present what they wanted to present. We have had some terrible amendments here from one side or the other, and we fought them through and we have done what is right.

Let me tell you something. I would like to move through this matter as quickly as we can. I would like to have colleagues on both sides reduce the number of amendments. If you absolutely don't have to have the amendment, let's withdraw it. This is a very, very important bill. We are talking about kids all over this country who are getting away with murder.

We are talking about vicious, violent juveniles who are wrecking our country and wrecking our schools and creating gangs and doing things that are really causing this country chaotic conditions.

We have a bill here that is bipartisan that really will do something about that. There have been wins on both sides, and I think to the betterment of this bill. I think it is time for us to get down and start working on it and get it done.

I can't imagine why anybody in this body wouldn't want to get this bill done, especially with 2 years of work and all kinds of effort and work here on the floor by both sides.

I want to compliment my Democratic leader on this bill for the good work he has done on this, and the work we have been able to do together. It is clear we can't pass this bill with 77 amendments.

Mr. LEAHY. Mr. President, the Senate is not in order, and the Senator from Utah is going to be heard, especially if he is going to be praising me. I want him to be heard.

The PRESIDING OFFICER (Mr. BROWNBACK). We will please have order in the body.

The Senator from Utah.

Mr. HATCH. We clearly can't pass this bill if we have to have 73 amendments. There is just no way we have time in this legislative session to do it.

This bill has virtually everything in it to help us to resolve these problems. We all have pet projects in the amendments that we bring up. It is time to start restraining ourselves and quit delaying this particular bill.

I am getting to the point—we are not there yet, but we are getting to the point where I am going to start moving to table every doggone amendment that will come up. I am going to table them right off the bat, because I think we have gone way too far here. If we had a big partisan thing here where your side or our side was being mistreated, that is another matter, but this has been very fairly conducted, and everybody knows it.

I think it is time to get serious about solving these juvenile justice problems in our society. This bill has been improved to a large degree. Some of us believe it has been hurt a little bit, but that is the process. Now it is time to sit down and get this done.

Look, we have the Hatch-Craig amendment. Admittedly, our side has had more time on that amendment.

I would like to get a time agreement. The minority has had that amendment for well over 2½ hours, maybe 3½ hours. I can't remember, but it has been a long time. We have had major, major amendments from them. But we have taken one-half hour to get it prepared. It is time to argue it. It is time to get it over with. We are willing to grant most of the time to the distinguished Senator from New Jersey, or others on the minority side. But I would suggest we set a time to vote on this amendment. I would like to get that over with, because I believe this is an amendment that virtually everybody in this body ought to support, because we have made real efforts to try to accommodate people on both sides of the floor. And we have incorporated Democrat ideas in this amendment as well. We have done it to try to bring this matter to an effective and decent conclusion.

I know this: The majority leader means it. We are going to be in here all week, and it is just ridiculous to do that, especially when we have come this far and we have had this kind of an open debate. We have debated some of the more controversial and difficult issues, and both sides have been given every chance to speak on it.

I suggest we come to a time agreement that gives most of the time to the distinguished Senator from New Jersey and those who are on the minority side who deserve a right to debate this amendment. We are willing to go ahead and do that.

I just would like to get a time limit on it and then move on from there, and move to the similar amendment, which we would get a time agreement on.

Mr. LAUTENBERG. Mr. President, if the manager will yield.

Mr. HATCH. I yield for a question only.

Mr. LAUTENBERG. Mr. President, this is a fairly complicated change, as I see it, from the original Lautenberg amendment. But certainly it has to be considered, in all due respect to the Senator from Utah. I know how hard he worked and how serious he is about it. We have great respect and friendship. But I wonder, because we are not able to reach an immediate time agreement, whether or not we could put it aside so that we can discuss our differences and see if we can come any closer together to try to resolve it. I, too, like everyone else, wish to see this bill moved, but I think we have not had enough time to really debate it.

Mr. HATCH. If I could respond to the Senator, we have people on our side who are going to move to table this amendment. I would like to avoid that by having a reasonable time for the Senator from New Jersey to argue this amendment. There is nothing complicated about it. We explained it in detail. It is easy to understand. Frankly, there is not one thing in here that is new and that can't be understood readily.

I would be happy to sit down with the Senator and go over the detail of this amendment. I think he would be pleased with most all of it. But I would like to avoid a motion to table. I would like the Senator to have time to debate this amendment. But the way things are going, he is going to be cut off on his time. I don't want to have that happen, nor do I want this to evolve into a situation—we have been trying to be cooperative and trying to make this thing work. And it is apparent some people around here are trying to delay it.

I am not accusing the distinguished Senator from New Jersey, but I believe we could get this bill finished tonight if we would sit down and get it finished. I don't see any reason we shouldn't. The sooner we get it finished, the sooner the kids in our society are going to understand what the game is and that we are going to stop some of this violent juvenile crime in this country. We are giving the tools to law enforcement to be able to do it. We have $50 million in here for additional juvenile prosecutors, just to name one thing out of that $1.1 billion in this bill. I would like to get a time limit. I am willing to give the Senator all of the time, but let's get a time limit on this and go from here.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. HATCH. I am glad to yield to my friend.

Mr. LEAHY. Mr. President, let's be realistic.

First, I yield to nobody in this body in my support of good strict law enforcement. I would like to see this bill wrapped up and voted up or voted down. There are different suggestions I made to the distinguished Senator from Utah that might do that. But what I would suggest is that we be serious on this. Unfortunately, on something that should be a nonpartisan issue—juvenile crime—there are some things that have delayed us unnecessarily.

Wednesday, Senate Republicans voted against a Democratic package, and then today voted for the exact same thing when it was introduced on the other side.

For example, the Leahy amendment, which proposed stiffer penalties for the transfers to or possession of handguns and assault weapons, or high-capacity ammunition clips to juveniles, was voted down by the Republicans yesterday, and voted up by the Republicans today.

Moreover, the Leahy amendment also proposed the ban of juvenile possession of handguns, assault weapons and high-capacity ammunition clips, which was again voted down by the Republicans yesterday, and voted up by the Republicans today.

Mr. HATCH. Will the Senator yield on that point? The reason is it was part of an overall package that the Republicans couldn't accept. So we can certainly accommodate.

Mr. LEAHY. Almost everything that was in that Leahy package is now being proposed on the Republican side. The $50 million for more vigorous enforcement of gun laws, ''juvenile Brady,'' the lifetime ban on gun ownership by dangerous juvenile offenders, the youth crime gun initiative on gun tracing, increased number of cities eligible for grants under the YCG–II. All the Democratic proposals of yesterday are now in the Hatch-Craig amendment of today.

Mr. HATCH. Will the Senator yield?

Mr. LEAHY. Let me finish that one sentence, if I might. And I mention this one. I am pleased that when you voted it down yesterday that you are willing to vote it up today when you bring it up. That is OK. I will support a number of those things that come back. But that is what we have to avoid.

I think, frankly, one way out of this—I just suggest it and I have suggested it to others—is that we debate the Craig-Hatch amendment, and the amendment of the distinguished Senator from New York, Mr. SCHUMER is going to have—we debate those as the Members want, set that vote for an early hour tomorrow morning, and when that debate is finished, let the Senator from Utah and the Senator from Vermont stay here and try to get through as many amendments either on the Republican or on the Democratic side that can be handled by voice vote, even if we have to stay here all night long to do that, so we then have a very clear shot of finishing.

It is one suggestion.

Mr. HATCH. If the Senator will yield.

Mr. LEAHY. Of course, I yield.

Mr. HATCH. First of all, those suggestions you had were in the $1.4 billion comprehensive amendment you made that had less than 9 percent for accountability. We have 45 percent on this bill on the money for accountability and 55 percent for prevention.

I said at the time, many of those amendments we could accept and that we would present them later, which is what we have done. We have tried to do it in a reasonable, short period of time. It is to the Senator's credit that we all agree on those particular amendments.

What I would like to do is finish the Hatch-Craig amendment. Assuming we do need a little bit more time on that, I suggest we set that aside so the Senator can have a little bit more time, and go to the Schumer amendment, which I believe we can do in 30 minutes equally divided.

Mr. SCHUMER. Or more.

Mr. HATCH. We will try for 30 minutes. If we need more, we will certainly give it every consideration.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. I am happy to yield to the Senator.

Mr. SCHUMER. Just a couple of points here.

Mr. MCCAIN. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Thirty minutes equally divided on Schumer, and then we can be back with a time agreement on——

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. Of course.

Mr. SCHUMER. First of all, two questions. One, the Hatch-Craig amendment is a major overhaul of the way we license gun dealers in this country. The provision of special registrants, which is brand-new, could create——

Mr. HATCH. That was in the underlying amendment. Hatch-Craig basically does the four things I discussed, and that is not a major——

Mr. SCHUMER. We did not have any opportunity to address this special registrants issue. As I understand it, Hatch-Craig elaborates on the reporting requirements of special registrants and other important things. Let me say to my good friend from Utah, it is a major new way of dealing with firearm licenses.

I understand the urgency that my friend from Utah places on the $50 million for more juvenile prosecutors. It is something I share, because lives might be saved.

How can we rush through a whole new way of dealing with firearm dealers, something that we first saw at 3:30, something we are vetting? That is my concern. We could rush it through and find that this type of provision has totally changed things.

For instance, as I understand it——and I want to know about it before giving any permission for time limits——these special registrants don't have to keep any records. Someone could go to a gun show, be a special registrant, sell a gun, and there would be no way to see to whom they sold the gun, why, and where.

That, to me, is extremely serious. I don't think it is fair, given that this is a major change, admittedly, to a gun show provision. I want to move this bill, but I would like to know more about that.

Mr. HATCH. Yesterday, the Senator voted for the special registrant.

Mr. SCHUMER. I voted against it.

Mr. HATCH. You voted aye. We would like to make it mandatory, which we think corrects the problem.

I worked hard to get that done and to resolve that because there was such a conflict between both sides.

Mr. SCHUMER. Will the Senator yield?

Let's rehearse the history. The Craig amendment was added at the last minute. I asked the Senator from Idaho whether it had these provisions in it. He said no. He said I didn't understand the amendment.

It was then voted on with the feeling by many Members, if not most, that those provisions weren't in the bill.

Then this morning we hear—in all consideration, the Senator from Idaho was very gentlemanly, saying he was wrong—those new provisions were in the bill.

So we have never had a serious debate on one of the most fundamental changes in the way we sell guns in this country.

Mr. HATCH. Will the Senator yield?

I am prepared to do that. We argued it on our side. What I am suggesting is that your side has had this amendment now for a lot longer than we have had any amendment of yours and some of your amendments were much more extensive than this.

I suggest we set aside the Hatch-Craig amendment, move to your amendment at this time, with 30 minutes equally divided, and then agree to a time agreement as soon as we are through with yours.

We can stack the votes. That would be fine with me.

Mr. SCHUMER. I say to the Senator, I have no problems with moving——

Mr. HATCH. Then why don't we do that?

Mr. SCHUMER. Again, I think it is significant. We ought to move. Would we vote on it immediately after the debate?

Mr. HATCH. Let's make that determination then.

Mr. SCHUMER. I would like to get a commitment that we would have a vote immediately after the debate on the Schumer amendment, and then I would like to take a little more time on it.

Mr. HATCH. Mr. President, let me suggest to the Senator we work with the Senator on when the vote should take place. We are talking about protecting some Senators, we are talking about——

Mr. SCHUMER. In all due respect, I cannot set a time limit until I have some assurance as to when we would vote on that amendment.

Mr. HATCH. I will move to table everything that comes up. I am getting sick of it. If we can't get some reasonable time agreements, which we have done time after time after time, this could go into the quagmire that defeats the bill. I am not going to put up with that kind of stuff, after what we have done here for 3 days in a row on a bill that everybody should want.

Look, I am trying to be reasonable. If the Senator insists on having votes when the Senator wants the vote, and I am trying to protect Democrat Senators, I think that is the wrong thing to do. I am prepared to table everything that comes up. I don't care. I will table Republican amendments, too, if that is what it takes. I will be fair to both sides; I will table everything.

Mr. SCHUMER. If the Senator will yield, I am not trying to delay, but I think we should have a vote.

Mr. HATCH. That is what it looks like to me.

Mr. SCHUMER. I spent a lot of time on this amendment. It is a significant vote.

Mr. HATCH. Then give me a vote on my amendment. Go to my amendment. I will give you all the time on your side. We have debated it. We won't even make a point on our side. We will give you the time and vote on mine, bring yours up and vote on yours; or we will stack them together to accommodate Senators here, some of whom are Democrats.

Mr. SCHUMER. The Senator made a proposal to me on my amendment. I think it involves discussion with some of my colleagues. If the Senator would yield on the whole package——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I yield the floor.

Mr. MCCAIN. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 344.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii, (Mr. INOUYE), the Senator from Wisconsin, (Mr. KOHL), and the Senator from New York, (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York, (Mr. MOYNIHAN) would vote ''no.''

The result was announced—yeas 3, nays 94, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—3

Enzi	Inhofe	Smith (NH)

NAYS—94

Abraham	Edwards	Mack
Akaka	Feingold	McCain
Allard	Feinstein	McConnell
Ashcroft	Fitzgerald	Mikulski
Baucus	Frist	Murkowski
Bayh	Gorton	Murray
Bennett	Graham	Nickles
Biden	Gramm	Reed
Bingaman	Grams	Reid
Bond	Grassley	Robb
Boxer	Gregg	Roberts
Breaux	Hagel	Rockefeller
Brownback	Harkin	Roth
Bryan	Hatch	Santorum
Bunning	Helms	Sarbanes
Burns	Hollings	Schumer
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee	Jeffords	Smith (OR)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Thomas
Coverdell	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Lautenberg	Torricelli
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	
Durbin	Lugar	

NOT VOTING—3

Inouye	Kohl	Moynihan

The motion was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HUTCHINSON). The question is on agreeing to the amendment.

Mr. LEAHY. Mr. President, the question is on which amendment? Is it the Hatch-Craig amendment?

The PRESIDING OFFICER. Yes.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LOTT. Mr. President, if I could say this so Members will understand how we are going to proceed and how we are going to deal with this issue and others, I regret that we have had that much time on this vote. We had been trying to work out some way to make progress on this bill tonight and, hopefully, even get some amendments done tonight or complete it. At this point, it is obvious we are not getting enough movement to achieve that tonight. I know there are a lot of Senators who have commitments tomorrow and hoped we could complete it tonight. At this juncture, sufficient progress is not being made and it is unrealistic to attempt that.

I have a unanimous consent request to deal with two of the amendments that are in line now, and we would have the two votes in the morning at 9:30. After that, during the process of the night, hopefully more amendments can be accepted, combined, or even worked out, where we could have more than just the two votes in the morning, or the next couple of amendments would be in order.

What I am saying here is, with this consent request, we would expect two votes at 9:30 a.m., and we would expect to keep going, and we will see where we are in the morning. Something short of that has not been achievable at this point.

Mr. President, I ask unanimous consent that with respect to amendment No. 344—that is the Hatch-Craig amendment—debate be limited to 2 hours equally divided in the usual form with no amendments in order to the amendment prior to the vote, and following that debate the amendment be laid aside.

I ask consent that Senator SCHUMER be recognized to offer an amendment regarding Internet firearms, and that the debate be limited to 1 hour, that following that debate the amendment be laid aside and the Senate proceed to a vote in the order in which the amendments were offered, with 5 minutes prior to each vote for explanation.

So we will come in at 9:30, have 5 minutes of explanation on the amendments, equally divided, and the votes will begin at 9:40 a.m. Friday.

Mr. DASCHLE. Reserving the right to object, and I will not because I think this is a very good proposal, I wish we could actually be asking for more than this. I appreciate the managers' efforts to get us to this point. As I have noted to the majority leader, we started with 89 amendments and we went down from there to about 40 amendments. I thank Senators REID and DORGAN on our side. We are now down to around 20 amendments. But those 20 are amendments where the authors have waited patiently for the opportunity to present them and have a debate. I hope they will do it tonight and tomorrow, and I hope we can do it on Monday. I believe we ought to use those days to have the remaining debate about these amendments. They are good amendments and they ought to be voted on. Senators have waited patiently.

We also have a right to expect Senators to come forward and present their amendments in good faith and have debate. We are going to be here tomorrow, I assume, and I hope we will continue to conduct ourselves the way we have all week. This has been a good debate. We have had about the same number of amendments on both sides, Republican and Democrat. We have had good votes. Nobody has been playing political games here. We offer the amendments and have the debate in good faith. I hope we can continue to do that. I have no objection to the unanimous consent request.

Mr. REID. Mr. President, reserving the right to object, I say to the two leaders that Senator DORGAN and I have worked very hard. As a suggestion, I think we are to a point on this side where we can lock in the full breadth of all the amendments in numbers and probably, with rare exception, as to time. So that is something the two leaders should look at tomorrow morning.

Mr. LOTT. Mr. President, if I could respond, I encourage Senator REID to continue that effort, and I ask Senators HATCH and NICKLES, who will work with him on that, to continue. I urge the managers, Senator LEAHY and Senator HATCH, during the debate tonight, to sit down and see if we can't squeeze this down. Some of you are thinking that if we just stay with it and keep working tonight, we might actually see this thing concluded at 11, 12, 1, or 2. We have been thinking in those terms, but we have not been able to get an agreement beyond what we have right here. It is going to take, apparently, 3 hours of debate to get through these two amendments, which will put us to 10:15 or 10:30. At that point, it would be physically impossible to complete this action.

So I hope we can complete it tonight, but I think there is no choice other than to be in session on Friday and have votes, which we have told the Members we would do up until at least noon on Friday. In this case, it could actually go beyond noon. The good news is, as we announced some time ago, there will not be recorded votes next Monday or Friday because of conflicts which we identified to the Members 2 months ago. But that also makes it difficult for us to do the other things we have to do next week, including the supplemental appropriations, Y2K liability, and bankruptcy reform. We must conclude this bill either tomorrow or Saturday or sometime before we have to go to these other bills.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object, as the leader knows, this is a resolution which I and others had suggested earlier this evening. The leaders know that the Senator from Utah and I have talked probably a dozen times every hour on this, trying to get it through. I have worked with the leadership staff and the whip on this side, our leader, and others, as Senator HATCH has with those on the Republican side, trying to get these numbers down. I tell my friend from Mississippi that we have knocked down the numbers considerably. The Senator from Utah and I will be here this evening to try to get it down more. It is a difficult bill. The last crime bill took 11 days. We have a number of things on which we are unified, and we have some things that are going to require votes because they do divide us. But with good faith it can be done and should be done.

I support the unanimous consent request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wasn't going to say anything—reserving the right to object, and I will not, but listening to this discussion, can I reinforce—I as one Senator don't want to delay tonight and going into tomorrow, but can I reinforce the remarks of Senator DASCHLE?

Some of us have amendments that are on point on this piece of legislation. We have patiently waited for days and were glad to do so. We don't intend to trivialize our amendments. We don't intend to trivialize the debate. We think these are important issues. That is why we are in the Senate, and we intend to go forward.

I will tell you something else. It probably will be hard in the future to get cooperation from Senators who wait, and all of a sudden we find the debate relegated to midnight and on weekends with most Senators gone. That doesn't seem really acceptable to me.

We will see what we agree to tomorrow. But I want to express my reservations about the direction of this. There is a whole lot of substantive debate that needs to take place, that hasn't taken place, and will take place.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, one reason I wanted the Hatch-Craig amendment voted on this evening is because all day long the President has been bad-mouthing the Republicans and the Attorney General has been bad-mouthing the Republicans, and I think taking unfair political advantage because of some of the votes we had yesterday. One of the things they are bad-mouthing the Republicans on is because we have closed that loophole with regard to gun shows. Today, the Hatch-Craig amendment does it. Then we find ourselves unable to vote on it.

I am happy we are going to vote in the morning, but I suggest we move on ahead this evening. We have the unanimous consent agreement locked in. I suggest we line up some more votes for tomorrow right after we finish those two votes.

If Senator WELLSTONE has an amendment he would like to bring up tonight, let's do it, and we will see what we can do. We will try to alternate between the two sides.

If you are serious about your amendments, let's go at it tonight. We have about 3 hours of debate ahead of us right now. We will go from there.

I ask unanimous consent that Senator MCCONNELL be the next one to lay his amendment down, following the debate on these two, and then—could I have the minority leader's attention, and also Senator LEAHY?

I ask unanimous consent that we go with the McConnell amendment right after we debate the two that we have the unanimous consent agreement on.

Mr. LEAHY. I want to make sure I understand. What is the Senator from Utah requesting?

Mr. HATCH. We have a unanimous consent to proceed to the debate on these two amendments tonight. As soon as that is completed, I suggest Senator MCCONNELL be able to lay down his amendment, and we debate that tonight and schedule that for a vote tomorrow.

Mr. LEAHY. For how long?

Mr. HATCH. I think we can do that in a half hour or less; I ask unanimous consent.

Mr. LEAHY. Why don't we start this debate, and we can interrupt the debate to make that request. Let me see what the amendment is.

Mr. HATCH. All right. Let's just proceed.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to urge the two managers, if you would tonight, to work to get a McConnell and a Kohl—or what other amendments are in order—get those two locked in, and a vote, and do it tonight. The Members would like to know what the timeframe is going to be tomorrow morning. If you could get that locked in tonight during the process of the debate, that will help facilitate moving forward.

Having said that, then, we have had the last vote of the night. The next votes will be the two votes stacked in the morning at 9:40.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The time is under the control of the Senator from Utah and the Senator from Vermont.

Who yields time?

Several Senators addressed the Chair.

Mr. KENNEDY. Will the Senator from Utah yield? Are we under controlled time?

The PRESIDING OFFICER. We are under 2 hours of debate.

Mr. KENNEDY. On which amendment?

The PRESIDING OFFICER. Amendment No. 344.

Mr. KENNEDY. That is fine. I had indicated to the floor manager that after the disposition or the general debate, I would wish to address the Senate on the underlying bill. I am glad to yield an hour, or do it tomorrow afternoon. I am glad to do whatever.

Mr. HATCH. How much time does the Senator desire?

Mr. KENNEDY. I would say 15 minutes. If other Senators have amendments and want to debate them, I will wait until they conclude that. If I can just have the assurance that I do it at the end of the debate on amendments tomorrow, that is fine with me.

Mr. HATCH. That is fine with me.

Mr. KENNEDY. I thank the Senator.

Mr. LEAHY. Mr. President, I yield the time under my control to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont.

Mr. President, just to put some order to the debate, to confirm that there is an hour available on each side, I ask what happens in the event of a quorum call in the debate?

The PRESIDING OFFICER. A quorum call is charged to the side that suggests the quorum call. If no one speaks, the time is charged.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, if we could have order, we can get this debate started.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. LAUTENBERG. Mr. President, I heard the distinguished Senator from Utah say that the loopholes have been closed in what was initially the Lautenberg amendment request to close the loopholes and now the redesign of the Craig-Hatch response. It says that they closed the loopholes, that they have taken care of the problem.

I submit the problems are not taken care of. Maybe it is viewed by those who would like to just get this out of the way that the problems have been dealt with.

What were the problems initially? Mr. President, the problem was simply around whether or not there were loopholes through which lots of determinations would be made as to who is the purchaser of a gun.

The Senator from Idaho has said his revised amendment is going to close the gun show loophole. But it won't. And I think what we are seeing this evening is a response to what happened yesterday after the public had the chance to see the result of the vote count. It was 51 to 47 against closing the loopholes that derive from gun shows. We had a strong debate. There were six Republicans who joined in with all but two Democrats to say close the loopholes. We don't want people to be able to buy guns. We don't want people to be able to be induced by a so-called dealer at a gun show.

Over 4,000 gun shows a year are held, by the way. We don't want a dealer selling guns, someone selling guns who doesn't ask for your name, doesn't have to ask for your name, doesn't have to ask for your address, doesn't have to talk about anything that identifies this buyer. We are talking about buyers anonymous. That is what we are

talking about—gun buyers anonymous. That is a pretty horrible specter to contemplate—gun buyers anonymous.

Mr. President, I want to make sure everyone understands what is happening here.

Yesterday, we had a vote that was defeated on an amendment that I wrote, a vote of 51–47. The 47 votes included all but two Democrats and did include six Republicans.

The fact of the matter is, when all was said and done, not enough was done because we lost the opportunity to close a loophole that applies especially to gun shows.

Let me take a moment to describe what a gun show is for those who don't know. It is fairly popular across this country. The President, in an address he made a couple of weeks ago, talked about how as a child he would go to gun shows. It was a family event. People would go to see what was being offered. They were curious.

I want to remove any suggestion, innuendo, or insinuation that says that gun shows are the gathering place for the degenerates, the thugs, the criminals. That is not suggested at all.

There are over 4,000 gun shows a year across this country. That is pretty significant. That is 80 a week, on average. There are lots of legitimate hunters, sports persons, et cetera, who go to these shows.

There is, however, an enormous loophole that should scare the life out of everybody in this country. That is the anonymous buyer, the buyer who can go in, step up to an exhibitor's table and say: I want to buy some guns.

The person on the other side of the table says: How many?

Give me 25. What do you have? Some nice sporting models, small ones with a comfortable pistol grip, those that we can trigger off a lot of shells? Because I like to do some target shooting.

The seller doesn't have to say: Who are you? All he has to say is: These 25 guns will cost you $2,500. The man says: OK, here are 25 fresh, hundred dollar bills, take these.

They shake hands. The guy gathers up his 25 guns and off he goes, we know not where. We don't know who he is; we don't know what town he comes from; we don't know whether he just got out of a mental institution or, worse, a prison. We do not know anything about this man. Why in the world would there be resistance to closing that loophole? I do not understand it, I must tell you.

I come from New Jersey. Maybe we do have different cultural views about how life functions. We do not have much room for hunting and we do not have as many hunters as in our great wide open Western States. But all of us—whether from the East, West, North, South—respect life. I never saw a family whose principal interest was not the safety of their children, the education of their children, the caring for those children. Yet they are willing, in this house of the people, the U.S. Senate, to say: Listen, one thing you have to do is you have to protect citizens' rights to buy guns. Why do we need more bureaucratic interference with that process?

I don't understand, says one. Another says: Why should you have to wait a couple of days to get a gun? If you want to buy a gun, you ought to be able to buy it like a postage stamp—go to the store and buy it and get out of here.

Frankly, I think that is the wrong way to go. I am smart enough to know we are not about to propose legislation to take away everybody's gun. There is a serious debate about how guns should be managed. I think it is an earnest debate that ought to be carried on here. But to simply dismiss it because they say it is a bureaucratic intrusion, it is yet another law? I remind everybody that America, this country of ours, is a nation of laws. That is what makes this society as great as it is. When you have laws, you have to have law enforcers, whether it is police, whether it is drug agents, whether it is the FBI, whether it is the Army; we enforce our laws. To deny that is something that ought to be done because we want to protect the anonymous buyer who walks up and says, ''Give me a couple of guns, here is the money'' and not think about protecting the well-being of the children is not to look at Littleton, CO.

By the way, that is not a phenomenon that just existed there —Pearl, MS; West Paducah, KY; Oregon; Illinois. It has been throughout our society. School violence—we all tremble at the thought that our children are in a classroom where other kids have a gun, where other students are bent on violence, where they may be deranged, on drugs, psychotic. We all worry about that. I saw one of the parents from Columbine High School who said: This gun-toting society of ours is out of control. The worst thing is the accessibility of guns.

We get into a perennial argument here about whether or not it is the gun or the person who does the killing. It is not just criminals, unfortunately, who do the killing—until sometimes they become criminals for the first time—an enraged husband; a mentally deranged person, young, old, who suddenly, in a fitful moment, takes out a gun and commits his or her first crime with the murder of another person.

So what are we talking about? Frankly, I think at times we are talking gibberish, because the American public will not understand it. In a recent poll, 87 percent said it is necessary to close the loophole of anonymous buying at gun shows. That is what we are talking about. We failed to agree to that yesterday. Honestly, it was a very sorry defeat for us. Not for me personally—the fact that I authored the law. I authored the law with people's faces in mind, with an understanding about how much I love my children, four of them, and my six grandchildren. Heaven forbid anything ever happens to them.

I know there is not a parent who can hear me who does not feel the same way about his or her children. There is no asset more valuable than our children—money, jewelry, houses—nothing means anything when it comes to our children.

Why do we insist that the buyer, the anonymous buyer of a gun, has to have protected his right or her right to be free from this bureaucratic society, this great country that everybody loves? Everybody wants to move to America, but we call it the great bureaucracy at times, instead of the great democracy. It is foul language, as far as I am concerned.

So we are offered a substitute. It is a substitute produced by two distinguished Senators, one from Utah and one from Idaho, who say they are going to close the loophole. But it does not. It does not require a background check for all gun sales at gun shows. Some licensees, Federal licensees, on a special form, do not require a background check. The provision for people who are not licensed would enable them to sell guns without, again, going through a background check.

There is another loophole. There is a category now called ''special licensees,'' that the Hatch-Craig amendment would create—a new bureaucracy, by the way, strangely enough. They are willing to concede a bureaucracy that would issue these special licenses is OK. But other bureaucracies are dangerous, dangerous to your individual rights. They would not have to conduct background checks. He did not change his original position, which makes background checks voluntary for special licensees. So, if you want to sell a gun and you are a special licensee, you can do it if you feel like it. But you do not do it unless you feel like it. You do not have to go through that nonsense—background check. It could take 10 minutes for a background check. Who wants to waste 10 minutes when you have a hot deal and you have other people there?

What happens at the gun shows, as I understand it—and I have never been, but this is as I hear it—is that there are often discounts by these unlicensed dealers who have acquired their guns—who knows how in many cases. They could say: We are special collectors. It has been established some of these collections are from criminals. Special collector? Hey, we will give you a cheap deal on these guns. Where a legitimate licensed dealer has a price, it is out there, it is public. They do have some expenses in maintaining their license—not a lot, but the unlicensed

dealer: Here, I'll give you a real discount. Come here young man. You want to buy some nice guns?

It ought not be that way. These loopholes are still available.

It would not cover a flea market where there are tables with 100 or 200 or even more guns. It would not cover a gun show that had 10 exhibitors or fewer. Ten exhibitors could sell 500 guns, but they would not be covered. That is, if you will forgive me, a nonsensical hurdle. A couple of people could get together and say: You know what, let's put up one table. I have some of these to sell, she has some of those to sell, he has some of these to sell, and we will sell at one table, and that gets rid of two others, and we can reduce ourselves to 10 tables. Then we do not have to worry about those bureaucrats who want our names. Who are they? Imagine, those guys want our names, while we buy these lethal weapons.

Then there is another category. It says that if firearm exhibitors are not more than 20 percent of all exhibitors, they are exempt as well. So you have to have more than 20 percent of the materials being exhibited—it could be sporting materials, could be lifeboats, could be all kinds of things, skis, you name it—but if the firearms people do not have more than 20 percent, they do not have to do anything to get these people registered who are buying these guns.

It creates other loopholes. Even though prohibited persons are five times more likely to pawn their guns at a pawnshop than other citizens, this proposal from that side, those who say they are closing the loopholes, would say that anyone who has a claim ticket—whether they borrowed the money, they borrowed $200 for the gun—if they have the claim ticket, even if they do not show up for 60 days, if they pay the interest, they say the pawnshop dealer/owner has to just give them their gun without any questions—no questions asked.

This bird may have been in jail for 60 days, but they are not allowed to ask: Where have you been for the last 60 or 90 days?

Oh, no, that is a bureaucratic imposition; we do not want that. Another loophole. I do not, frankly, understand that.

Why are we protecting those who might be criminals who want to redeem their guns when the ordinary citizen who goes to buy a gun from a legitimate licensed dealer has to identify himself and undergo a background check?

There have been so many suggestions that the people who man this agency, the Bureau of Alcohol, Tobacco, and Firearms, are some kind of ogres, they are out to rob you of your independence, rob you of your thought. That is not true. They are there because we want them there to enforce the law.

The right to own a gun is one that is often debated, but so far I have not seen anything that confirms the fact that every citizen has a right to bear arms. We are not considering that question now, but the Court has ruled many times since 1939 that in order to have a well-regulated militia, the citizenry shall have the right to bear arms. That is quite a qualification.

In addition to the pawnshop loophole, there is another loophole, and that is, now suddenly federally licensed gun dealers who may be in the State of Massachusetts or the State of New Jersey or the State of Illinois—you name it—now can only sell firearms at a gun show in the same State as that specified on the dealer's license. The Craig amendment will give dealers an out-of-State license. It will broaden the geography of where that license can be used to all across the country without any checking. Without any further discussion, that license now is a lot broader than what was intended.

That is not closing a loophole to me; It is creating another one. It will make it harder for law enforcement people to crack down on shady dealers, and we do have some.

Years ago, there were more gun dealers than there were gas stations in this country. Not too many years ago, there were over 250,000; now it is slightly over 100,000. What we did was change the fee for licensed gun dealers from $30 for 3 years—$30 for 3 years, $10 a year and you never were checked or asked any questions—to $200 for 3 years, and that includes some kind of a check and some kind of a test you must pass in order to get that license. While we have reduced the number of dealers, the Craig amendment will open it up.

Everyone knows what the NRA response is going to be. That is the National Rifle Association. Their views were represented amply on the floor of the Senate. They say gun laws do not work; otherwise we would not have the kinds of killings that we do.

I do not think it is the gun law. I think it is the accessibility of guns. But I do point out that the number of murders by guns have reduced somewhat, not significantly enough, but they have been reduced. This country of ours, this wonderful democracy in which we live, sees 35,000 people a year die from handguns—35,000; 13,000 of them are murdered. Thirteen kids die every day from handguns, 4,000 a year. In 20 years, over 75,000 children will have died from gunshots. We have 18,000 suicides. We have 3,000 accidents from guns—guns, guns, guns, guns, guns, and people are dying from them.

Yet, I hear this cry through this place: Protect the liberty of the gun owner. I want to hear them say one time: My God, we are sorry about what happened in Littleton, CO. Our hearts bleed for them. When we look at the families, when we look at the children who lost their schoolmates, when we look at those who were so frightened, we have to ask: What kind of protection are they entitled to? I think they are entitled to a lot of protection, but we continue here with loophole heaven.

I thought that Littleton would shock some of our friends into the realization that the public is sick and tired of it. They do not want it, and I do not understand why it is that the NRA insists that this is an encroachment on their freedom just to say: Put your name down if you want to buy a gun. If you want to buy a car, you better put your name down or you are not going to buy the car.

Yet, that rage, that sense of grief, that sense of anguish has not yet reached this place. Mr. President, 87 percent of the people in America in a poll said they want these loopholes closed. We lost that vote yesterday, and now they come back with this wolf in sheep's clothing wanting to pretend that the loopholes are closed. But they are not.

I hope we will be able to get some control of gun violence in our society. There are a couple of ways we can do it: make parents responsible for what their kids do. If you give your child who is underage a car and he or she goes out and kills somebody, do you know who is responsible? It is the parent. Why then shouldn't a parent be responsible when a child takes a gun and kills his brother or his sister or his friend accidentally? We ought to get ahold of these things. This is an opportunity to show good faith to the American people, but we failed to take advantage of that opportunity to close it down. This will not take away their guns, except those we know do not qualify.

We hear complaints about the Brady bill. The Brady bill stopped over 250,000 unfit persons from fulfilling their desire to buy a gun—250,000. That is a lot to me.

I see my friend and colleague from Illinois is on the floor. If he wants to make some remarks, I will be happy to yield 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Jersey.

To recount where we are in this arduous debate over gun control in light of the Littleton tragedy, yesterday my colleague from the State of New Jersey, Mr. LAUTENBERG, offered a very clear amendment that said: If you want to purchase a gun at a gun show, you are going to be held to the same standards as a person who buys it from a licensed firearms dealer.

In other words, we will do a background check and make sure that you are not a prohibited person under the law, make certain you do not have a criminal record, a history of violent

mental illness or something of that nature.

It was a very good amendment, and I commend my colleague from New Jersey for his leadership. He envisioned this problem long before many of us did and, frankly, put before us a very straightforward option. I was happy to support him.

Unfortunately, it did not receive a majority of support in the Senate. The sad reality is that 6 of the 55 Republican Senators voted for it and 41 of the 45 Democratic Senators voted for it—2 were absent—and it was not enough, so the Lautenberg amendment went down in defeat.

That was a bitter disappointment. But even worse was the fact there was an amendment offered by the Senator from Idaho, Mr. CRAIG, which he purported to offer as an alternative to Senator LAUTENBERG's amendment.

Let me tell you what has happened in the 24 hours since the Senate adopted that amendment. People have seen through it. It is transparent. It not only did not deal with the problem of gun shows and stopping the sale of guns to people who should not own them, it took a step backwards and made it easier for those sales to be made.

So there has been a mad scramble in the last 48 hours from the other side of the aisle. Once the public had an opportunity to look at this Craig amendment, there has been a mad scramble to undo what the Craig amendment sought to accomplish.

The NRA, the National Rifle Association, shot the Republican Senate leadership in the foot yesterday, and they have been hopping around all day today trying to figure out how they are going to salvage this mess. So they have come up with another amendment. It is unclear to me what they are thinking about, because they took a bad amendment, the Craig amendment, and added another bad amendment to it.

In this case, two wrongs will not make a right. What we have now in this so-called Hatch-Craig amendment is an abomination. It doesn't address the gun show problem. Senator LAUTENBERG did that clearly.

Let me tell you how bad this bill is, this Hatch-Craig second bill. This is Senator CRAIG's Thursday bill.

This bill, sadly, sets up at least two, maybe three different categories under the law for sales at gun shows. In his original bill, he had some special licensee category, voluntary category, that you could sell a gun at a gun show under that category. No background check was necessary; it was not necessary, of course, to send the name and address and gun serial number into any group that might check to see if it had any criminal history, if that weapon might have been used in a crime to kill someone or in a drug deal that went bad. No.

Then he came back today, and in this amendment they have created some more categories of how to sell guns at gun shows and they are just as difficult to follow.

One says, licensed gun dealers at gun shows can sell a gun. I do not have a problem with that. That is what we are seeking here. That is what Senator LAUTENBERG is seeking here, so that the background check is accomplished.

Then they had a provision in there that violates the Brady law we have lived under for so many years. Instead of giving law enforcement 3 days to check on the background of a would-be purchaser at a gun show, they give them 24 hours. And if they don't get the completed inquiry back in 24 hours, they sell the gun. The presumption is on the side of the purchaser. We are saying to those in law enforcement: Take a back seat. We want to keep these guns moving. This is big business.

Is that really what America wants? I do not think so.

So we have these categories of who can sell guns at gun shows. It is a labored attempt by the National Rifle Association to accomplish nothing—nothing—other than to take away from law enforcement their authority to do what American people ask for under the Brady law.

In this country what they said under the Brady law is, do not sell a gun to someone who has a history of having committed a felony or has a violent mental illness. The NRA has never liked that. They have tried to keep this gun show loophole alive. And they do it with this latest Republican amendment.

What a sad, sad situation, where those with serious mental illness, fugitives, stalkers, straw purchasers can still run to these gun shows, and under this Hatch-Craig amendment they can find a way to get their hands on the guns. Is it a problem? There are 4,000 gun shows a year across America. They are in my home State of Illinois, and over 200 in the year 1998.

When they had an investigation into these gun shows to find out who they were selling guns to without background checks, they found out it included a lot of felons prohibited from acquiring firearms who have been able to buy them at gun shows.

In fact, the Department of Treasury and the Department of Justice found that felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows. This is a loophole that is producing guns right and left.

We are still trying to trace the guns used by those two kids in Littleton, CO. At least three, if not all four of them, came out of gun shows. Is it important that we know how they were bought or sold? Of course it is. You go to any police department in America—start with Chicago; pick your hometown—and ask them whether tracing a firearm is an important part of a criminal investigation. They will tell you it is critical. Where did that gun come from? Who sold it to them?

Let's try to establish a chain of purchase here and get down to the root cause of crime in America. The National Rifle Association talks about the second amendment and what they want to protect. And yet they come in with this amendment which literally takes away the power of law enforcement to try to enforce the laws and reduce crime.

That isn't the end of it. One of the most insidious aspects of this amendment was put in that would exempt pawnshops from doing a background check on a gun that is resold to someone who pawns it.

Picture this: A person needs money, picks up a handgun, walks into a pawnshop, hands it to the pawnshop owner, and says: How much are you going to give me? $20. He takes the ticket and the $20 and leaves.

That pawnshop owner may, but is not required to, report to law enforcement where that gun came from, the source of it, as well as the serial number. If they do not, under the current law, when the person walks back in and says: Here is the $20 and the ticket; I want my gun back, they are required to say: First, we have to check and make sure you are qualified under Brady. If you have a criminal history of mental illness, we will not sell it back to you.

The National Rifle Association, in this amendment, takes out that requirement. So the pawnbroker turns around and hands that gun back to the street.

Is it important in a pawnshop? Consider this: It is five times more likely that criminals are going into pawnshops with guns than those who have not committed crimes—five times more likely. And the National Rifle Association, which insists they want to keep guns out of the hands of criminals, puts this provision in the law, which many on that side of the aisle are now lauding as a great improvement. It is not. It is a step backwards.

Then there is the question about all the records of these gun purchases. If these records are not kept, we are basically tying the hands of law enforcement. It is no wonder to me that law enforcement across this country cannot understand the amendment that is being offered on the Republican side of the aisle.

This is a sad situation. We have a national tragedy on our hands—270 million Americans, 200 million guns, more gun crime than any country on Earth. We stiffen the penalties right and left. We are determined to reduce gun violence. Yet, when it comes to the most basic thing, to keep guns out of the

hands of people who do not need them and should not have them, to keep them out of the hands of kids, we face amendments such as this.

It is really, in my estimation, unsettling. I cannot understand where a notion like background checks at gun shows—which enjoys the support of 87 percent of the American people—has such a tough time passing. Senator LAUTENBERG deserved 87 votes at a minimum on his amendment, an honest straightforward amendment to deal with gun shows. We could not get half of the Members of the Senate to vote for it.

The best thing for us to do is to defeat the Hatch-Craig amendment. It is a step in the wrong direction. We are going backwards instead of forwards.

The NRA, incidentally, put in one provision which they now put in everything. If you get involved in one of these purchases, and you sell a gun to somebody who kills another person, the National Rifle Association said, well, you should not be sued for that, should you? Of course you should be liable and accountable for that, as we all are for our actions.

They build immunity into this law from civil prosecution, immunity in the law. Who is immune from prosecution in America? Foreign diplomats and some health insurance companies. That is it. And now the National Rifle Association says, and, of course, the people who sell guns at gun shows, make them immune from liability, too. That is so far over the line it is hard to explain, let alone defend.

I salute my friend from New Jersey for his leadership on this issue. I hope my colleagues in the Senate will not be misled by this new Hatch-Craig amendment. If this is an effort to undo the damage done to those who voted for Mr. CRAIG's original amendment, they did not accomplish it. This second amendment compounds the problem. It makes it that much worse.

Let's get back to the basics. Let's support Senator LAUTENBERG's amendment—a straightforward amendment, supported by law enforcement and families across America who are sick of school violence, sick of gun violence, and expect this Senate to meet its constitutional responsibility to pass laws to accomplish these goals and make America a safer place to live.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FITZGERALD). Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I may consume.

A lot of people have had a lot to say since the shooting in Littleton, CO. Much of it was sad, but some of it was thoughtful and even inspirational. So it was particularly unfortunate when a couple of weeks ago President Clinton added some comments to the mix that were not just unfair but outrageous and downright unforgivable. I bring this up this evening because even though his rhetoric and some of the rhetoric here on the floor has changed in the last 2 weeks, his sentiments are alive and well and regrettably evident on the floor of the Senate in this debate.

I am referring to the President's comments on April 27, when he laid the blame for the Columbine High School tragedy on our culture. Except the President was not talking about the same cultural crisis that we are talking about here today and tonight—the breakdown of families, the powerlessness of communities, the alienation of young people, and the violence and brutality promoted by the entertainment industry. No, what the President chose to blame was, and I quote from the speech that was later released by the White House and printed on its web page, ''the huge hunting and sport shooting culture of America.''

He proceeded to talk about ''Americans' rights to responsible hunting and sport shooting'' and said that the:

> movement will evaporate [w]hen people from rural Pennsylvania and rural West Virginia and rural Colorado and Idaho start calling their congressmen and saying, hey, man, we can live with this, this is no big deal, you know?. . .We would gladly put up with a little extra hassle, a little wait, a little this, a little that, because we want to save several thousand kids a year.

That was the President's quote. Now, where do you begin to list what is wrong with those comments? Well, let's start with the concept that all gun owners live in rural parts of the country or that the second amendment protects the right of hunting and sport shooting. Excuse me. I misspoke. The President limited it to responsible hunting and shooting. I am not sure what that means, but it probably involves new Federal regulations. What is more clear is the President's suggestion that those who take their individual civil liberties seriously are ignorant rubes who need reeducating in their responsibility to what he calls ''the larger community.''

All of this would have been merely insulting to the tens of millions of Americans who own and use firearms for legitimate reasons, but then he gets to the truly unforgivable part. What is truly unforgivable is that he insinuated that law-abiding Americans are somehow responsible for what happened in Littleton and, worse, that if they refuse to tolerate encroachment upon their liberties, they do not care about the lives of children.

It is a sad day in America when a President of the United States speaks to and implies that thought. That is right. The leader of the free world accused those who uphold the law as being responsible for those who flaunt the law. He accused those who would passionately defend their civil liberties as being bad citizens. He accused those who may have a firearm for the sole purpose of defending themselves and their families, accused these people of not wanting to save children's lives. Now, that is what is unbelievable.

I can only say shame on him for attacking decent, law-abiding citizens, and shame on any in this Chamber who would follow his lead. To say that the hunters and sport shooters of America are responsible for what happened in Littleton is to say that safe drivers are responsible for the road-crazed, road-raged killers who drive others off the road. But it is worse than the automobile analogy, because unlike an automobile, a gun has the capacity to save lives as well as take lives. A firearm is a tool. In the hands of a criminal, it is used for evil. But in the hands of a law-abiding citizen, it can save lives. And it does save lives—an estimated 2.1 million times per year, generally without a shot even being fired. Of the 65 million Americans who own firearms, more than a fair number purchase them not for hunting, not for sport shooting purposes, but self-protection.

They live in parts of the country where they really feel they need protection, and they have an American right of self-defense. They arm themselves for that purpose in a legal, law-abiding way. While hunters may do it for sport or they may do it to put food on their tables still in rural America, there are many Americans who own guns to protects themselves. It is in this area of self-protection that the question of encroachment on second amendment rights becomes not just a political question but one of life and one of death.

Unlike President Clinton, the woman in a crime-ridden inner city does not have a personal security force protecting her night and day. Some choose, and women are choosing in increasing numbers, to obtain a firearm in a legal way to protect themselves. The obstacles to firearm ownership the President talks about—''a little wait, a little this, a little that, a little extra hassle,'' are to the woman, to the oftentimes single woman of America who chooses to go out and buy a gun for her self-protection.

Think about it. She is doing it to prevent harm to herself and, if she is a single mother in a crime-ridden neighborhood, she may be doing it to protect her children. If you are wondering why law-abiding gun owners think gun control is a big deal, that is why. It is not because they are ignorant, nor have they been duped by the NRA or stampeded into making up horror stories. It is because they understand the purpose, the legitimate purpose, the constitutional right and purpose of the legal and appropriate use of firearms.

A gun is a great equalizer. It enables the feeble, the disabled, the old, the

small to defend themselves against a more powerful aggressor. But with the right to keep and bear arms comes a solemn, a very solemn responsibility to use those arms safely and within the law.

Those who do should be celebrated for their exercise of civil liberties in the great tradition of our country—not make the tragedy one of a cowardly cheap shot from the White House and the President.

Let me say this about hunters and sports shooters in America, not to mention the collectors and the skilled crafts people who enjoy the history and artistry of firearms as a hobby: They have already been plundered, in some instances, by gun laws. Again and again in the past, when some effort to grab headlines was made, lawmakers reacted with another restriction, and another and another and another. Yesterday, when the Senator from New Jersey and I were debating an important issue, I talked about 40,000 gun laws. Many of those were the result of an illegal action and a political reaction.

I am not saying that all of them are bad. But 40,000 at the city, county, State, and Federal levels? Do these 40,000 gun laws, stacked one upon another, make America a safer place? Well, in Littleton, CO, tragically enough, 20 of those 40,000 gun laws were violated by those 2 young men, and some by other people who got guns for them. Some of those people have been arrested. Some of those are working, as they should, and those are the kinds of laws I support; law-abiding citizens support them, and guns rights defender organizations support them. But we haven't stopped violent crime and we have only piled all of these problems one on top of another.

Perhaps it is time for a sea change in our thinking. Instead of forcing law-abiding citizens to put up with inconveniences, as our President might suggest, or outright erosion of their civil liberties, perhaps we should demand that this administration's inconveniences are the armed criminal. By prosecuting them, by going at them, as the juvenile crime bill does, and as the Hatch-Craig amendment does, to strengthen the hands of the law enforcement officers to make sure we enforce at least some of the 40,000 gun laws we have—that is what we should be doing, and that is what the chairman of the Judiciary Committee of the Senate is trying to do—to build on and strengthen the body of law that can be enforced, and to say to our U.S. attorneys: Enforce the law. Get out in the field and put those people behind bars who are breaking the law with the use of a firearm.

So as we move through this debate, let's not follow the President's lead. Judging by the calls and letters and visits I am getting in the wake of the President's speech, the movement to secure the second amendment is not going to evaporate anytime soon. Law-abiding gun owners in America flatly reject the argument that the only way to control crime is through putting more burden on the exercise of their rights.

Any Senator who takes his or her constitutional responsibility seriously should carefully consider what a vote for more gun control is going to do. What is it going to do? Prevent crime? On rare occasions, it might. But it will be a political pill, so that we can go home and say we did the right thing. Yet, Littleton happened. I suggest that we have the opportunity to make changes, and they are here tonight, they are here in the juvenile crime bill. It is outrageous and unforgivable to suggest that anybody in this body needs to vote in favor of more gun control in order to prove that he or she cares.

Why don't we make changes in what our children are doing, in the access they have to violence on television, in the movies, in videos. That is what we are trying to do in ensuring that those who would prey upon others with the use of a gun in the commission of a crime be locked up and put behind bars. That is the message I am told Americans want to hear. That is the message my citizens in Idaho want to hear. They want to know that those who violate the laws will be arrested and, most assuredly, that the criminal element will be denied access to firearms.

If you vote for the Hatch-Craig amendment, that is what you vote for. If you vote for the juvenile crime bill, as amended, you broaden the entire arena of changing the way we have done business in the past in dealing with violent juveniles and crime in America. We turn to this administration and we turn to the Attorney General and we say: Enforce the law. Go after the criminal. Make this country safe for those who are willing to defend their civil liberties and who believe strongly in their constitutional rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair and the chairman of the Judiciary Committee, who is managing this bill.

Mr. President, I want to say how much I have admired his skill, ability, and knowledge in moving this important juvenile crime package forward. It makes positive steps in every area that deals with juvenile crime and violence.

We were shocked and saddened by the events in Colorado. It caused us all to rethink and rededicate ourselves to making improvements. We have been working for 2 years to try to get this bill up for a final vote. Maybe now we can have that become a reality.

I hope we can continue to debate the issues and debate the amendments and vote. I just hope we don't have a group of Members who, for one reason or another, would rather not see a bill pass. If that is so, I think some people need to be held accountable for that. I am willing to debate and hear the amendments, vote on them, and put my record on the line and do what we can to pass this legislation. Without any doubt, there is a major step forward in putting additional regulations on gun shows, which has been discussed here today. We have several other amendments and provisions in this bill that crack down on the illegal use of guns, including substantially increasing penalties for a lot of different gun violations.

Mr. President, I had the occasion to be a Federal prosecutor for 12 years, a U.S. attorney. I served, before that, as an assistant U.S. attorney. I also was attorney general of Alabama. What I have been hearing in the last few weeks about what we need to do about law enforcement and what is wrong in this country really frustrates me. The President of the United States, after this tremendous tragedy in Colorado, proposes that we need to do something about it. As I recall, his basic solutions were that we need a juvenile Brady bill, which was already in our juvenile crime bill pending at that time. He said we need to step up liability for parents whose children go out and commit crimes, which is a very difficult thing to do if you adhere to the traditional rules of American and English criminal law: you have to have criminal intent to be guilty of a crime. We have never made people guilty of crimes unless they had reason to be responsible criminally for somebody else's crime. Maybe we can make progress and the States will make progress, but there is not a lot you can do there. The President proposed a couple of other matters that dealt with guns, and they are minor, not a realistic way to deal with what is happening with crime in America.

I want to say that I have, from my experience, noted a real shortcoming in President Clinton and Attorney General Janet Reno's Department of Justice.

They have not prosecuted the laws effectively. They simply have not done so.

In 1992, before President Clinton took office, President Bush had a program called Project Triggerlock. It enhanced, increased, and intensified the prosecution of criminals who use guns illegally, felons who possess firearms, people who carry firearms in the commission of a drug offense, or other criminal activity, people who traffic in

stolen guns, people who have sawed-off shotguns and fully automatic weapons. They were prosecuted intensely.

In 1992, there were 7,048 cases of prosecutions under those laws that existed at that time.

I direct your attention to this chart. It is the Executive Office of U.S. Attorneys' statistical data, which the Department of Justice lives by, which shows the number of prosecutions that have been going on in this country. In 1992, there were 7,048.

I know that number, because I had a trigger lock prosecution team in my office. I was directed by the President and the Attorney General to do that. I was delighted to comply.

I sent out a newsletter to share it with the chiefs of police. It was dedicated solely to laws and information on how to be more productive in prosecuting these criminals who are using guns and killing people, because I knew then and I know today that can save lives.

Since this administration has been in office, look what has happened with those numbers. They have gone down now to 3,807, a 40-percent decline in prosecutions. That is a dramatic number.

It really offends me. I consider it astounding that the President of the United States and the Attorney General of the United States would go around and say, ''Oh, we are the toughest people in America about guns; we want to do more about guns, and if you Republicans in Congress won't pass every law that we can think of to make some other event criminal.'' They do not care about prosecuting criminals. I have a record of it.

In my tenure, we increased dramatically the number of gun prosecutions. I don't take a backseat to anyone over my commitment to prosecute people who use guns.

This administration wants to prosecute innocent people with guns, people who have no criminal motive whatsoever, while they are allowing the serious cases to erode dramatically.

They have more prosecutors today than they had in 1992, and they have a 40-percent reduction. It is just an offensive thing to me.

I will also pull these charts, because I know how to read the U.S. attorney's manual. I did it for 12 years. They had to have several new laws, and some of them are pretty good. I am supportive of them. These are going to fight crime, they said.

Look at this chart. This is shocking. Here is one:

''Possession of firearms on school grounds''—922(q).

There are a lot of subparts: 922(c), for carrying a firearm in the commission of a crime by a felon carries 5 years without parole, if you are convicted of that.

This is 922(q): ''Possession of a firearm on school grounds.''

It was reported, I believe, that the First Lady at this press conference, when they wailed about gun laws and gun shows, said there were 6,000 incidents last year of firearms on school grounds.

That is what they said.

In 1997, this Department of Justice—and every U.S. attorney in America is appointed by the President of the United States—prosecuted five cases. In 1998, eight. That is nationwide. That is for the whole country.

How is that stopping crime and making our communities safer? That is what I am saying. Is that making us safer?

''Unlawful transfer of firearms to juveniles''—that is a pretty good law—922(x)(1). That law passed and closed a little problem there, a loophole. It was closed several years ago.

''Unlawful transfer of firearms to juveniles.'' In 1997, this Department of Justice, which makes guns its priority, only prosecuted five cases; in 1998, six.

Look at this one: ''Possession or transfer of a semiautomatic weapon''—that is the assault weapon ban that was allowed. There have been a lot of disputes about it, and a lot of debate about it, because it is really a semiautomatic weapon, but it looks bad. So they banned it.

In 1997, there were 34 prosecutions; and, in 1989, 84.

I think that begins to make a point.

We don't need to be dealing in symbolism or politics. There is a Second Amendment right to bear arms. It is in my Constitution. I don't know. Somebody else may read in certain amendments they like and certain ones that they don't. But it is in the Constitution. And it gives the people the right to keep and bear arms. That is not going to be given away.

We passed a lot of rules that are considered to be reasonable restraints on that. I prosecuted gun dealers for violation of regulations. So we expect them to adhere to the regulations we passed.

But I will just say with regard to these cases that what we are suggesting: what we are hearing today, or in the last day or so, is an attempt to distract attention from the merits of a good, sound, tough, compassionate juvenile justice bill, and derail it on the basis of whether or not we have a sufficient bureaucracy at a gun show, where I will assure you that probably not more than 1 out of 1,000 guns in America are bought at gun shows, as if that is going to save crime. It is not going to save crime anymore than this law did, or this law did, or that law did.

Next year, we will probably come in here and they will have a half dozen prosecutions under that law, and they want to have that kind of thing.

What we need to do is go back to a serious prosecution, back to the seven, or maybe 10,000 prosecutions under the gun laws that are already in existence, and focus on them.

I would just share this story with you because I think it is revealing.

I have been raising this very issue with this very chart for over a year—this chart which I have been holding up for the Attorney General, the Chief of the Criminal Division, and the Associate Attorney General of the U.S. Department of Justice, and I have been asking why they are not doing their job. They don't have a very good answer, if you want to read the transcript.

What has happened? Early this year we held a hearing. We set it for Monday, March 22, just a few months ago. It had been set for some time. We had asked the administration to come and testify, because we were going to ask them about this failure, this collapse, in Federal efforts on prosecutions.

We had heard that U.S. attorney Helen Fahey, down in Richmond, was doing a triggerlock-type program, and being very successful. The chief of police in Richmond was just delighted. They had a 41-percent reduction in murder and a 21-percent reduction in violent crime. We wanted to highlight this.

So we had a hearing. It made the administration nervous. We said: We are going to ask you about these numbers. We are going to ask you why you quit President Bush's Project Triggerlock, and why aren't you replicating and repeating what you are doing successfully down in Richmond?

That was going to be on a Monday.

On Saturday, March 20, the President of the United States—I guess the word got up to them that they had a little problem.

So he had a radio address to the Nation. He focused it on gun prosecutions. He had the United States attorney Helen Fahey in his office, and the chief of police in his office. She was going to testify on Monday. And he talked about the very thing we talked about.

I thought: Wasn't that interesting. Maybe we have finally gotten through to somebody.

This is what he said:

> Today I am directing Treasury Secretary Robert Rubin and Attorney General Janet Reno to use every available tool to increase the prosecution of gun criminals and shut down illegal gun markets. I am asking them to work closely with local, State, and Federal law enforcement officials, and to report back to me with a plan to reduce gun violence by applying proven local strategies to fight gun crime nationwide. My balanced budget——

He always says that—''my balanced budget.''

What that has to do with this, I don't know.

> My balanced budget will help to hire more Federal prosecutors and ATF agents so we can crack down on even more gun criminals and illegal gun trafficking all across America.

That was his radio address.

On Monday, U.S. Attorney Helen Fahey testified that

Project Exile [what they called the project in Richmond] is essentially triggerlock with steroids.

They basically took the Project Triggerlock activities and enhanced it.

Plus community involvement and advertising . . . Project Exile is simple and straightforward in its execution and requires relatively limited prosecution and law enforcement resources. The program's focus and message is clear, concise and easily understood, and most importantly, unequivocal. The message: An illegal gun gets you 5 years in Federal prison.

That was President Clinton's U.S. attorney in the Eastern District of Virginia.

On May 5 we had oversight hearings with the Department of Justice in the Judiciary Committee. I asked Attorney General Reno if she had gotten this directive, and what she was doing about it. She indicated:

The prosecution by Federal Government of small gun cases that can be better handled by the State court . . . doesn't make such good sense.

I cross-examined her a good bit about that because it was stunning to me. I said: Did you get a directive from the President? Did he send it to you in writing or did he call you on the phone or were you supposed to listen to the radio? How did you get this message? Are you going to do it?

She steadfastly refused to make a commitment to replicate and reproduce the Project Exile in Richmond, VA, and to use that around the country—even though her own people are telling her of the 41-percent reduction in the murder rate and a 20-percent reduction overall of violent crime.

This bill provides money for that. We have a proposal to increase substantially, perhaps as much as $10 million or $50 million to the Justice Department to replicate this project. We are going to insist on it. We believe it will save lives.

The chart shows from 7,000 to 3,000 prosecutions, a 40-percent reduction. There are those who talk about caring about innocent victims of crime and doing something about crime. There are innocent people in America who have died because those cases weren't prosecuted, those criminals using guns were not prosecuted. They have gone on and killed other people. It is a shame and a tragedy.

I believe what we have to do first and foremost is to create a climate and a mentality in this Department of Justice that they are going to use the laws they have been given and not to excuse themselves by discussing some new law that they have little or no intent on prosecuting effectively.

That is the true fact of the matter. We are talking about thousands of cases.

My view is if it is a good law and it is not unconstitutional and it is not too burdensome and we can figure a way to make it work, I am all supportive of it. I voted for and support several.

The real problem is cracking down on the criminals who are using guns. The laws already on the books are the ones that are going to be used 99 percent of the time when those cases are prosecuted. If used effectively, we can remove dangerous criminals from our streets, reduce violent crime and murder, and save the lives of innocent people.

I thank Chairman HATCH for all the work he has done, the leadership he has given, and the patience he as demonstrated in moving this legislation forward.

Mr. HATCH. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 19 minutes 44 seconds and the minority has 22½ minutes.

Mr. HATCH. I yield 8 minutes to the distinguished Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the chairman of the Senate Judiciary Committee, the Senator from Utah.

I rise to address a number of provisions in the Hatch-Craig amendment that I am particularly concerned with, provisions that I have sought to move forward over the last several months and in the last several years, provisions that set or increase mandatory minimum sentences for gun crimes and drug crimes which endanger juveniles.

First, we need to address federal firearms offenses and impose substantial penalties on violent firearms offenses. Those who misuse firearms to commit crimes impose a tremendous cost on American society and on our culture. They destroy lives, they destroy families, they destroy businesses, they destroy neighborhoods. We need to have a Federal policy with a zero tolerance for those who are misusing firearms to perpetrate violent crimes or to traffic in drugs—the kind of criminal activities that are destroying the very fabric of our culture.

An essential part of this zero tolerance policy are mandatory minimum sentences that creates a serious deterrent for those who commit Federal violent and drug crimes, including carjacking and violent crimes on school grounds.

In order for mandatory minimum sentences to provide such a deterrent, they need to be long enough to make the offenders think about committing these crimes. They need to think twice about what they are going to do. Those sentences also need to be long enough to protect our law-abiding citizens from these criminals for a long time, by putting the criminals away for substantial period of time.

Current Federal law provides mandatory minimum sentences for possessing or using a firearm in the commission of a Federal crime of violence or drug trafficking. The current minimum sentence for possessing a firearm during such a crime is 5 years. This is a serious penalty for simply having a gun, not even showing it or firing it; just having it on your person. My amendment doesn't increase this penalty. We think it is sufficient as it is, particularly because there is truth in sentencing in the Federal system.

We do, however, seek in this amendment to change the current minimums for using a firearm during such crimes. The current minimum sentence for brandishing a firearm in a violent Federal crime or drug trafficking crime is 7 years. In this amendment we raise that penalty to 10 years. We would raise the penalty for discharging a firearm and thereby endangering life and limb from a 10 year minimum to 12 years. The law does not presently provide any mandatory minimum for wounding, injuring or maiming with a firearm. We create a minimum 15-year penalty for those who actually cause physical harm with a firearm.

Finally, the law currently provides a maximum penalty of 10 years imprisonment for knowingly transferring a firearm, knowing that it will be used in the commission of a crime. We would impose a mandatory minimum sentence of 5 years for knowingly facilitating gun violence by transferring a firearm to someone whom you knew was going to commit a crime.

These penalties are serious, but the problem is serious. These penalties will help create a real set of incentives to tell criminals they better leave their guns at home.

Let me also address mandatory minimum sentences for federal drug crimes. The current penalties for adults who target vulnerable juveniles by distributing drugs to minors or by selling drugs in or near schools are the same—both of these crimes currently carry a 1-year mandatory minimum for both the initial and subsequent offenses. This amendment raises the mandatory minimum term for each of these crimes from 1 year to 3 years for the initial violation, and 5 years for subsequent offenses.

This amendment is similar to two other provisions in the core bill we are debating, S. 254. One provision already included in S. 254 increases the mandatory minimum penalties for adults who use minors to commit crimes. Adults should not be able to use minors to commit their crimes for them in order to escape penalty. Another provision in S. 254 increases the penalties on adults who use juveniles to commit crimes of violence. Penalties are doubled for first-time offenders and trebled for repeat offenders.

Together, these provisions send a clear message to adults who would prey on our children, attempting to ensnare them in the dangerous life of committing crimes, and often in the violent world of illegal drugs.

Last year, I introduced all of these provisions in a package designed to target adults who use and exploit juveniles to commit crimes. It is time for us to send an unmistakably clear message that we will not, as a culture, tolerate those who use juveniles, who lead them or point them in the direction of lives of crime in an effort to avoid penalties for their own criminal action. The system already lets young people off with a slap on the wrist and a clean slate when they turn 18. Why should any adult risk serious jail time by committing the crimes themselves? Instead, have a juvenile commit it for them. I think it is time to make it clear that we will deal harshly with adults who use juveniles in the commission of crimes.

Sadly, our current treatment of juveniles gives adults an incentive to exploit children in this way. We need to make sure it cannot be done. If a store sold candy for $5 to adults, but $1 to children, there would be a lot of adults sending kids in to buy candy for them. The same is sadly true with the criminal justice system. Lenient treatment of juveniles has too frequently caused adults to think they can get juveniles to perpetrate the crimes for them. We must make it clear that no adult can escape crime by having a juvenile commit a crime on his or her behalf. It is no wonder that in my home State of Missouri, a 20-year-old in Poplar Bluff had her 16-year-old accomplice take the lead in a recent armed robbery. Why should she risk serious adult time in prison when she could have a juvenile do the crime for her? We cannot continue to encourage this intolerable behavior. Those who would corrupt our children deserve our stiffest sanctions. We need these enhanced penalties on adults who use juveniles to commit federal violent offenses and drug crimes.

The provisions in S. 254 and those in this amendment correct the perverse incentives in the current system by severely punishing adults who endanger our children and attempt to ensnare them in the world of drugs and crime.

Mr. President, I ask how much time is remaining?

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. ASHCROFT. I thank the Chair. I yield the remainder of my time to the chairman.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to my colleague from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from New Jersey for the time and for his leadership. I understand there is movement on the other side to try to deal with the gun show loophole. I appreciate that. But I say to all my colleagues, if we pass the amendment sponsored by the Senators from Utah and Idaho, we will not close that loophole and we will be back here hearing about more tragedies from guns emanating from gun shows. There are six reasons for that which we should talk about.

First and most egregious, the amendment creates and deals with someone called a ''special licensee,'' a person who would be licensed to sell in volume at gun shows who would not require background checks. This is overturning 31 years of having federally licensed firearms dealers with a new system that is as weak as a wet noodle. The licensees will not have to——

Mr. HATCH. Will the Senator yield on that? My gosh, they do not have any controls at all on gun shows. This puts controls on it. It actually does what those on your side of the floor wanted to do yesterday, and our side of the floor did not do. Now we are correcting that. But right now there is no limit at all. We put limits on. We do exactly what the President was bad-mouthing Republicans for not doing today.

Mr. SCHUMER. Reclaiming my time——

Mr. HATCH. I will be glad to give you some of ours for this, but, look, that just is not quite accurate.

Mr. SCHUMER. The point I make is this. We have always had the only people who can legitimately sell guns in quantity are federally licensed dealers. We are now creating an exception.

I ask my colleague, the Senator from Utah, why we exempt these people from any reporting requirements? When you talk to our law enforcement people in either the Justice Department or in the Treasury Department, they say if one of these new licensees—because they have no reporting requirements whatsoever—were to simply pass guns out, we would have no way to check.

My friend from Utah and many from the other side have talked about the need to enforce existing laws. This creates such a huge loophole we would never be able to enforce any existing laws.

Mr. HATCH. If the Senator will yield, actually now in intrastate sales they do not have to do anything. There is no gun check at all. There is no instant check at all; there is no requisite check at all. What we do is solve that problem and we do it better than what the Democrat amendment was yesterday. And when we do it—I just want to correct the record.

Mr. SCHUMER. Right now, for interstate, these people could go interstate. That is the basic problem. If these people, these federally licensed special licensees had to stay within their State, I would concede to the Senator from Utah that maybe it is nonexistent—but not a step backwards. But they can. So now for the first time we have people who can sell out of State who are not federally licensed dealers and who do not have any reporting requirements.

There is sort of a split, almost a schizophrenia in the logic of the other side, which is we must enforce. We do not need new laws to enforce. But we take away every single tool of enforcement.

Mrs. BOXER. Will the Senator yield on this point?

Mr. SCHUMER. I am happy to yield to the Senator from California.

Mrs. BOXER. I wanted to ask a question about the pawnshop loophole. Before I do, I want to thank my friend from New York because he does something around here that is very important. He reads every word of the bill.

Mr. SCHUMER. Thank you.

Mrs. BOXER. And he finds out some of the fine print. We had a situation on the floor with the Senator from Idaho. I was on the floor at the time. The Senator from New York said to the Senator from Idaho: With great respect, I think you have a problem in your bill—and he pointed it out. The Senator from Idaho at that point argued vociferously with the Senator from New York, who held his ground and happily everyone reached agreement that in fact what the Senator from New York said was true.

But what interests me is one of the loopholes that is not closed. That is this pawnshop loophole. I want to ask my friend from New York a question. Am I right in understanding that under current law, if someone goes back to retrieve a gun in a pawnshop, they must undergo an instant check?

Let's say somebody puts his gun in the pawnshop and then goes out and commits a crime with another weapon and they come back to retrieve their gun. It is my understanding there is no instant check on that person. It is further my understanding that people who retrieve their guns from pawnshops are five times as likely to be criminals as those who would go to an ordinary dealer; is that correct?

Mr. SCHUMER. The Senator from California is exactly correct. What we are doing now is making it easier because we take one of the barriers away for criminals to get their guns back at pawnshops. Why, for the love of God, are we making it easier for felons to get guns? It is an amazing thing. If the American people were all listening to this debate, they would be utterly amazed. Let me yield to the Senator from California.

Mrs. BOXER. I say to my friend, whom I respect so much and I thank so much for his leadership on this, I think what we have created with the Craig bill yesterday is essentially a safe deposit box for criminals to put their guns in—a pawnshop—and never have to answer to any instant check or anybody looking at them when they come back to get their gun.

Would that not be an accurate description of what the Craig amendment did yesterday, and it is not fixed in this amendment; am I correct in that?

Mr. SCHUMER. I say the Senator is exactly correct. If I were a clever criminal, I would use a pawnshop after this law passes.

Mrs. BOXER. It is very ironic, I say to my friend; we are doing a juvenile justice bill, and we are creating a tremendous injustice here because criminals will have a safe place to leave their guns and never have to undergo an instant check again when they pick their guns up from the pawnshop.

I thank my friend for yielding.

Mr. SCHUMER. I thank the Senator.

I say to my good friend from Utah, who I know is very sincere in this, if the sponsors of this legislation were to accept a provision that says let's have the same reporting requirements for the special licensees as we have for the Federal dealers, he might be making a step in the direction—it would not be as strong as the Lautenberg bill, but it would move in that direction.

I remind him of one other thing. Right now, the only people who can sell guns in large quantities at gun shows are federally licensed dealers. Under this legislation, for the first time—and that is what I was saying—we would have a new group of people allowed to sell guns in large quantities at gun shows. These are people who have not gone under the rigors of the check before becoming a Federal dealer. They are not people who have the licensing requirements. It is a loophole so wide you can drive a Mack truck through it.

Our law enforcement people tell us, again, if we are talking about enforcement, I am sure we want to trace guns that criminals have. Everyone on the other side is saying tougher penalties for the criminals. I agree with that. One of the reasons I believe I befuddled some of the folks on the other side is I am a tough guy on law and order. I believe in tough punishment and have worked for it. But tough punishment and gun laws are not contradictory.

The NRA and others always set up that straw man: Well, we need tough enforcement.

Yes, we do. If the two people who brought the guns into Littleton High had lived, I would have wanted the book thrown at them. But may I say to my friends and my fellow Americans, I would have also wanted them never to have been able to get a gun, because punishing after the crime, while important and necessary, does not save a life.

To say that we need tough laws and tough enforcement is correct. To say that that means we do not need gun laws is incorrect. And that is the basic illogic of the arguments I have heard made on the other side tonight. Tough punishment, yes; tough gun laws, yes.

The Senator from Idaho talked about where the American people are. I will tell you—I agree with you—they are for tough punishment, no question about it. They are also for tougher gun laws. In a recent CNN survey, 4 percent said they did not think the gun laws ought to be toughened. In another survey—I forget who did it—87 percent said close the gun show loophole. They did not say come up with a mechanism by which other people can sell quantities of guns and never report to whom they sold those guns at a gun show. That is what this amendment does.

Let's make no mistake about it. Is this a diluted version of the Lautenberg amendment? It is worse, because it gives the impression we are tightening the loophole.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SCHUMER. I ask the Senator if he will yield me 1 more minute to finish my point.

Mr. LAUTENBERG. One more minute, yes.

Mr. SCHUMER. I thank the Senator from New Jersey.

We are trying to give the impression that we are toughening things up, but, in a sense, not only are we not because of these special licensees—and I still have not heard a single good reason why they should not have reporting requirements—but at the same time, we are creating a new mechanism. And sure as we are sitting here—and I say this to the American people because the Senate seems unable to understand the pleas of the American people—they are going to start using special licensees as opposed to federally licensed dealers all across America.

Violence will increase, and we will be hearing calls for more tough punishment, which we will need because there will be more criminals and more gun deaths.

I urge rejection of the Hatch-Craig amendment. If you want to do something real, pass the Lautenberg amendment. We will have a chance, hopefully, to revote on it next week, and then we will see who wants to close the gun show loophole.

I thank my colleagues for their time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time do the two sides have left?

The PRESIDING OFFICER. The Senator from Utah has 11 minutes 25 seconds. The Senator from New Jersey has 10 minutes 37 seconds.

Mr. HATCH. Mr. President, the Hatch-Craig amendment we offered earlier this afternoon requires every nonlicensed individual who desires to sell a firearm at a gun show to have a background check. They can get a background check through a licensed Federal firearms dealer or through a special registrant, but he must get a background check.

The language in the amendment clearly states that a nonlicensed seller ''shall only make'' a sale at a gun show after getting a background check through the instant check system.

''Shall'' means ''shall.'' It does not mean ''maybe,'' ''sometimes,'' or ''if you want to''; it means ''shall.''

The distinguished Senator from New Jersey says we are a nation of laws.

Mr. SCHUMER. Will the Senator from Utah yield for a brief moment?

Mr. HATCH. I will on your time because I only have a limited amount of time and I want to get through these points.

Mr. SCHUMER. I think we are out of time.

Mr. HATCH. Let me see if I have enough time at the end.

Mr. SCHUMER. I yielded a little to the Senator before.

Mr. HATCH. I will be happy to at the end if we have some time, but we are short on time.

The distinguished Senator from New Jersey says we are a nation of laws. He says we must close the loophole that allows nonlicensed individuals to buy a gun at a gun show.

The Senator from New Jersey says the definition of ''gun show'' used in the amendment would exempt gatherings of fewer than 10 firearms exhibitors and, he said, would exempt gatherings of firearm exhibitors and other exhibitors where the percentage of firearm exhibitors is less than 20 percent of the show. This is untrue. The amendment defines a ''gun show'' as an event at which we have either, A, 20 percent or more firearms exhibitors out of all the exhibitors at the show or, B, 10 or more firearms exhibitors. The language is ''or,'' not ''and.''

Thus, if there are three exhibitors, one of which is a firearms exhibitor, this would constitute a ''gun show'' under the 20 percent rule—one out of three naturally being 33 percent, which is greater than 20 percent. The event need not satisfy the ''10 or more'' tests. It will be a gun show.

If there are 10 firearm exhibitors out of 100 exhibitors, that will be a gun show under the ''10 or more'' rule. The event need not also satisfy the 20 percent. It would be a gun show.

It is just that simple. There is no question about it. The threshold for what constitutes a gun show is low and it is certain: 20 percent firearms exhibitors or 10 or more firearms exhibitors.

What does that mean? In fact, the definition of ''gun show'' in the Hatch-Craig amendment is more strict than Senator LAUTENBERG's original definition. He required 50 firearms and 2 or more firearms sellers. Thus, if 1 of 3 exhibitors at a gathering is a firearms dealer and only brings 49 firearms, Senator LAUTENBERG's amendment would not classify it as a gun show. The Hatch-Craig amendment would classify it as a gun show.

The Republican amendment closes the loophole that the Democratic amendment left open. To talk about loopholes, we know a little bit about that. The Hatch-Craig amendment

slams the door shut on the loophole and slams it hard. Unfortunately for my Democratic colleagues, however, our amendment slams this door without more regulation, and without more taxes and without much more Government and bureaucracy, which is what would have happened under the Lautenberg amendment.

Next, the Senator from New Jersey says that we on this side of the aisle do not believe that gun laws work. He is absolutely wrong on that. We just know they are not enforced by this administration.

For all the loudmouth talking that this administration does, look at this record of what they have done with regard to prosecutions of guns. I went through this early in the day.

Providing a firearm to a prohibited person, unspecified category—each number will be for 1996, 1997, 1998, in that order—17, 25, 10. It is pitiful.

Look at this. Providing firearms to a felon: 20, 13, 24; for 1996, 1997, 1998.

Possession of a firearm by a fugitive: 30, 30, and 23 for last year.

Possession of a firearm by a drug addict or illegal drug user—we know there are hundreds of thousands, at least, if not millions—46, 69, 129.

Possession of a firearm by a person committed to a mental institution or adjudicated mentally incompetent: 1 in 1996, 4 in 1997, and 5 prosecutions in 1998.

Tell me that this administration is enforcing gun laws that are on the books. And yet all we hear is crying and crying over spilled milk, that we need more gun laws. But they won't enforce them. There are lots of gun laws on the books, but they just will not enforce them.

It is just the phoniest doggone issue I have seen yet, when everybody in this Senate knows that these problems with our teenagers and our young people, what they come down to is a myriad of problems, many of which are caused by broken homes, broken families, single families where the parent has to work and cannot take care of the kids, a breakdown in society, a breakdown in religious values, a breakdown in family values, a breakdown in many other societal values, rotten movies, rotten music, rotten Internet things, rotten video games.

All of this is adding to this. Guns is one small part of it. But look at all these laws. And they are not being enforced by this very administration which continues to pop off every day about, we need more gun laws. Well, enforce the ones we have.

It is incredible to me that they get away with this. Sure, the polls will say that people are concerned about guns. Naturally they are. We all are. But they ought to be concerned about an administration that does nothing about the laws already on the books, that continually calls for more for political advantage. That is what bothers me about this outfit.

Possession of a firearm by a person dishonorably discharged from the armed services: 0, 0, 2; for 1996, 1997, 1998.

Possession of a firearm by a person under a certain kind of restraining order provision: 3 in 1996, 18 in 1997, 22 in 1998.

Possession of a firearm by a person convicted of a domestic violence misdemeanor: 0 in 1996, 21 in 1997, 56 in 1998.

A country of 250 million people, and this is the record we have?

Possession of a firearm by a person convicted of a domestic violence misdemeanor—think about it—0 in 1996, 21 in 1997, 56 in 1998.

Possession of a firearm or discharge of a firearm in a school zone—thousands of them—we had 4, 5, and 8 in the last 3 years. Think about it.

All violations under the Brady Act—we have heard nothing but Brady Act, Brady Act, Brady Act, and it has not done a thing compared to the instant check system which we insisted on. But look at this. All the violations under the Brady Act, first phase: No prosecutions in either 1996 or 1997; one prosecution under the Brady Act in 1998. And you would have thought the Brady Act was the last panacea for all gun problems on this Earth.

All violations under the Brady Act in the instant check phase—they are not even doing it under the instant check that we have done—0, 0, 0; for 1996, 1997, 1998. There is a point where you call it hypocrisy to continually try to make political points on guns when this administration ignores every law that is on the books and then says we need more laws to solve these problems.

My gosh, we know that the trigger lock cases have dropped an awful lot, from 7,500 under the Bush administration down to 3,500, because this administration does not take it seriously. Yet they go out every day and make these political points that we need more gun laws so that they have an opportunity not to enforce them, I guess.

Look at this. Theft of a firearm from a Federal firearms licensee: 52, 51, 25.

Manufacturing, transferring, or possession of a nongrandfathered assault weapon: 16, 4, 4. We heard how terrible assault weapons are. Hardly anything done about it.

Transfer of a handgun or handgun ammunition to a juvenile: 9, 5, 6, even though we know that is violated all over this country.

The fact of the matter is, these are laws we should be enforcing that are not being enforced. And I have only covered some of them. I do not have enough time to cover all of them.

But the fact is, this administration, for all of its talk about guns, isn't enforcing the laws that exist. Now they are asking for more laws. And they will not enforce those either.

The Hatch-Craig amendment slams the door on these loopholes. And, frankly, when are they going to enforce these laws the way they should be enforced?

It is one thing to talk about punishing the criminal use of firearms; it is another thing to mean it. It is one thing to talk about protecting innocent schoolchildren from violent juvenile offenders; it is another thing to actually pass a bill that will do it.

This bill will help. Yet we are in such a doggone logjam here, we might have to pull this bill down, because all the amendments that people are coming up with every day really are deterring the passage of this bill.

Republicans want to pass this bill and protect our children now. And I believe my colleague on the other side, who is managing his side, wants to do so as much as I do.

Let's stop talking. Let's start acting. If you really want to protect our schoolchildren, prove it by passing the juvenile crime bill. That is the best way to do it. And let's not just center on guns, which may be a problem, and probably is a whole series of problems, but that is only one small part of this. I am saying, a lot of things are not being done.

Senator SCHUMER criticizes this amendment by saying it would permit, for the first time, transactions of firearms at gun shows by individuals who are not Federal firearms licensees. But the entire justification of the gun show amendment—since the private sales are occurring at gun shows without any background checks whatsoever, we are putting in this bill, the Hatch-Craig amendment, instant checks on all sales. And it shall be done, according to this amendment. Senator SCHUMER's criticism suggests we are trying to address a problem that does not exist. Which is it? Is this a problem? Is there a problem with private sales at gun shows or not?

The PRESIDING OFFICER. All the time of the Senator has expired.

Mr. HATCH. I ask unanimous consent for 1 more minute, and I will finish with that.

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

Mr. HATCH. This amendment does not allow more types of firearms transactions at gun shows. It does provide for a mandatory background check for all transactions at gun shows. Only those transactions where there is currently no check at all will be able to take advantage of a special registrant background check. Right now, we have hardly any protections.

This amendment will bring them to pass. This amendment will do what was asked for yesterday. I think you can criticize anything to do with this area, but this is the right way to go. We are going to solve this problem. That is why people should vote for the Hatch-Craig amendment.

I thank my colleagues for their forbearance.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 90 seconds without it coming from anybody's time.

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

Mr. LEAHY. Mr. President, in many ways I feel that if the distinguished Senator from Utah and I were unconstrained by Senators on either side, we could write a bill that would be very helpful. But I hope we do not get carried away with partisan rhetoric here.

The fact of the matter is that there have been a number of issues the Democratic side of the aisle has brought up that have been voted down by the Republican side—not unanimously, I might say; in fact, I can think of a couple where the distinguished Presiding Officer voted differently than the majority of his party—and then those parts were then put into a Republican bill. That is fine. I am not interested who takes credit; I am interested in stopping juvenile crime.

In fairness, let's point out, when we talk about what the administration might or might not have done, in the past 6 years, the rate of violent crime has come down at a faster and greater level than at any time in my lifetime. I am 59 years old. That means through Republican and Democratic administrations, the rate of violent crime has come down faster than ever before in the 6 years of this administration. The rate of juvenile crime has done the same. We have stopped thousands and thousands of gun sales to those with felony records. Let's stop saying who has done it or who has not done it. Let's do what is best for our children. We are parents. We are grandparents.

The PRESIDING OFFICER. The Senator's 90 seconds have expired.

Mr. LEAHY. I intend that as a compliment to my friend from Utah.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I am managing the time on our side. I yield myself such time as remains for my response to what we have heard.

Mr. President, I listened very carefully to the speeches. If I may say, the rhetoric that was used here—decrying the Federal Government's efforts to curb crime, incriminating crime fighting within the jurisdiction of the Federal Government, and saying that we are not doing our job—it is outrageous to listen to, I must tell you, because these things are concoctions. There are few people who I have more respect for in this place than the distinguished Senator from Utah, but that does not mean that I do not think he is wrong in some of the things he has just said. I am responding with admiration and respect.

When we look at the ATF investigations, I hold here the report that is ''Gun Shows,'' issued January 1999, by the Bureau of Alcohol, Tobacco and Firearms, Department of Justice, Department of the Treasury. It says: Together ATF investigations paint a disturbing picture of gun shows as a venue for criminal activity and a source of firearms used in crimes. Felons, although prohibited from acquiring firearms, have been able to purchase firearms at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows. Firearms involved in the 314 reviewed investigations numbered more than 54,000. A large number of these firearms were sold or purchased at gun shows.

What I hear here is concern about protecting average citizens from inconvenience. What a terrible thing. Why should they have this big brother looking over their shoulder? Why should we have speed limits? Why should we have laws against drugs? Why should we have laws against alcohol? Because this is a nation of laws. That is what we are about. That is what makes this society so distinctive. Instead, I haven't heard the pleas for the parents of those kids who have been killed by guns purchased, wherever they are. I haven't heard that. What I have heard is a nagging little complaint about, oh, what a pity, the infringement of the person who wants to go buy a gun who needs it in a hurry, sticks it in his pocket, walks out of the place without identifying himself.

Yes, the Hatch-Craig amendment does close some of the avenues for gun purchase, but it does not close them all, because if you are a special licensed purveyor, you don't have to do any checking at all. That is what the amendment says. Perhaps it is careless, perhaps it is deliberate, but it does not protect against that.

Then I hear a challenge to the President and his complaints about gun shows. He doesn't say that. He talks about gun shows with a degree of respect, but he says there are problems that have developed as a result of excesses available through gun shows.

I think we have to look at what is happening. Federal gun prosecutions: Overall violent and property crimes are down more than 20 percent each; the murder rate is down 28 percent, the lowest level in 30 years; homicides, robberies, and aggravated assaults committed with guns are down by an average of 27 percent. And yet, when we go ahead and talk about what we have to do to protect our citizens, we hear, get more enforcement out there, get more of a bureaucracy.

But when it comes to providing the money for ATF agents and Federal prosecutors, we have a heck of a time trying to get it. Despite the rhetoric, the NRA has never supported backing its tough talk with real money for State, local, and Federal law enforcement agencies to investigate, arrest, and prosecute gun criminals.

Well, the reason for the decline in prosecutions is that we work more now with State and local agencies than we ever did before. Overall, the rate of convictions and incarcerations has grown pretty steadily.

We are looking at what I will call straw men, reasons to find ways of not inconveniencing the gun buyer. Heaven forbid the gun buyer should have to obey the same laws that other people have to when they want to buy an automobile or buy liquor or what have you. There are regulations, and so it should be. That doesn't take away anybody's right to buy a drink or buy a car. You just have to fess up to it. If you want to buy a gun, in my view, you have to be able to say: This is my name; this is where I live; this is what I want to do.

If the audience was not obscured through a television camera or not away from the folks in front of you but, rather, were the parents and the families of the kids in Littleton, they would find that Americans blame the Littleton incident in significant measure on the availability of guns. They do not say there is too little prosecution. They don't say that the gun laws are cumbersome. What they say is there are too darned many guns in our society.

How much are each to blame for Littleton? Percentage responding, a great deal: availability of guns, 60 percent; parents, 51 percent; nearly all Americans support many gun control measures, particularly those aimed at kids; require background checks on explosives and gun show buyers, national poll, 87 percent.

In here we have 51 percent who went the other way just yesterday and today want to, in my view, set up a smokescreen, pretend we closed all the loopholes. There is nothing malicious in it. They just happen to be wrong in the approach, because if they looked at their own amendment they would see there are loopholes—whether they are requiring Federal agencies to get rid of records so they are not kept for too long a time, leaving the pawnshop opening that we just heard about for someone who is away. I just spoke to the Senator from Idaho. I said: What would happen if the claimant, to retrieve a gun that is in a pawnshop, comes back 4 months later? Are they required to say anything about where they have been during this period?

No. No, there is no requirement. The Senator from Idaho said there is no requirement. The guy could have been in jail for 90 days. But the fact is that he has come back. He has paid his interest. He has paid his $50 to retrieve his gun. Give him his gun back. Don't ask any questions.

I ask you, is that bordering on the absurd? I think so.

We, again, hear these lame arguments about why we couldn't adopt the Lautenberg amendment as it was originally. And today, shame has filled this place, embarrassment has filled this place, because calls have come in and newspapers have editorialized and said what is the matter with the Senate—87 percent of the people out there think that gun shows are a source of too many weapons.

But not here. Here we worry about not the victim, not the parent, not the brother, the sister, or the child. No, we worry about the inconvenience or the big bureaucracy that may be created to make it inconvenient or slow down the pace of gun acquisition.

Are there too few guns in this society? I ask anybody, too few guns? I doubt it. Something like over 200 million guns, that is enough to go around pretty well.

They blame our culture. We heard a story the other day from the Senator from Michigan who said that in Windsor, Canada, just across the river, they see the same television, are exposed to the same cultural elements, prefer the same music, everything else, yet they have so far fewer crimes with guns—about 30 or 40 times more in Detroit than they have in Windsor. It has to do with the availability of guns, nothing more and nothing less.

We ought to face up to it and not find different excuses for why it is that the gun wasn't involved. It is not the gun's fault, no; it is the trigger person's fault. But that trigger person would have had a heck of a time knifing the 13 or 15 people in the Columbine High School in the situation they were in. It was easy, however, with their weapons, with their explosives. It is time to face up to it.

I wish we would pay the same attention to the victims: 35,000 victims in a year of handgun death, 13,000 of murder, in rough numbers, 18,000 of suicides, 3,000 of accidents. When you compare us to the other societies with whom we associate and work, there is just no comparison. We are looking at societies that have less than 100 deaths a year from guns—the UK, Japan, and others. It just doesn't happen there. Why? These are similar people with the same kinds of problems we have. They have mixed societies and they have problems adjusting to conditions. But they don't have the guns laying around in every nook and cranny.

So I hope that the American people will watch what happens here and see who voted against the Lautenberg amendment yesterday because there are a couple loopholes that have been covered and yet many opened. I hope when we vote tomorrow, the public will be watching because the answers will have to be given to them.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from New York is to be recognized to offer an amendment.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senator from Illinois, Mr. DURBIN, be added as a cosponsor to this legislation.

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

Mr. SCHUMER. Mr. President, I thank the Chair. Before I get into this amendment, I would like to make one final point, which I thought was relevant to the Senator from Utah. I went over to him privately, but I think the RECORD should show it because he mentioned my name in the debate. I will discuss this after I send up my amendment.

AMENDMENT NO. 350

(Purpose: To amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes)

Mr. SCHUMER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. SCHUMER), for himself, Mr. LAUTENBERG, Mr. KOHL, Mrs. FEINSTEIN, Mr. TORRICELLI, and Mr. DURBIN, proposes an amendment numbered 350.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 265, after line 20, insert the following:

SEC. ___. INTERNET GUN TRAFFICKING ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Internet Gun Trafficking Act of 1999''.

(b) REGULATION OF INTERNET FIREARMS TRANSFERS.—

(1) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) REGULATION OF INTERNET FIREARMS TRANSFERS.—

''(1) IN GENERAL.—It shall be unlawful for any person to operate an Internet website, if a clear purpose of the website is to offer 10 or more firearms for sale or exchange at one time, or is to otherwise facilitate the sale or exchange of 10 or more firearms posted or listed on the website at one time, unless—

''(A) the person is licensed as a manufacturer, importer, or dealer under section 923;

''(B) the person notifies the Secretary of the Internet address of the website, and any other information concerning the website as the Secretary may require by regulation; and

''(C) if any firearm posted or listed for sale or exchange on the website is not from the business inventory or personal collection of that person—

''(i) the person, as a term or condition for posting or listing the firearm for sale or exchange on the website on behalf of a prospective transferor, requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition in accordance with clause (iii);

''(ii) the person prohibits the posting or listing on the website of, and does not in any manner disseminate, any information (including any name, nickname, telephone number, address, or electronic mail address) that is reasonably likely to enable the prospective transferor and prospective transferee to contact one another directly prior to the shipment of the firearm to that person under clause (i), except that this clause does not include any information relating solely to the manufacturer, importer, model, caliber, gauge, physical attributes, operation, performance, or price of the firearm; and

''(iii) with respect to each firearm received from a prospective transferor under clause (i), the person—

''(I) enters such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(II) in transferring the firearm to any transferee, complies with the requirements of this chapter as if the firearm were being transferred from the business inventory of that person; and

''(III) if the prospective transferor does not provide the person with a certified copy of a valid firearms license issued to the prospective transferor under this chapter, submits to the Secretary a report of the transfer or other disposition of the firearm on a form specified by the Secretary, which report shall not include the name of, or any other identifying information relating to, the transferor.

''(2) TRANSFERS BY PERSONS OTHER THAN LICENSEES.—It shall be unlawful for any person who is not licensed under section 923 to transfer a firearm pursuant to a posting or listing of the firearm for sale or exchange on an Internet website described in paragraph (1) to any person other than the operator of the website.

''(3) INTERACTIVE COMPUTER SERVICE.—Nothing in this section may be construed to provide any basis for liability against an interactive computer service which is not engaged in an activity a purpose of which is to—

''(A) originate an offer for sale of one or more firearms on an Internet website; or

''(B) provide a forum that is directed specifically at an audience of potential customers who wish to sell, exchange, or transfer firearms with or to others.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7) Whoever willfully violates section 922(z)(2) shall be fined under this title, imprisoned not more than 2 years, or both.''.

Mr. SCHUMER. Mr. President, the point I was about to make regarding the Orrin Hatch amendment, before we get into the substance of this debate—I doubt that we will take the whole hour on this one—is this: Under the Hatch-Craig amendment, there is a new category of people called ''special licensees'' who can sell at a gun show. They can sell guns en masse—lots of guns. Not only are they not required to do the paperwork, they are not required to do a background check. So when the Senator from Utah said before that they are toughening up the law, it is just not so.

It is true that federally licensed dealers would have to do a background check; it is true that the law is a little toughened up so that individuals who sell to one another might have to do a

background check. But we create a whole new huge category of special licensees who can come to gun shows, sell en masse, do no background check and no paper recording. What a loophole.

That is why the Hatch-Craig amendment, more than any other reason, is a giant step not forward but backward. That is why the amendment of the Senator from New Jersey, Mr. LAUTENBERG, is what is needed. I ask my colleagues to look at that as part of the other debate.

Mr. President, we are here today to debate an amendment dealing with Internet sales of guns. I want to thank Chairman HATCH and Senator LEAHY for the opportunity to offer this amendment. We have known for a long time that gun shows are a loophole that have allowed people to buy guns without a background check. We know that. Well, there is another loophole that I believe is about to make a quantum change in the gun black market and is a disaster waiting to happen: At this moment, on your personal computer in your home, in your child's bedroom, there are thousands and thousands of guns available for sale by unlicensed dealers on the Internet.

These guns, including assault weapons, automatic weapons and cheap handguns, are listed for sale on a no-questions-asked, honor system basis, which leaves it up to anonymous buyers and sellers to comply with Brady and State and local firearms laws. Any computer novice can so readily and so easily find gun web sites that owning a personal computer means having a gun show in your home 24 hours a day.

Last month, for instance, a 17-year-old Alabama boy acquired a Taurus 9 millimeter semi-automatic pistol and 50 rounds of ammunition over the Internet. He was caught only because his mother was home and UPS dropped off the package. Who knows what crime may have been committed with that Internet gun.

Since 1968, it has been illegal for a felon to buy a gun. The reason we passed the Brady law is because enforcement had no mechanism to enforce that law. The Internet returns us to the pre-Brady period where disreputable people can get together and evade gun laws with little prospect of detection. Mark my words, if we don't pass an amendment such as this one, within a year or two, the Internet will be the method of choice by which kids, criminals, and mentally incompetents obtain guns. We will rue the day we don't pass this amendment. Passing this amendment now will save lives.

What does it do? My amendment simply requires that any web site that is set up to offer guns for sale on the Internet be a federally licensed firearm dealer who will make certain that criminal background checks occur with each sale. It just makes the Internet Brady compliant—no more, no less.

Let me show you what is available on the web by simply typing in key words like guns for sale, militia and AK–47. This is the Guns America Web site right here on this paper. Anybody can punch into it. Guns America boasts that it sells guns on the honor system, that there is ''not an FFL dealer among the bunch of us,'' and that it will ''grow to hundreds of thousands of new listings every month.''

Guns America, at this very moment, has 21 AK–47s and AK–47 copies for sale, with no questions asked—not a soul watching, not a stitch of oversight. It is solely up to anonymous buyers and sellers to comply with all gun laws. Let me tell you, the chance of getting caught breaking the law is as likely as mom finding the gun in junior's bedroom.

Now, this one here is the Weapons Rack, another honor system weapons site. Since last week when I made this poster, the Weapons Rack has had 3,300 visitors to its site. We don't know anything about these visitors. Did they buy? Did they sell? Were they kids? Were they felons? What we do know is that the number of visitors is indicative that sales on the Internet are growing exponentially. Remember, 5 years ago, practically nobody bought stocks on the Internet. Today, 30 percent of all stocks are sold online.

The internet is about to change the entire way guns are bought and sold in America. And if we don't get on top of it now and create and ironclad enforcement mechanism to ensure Brady compliance, I promise you just as sure as I am standing here, it will cost lives and we will sorely regret it.

This is the Weapons Rack disclaimer: ''It is the sole responsibility of the seller and buyer to conform to [firearms] regulations.''

Not exactly a confidence booster, is it?

If either the seller or buyer don't want to comply, they go right through.

GunSource.com has 3,600 guns for sale. Their disclaimer says, ''Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be.''

Isn't that amazing?

Let me read that again. This is right on the Internet. ''Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be.''

This is a chilling admission. It is also an invitation to those who cannot buy a gun from a licensed dealer to use the cloak of the Internet to find illicit sellers and arms sellers.

Earlier this year eBay, the Nation's largest Internet auction site, put out this statement in conjunction with a directive banning the listing of guns on this web site. This is what eBay said. They said:

The current laws governing the sale of firearms were created for the non-internet sale of firearms. These laws may work well in the real world, but they work less well for the online trading of firearms, where the seller and the buyer rarely meet face-to-face. The online seller cannot readily guarantee that the buyer meets all the qualifications and complies with the laws governing the sale of firearms.

Listen to the experts. eBay said selling guns on the web is too dangerous because they had no idea who was buying and who was selling; no way to find out; no way to ask; no way to verify—the guns are sold purely on faith.

My amendment is balanced, reasonable, and modest.

It replaces blind internet faith with fully Brady compliance, no more, no less.

It bans the unlicensed sale of guns on the internet by requiring websites clearly designed to sell guns to be federally licensed firearms dealers. It won't affect chat rooms. It won't affect newspaper want ads. It won't affect licensed firearms dealers.

It requires internet gun sites to become ''middlemen'' and act as conduits for all sales by forwarding all gun sales to the appropriate firearms dealer in the buyer's state who will perform the Brady background check. In this way, it is just like a mail-order sale. You have an intermediary. When the gun is sold, it is sent to a gun dealer who then does the background check and gives the gun to the buyer.

To prevent buyers and sellers from circumventing the website operator and from carrying out transactions which violate federal law—the amendment prohibits sites from listing information like an e-mail address or phone number that allows buyers and sellers to independently contact each other.

Sellguns.com does this already. They are an FFL. This is an auction site where buyers e-mail bids for a particular gun through the website operator. The seller sends the firearm, the shipper pays, and the buyer sends the bid, plus fees and shipping, and SellGuns.com makes the match and identifies the seller's item with the buyer's request. It works well. It is happening now. We would require this to happen in every sale. It doesn't interfere with the transaction of guns; it just makes sure that kids and criminals can't get them.

When a final bid is accepted, the buyer sends a check to SellGuns.com. The seller sends the gun to SellGuns.com. They trade, the check and the gun cross, and everybody is happy.

That is the model for how all internet gun sales will proceed if this amendment passes.

This amendment is also easy to enforce.

Since these websites operate on a volume basis they have to make their sites easily accessible. Most sites are linked to common words like ''guns,'' ''AK–47,'' and ''militia.'' So gun sites

are actually easy to find and easy to put into compliance or put out of business if they refuse to comply.

Some members have asked me about the difference between a gun ad in say, Guns and Ammo magazines or a newspaper want ad and gun sites on the internet.

Number one: volume, The number of guns for sale right now on the internet—20,000, 50,000, 100,000 guns—dwarfs anything available in any publication.

Number two: secrecy. Magazines are static publications. If the same individual keeps showing up selling guns, law enforcement can look at back issues and investigate. The internet is ephemeral. Sellers come and go. Ads appear and disappear.

Number three: access. Gun sellers are in my home and your home. They're in the bedrooms of my ten year old and my fourteen year old daughters. Owning a personal computer means having a gun show in your home.

All it takes is a curious and troubled teenager to cruise the web until they find someone willing to sell. At least with Guns and Ammo a kid has got to know the magazine exists and go to a magazine shop and buy it. This gun store is in your home whether you like it or not.

Number four: anonymity. The web allows kids and criminals to use e-mail to rapidly probe on-line sellers to see who is willing to bypass gun laws. And since it is impossible to monitor any transaction there is only the slimmest of chances that anyone would get caught.

In a magazine ad it would be enormously time consuming and frankly involve luck to figure out who is willing to sell under the table.

Number five: distance. The local want ads, are just that—local. The internet moves the transaction from a neighborhood market to a national market.

Commerce on the internet is in its infancy. I agree with those who say that we ought to be very careful before we prohibit certain activities on the net.

I believe that the internet is one of the reasons that American productivity is at an all-time high and growing at a remarkable pace.

But this is an area that cries out for common sense regulation. it is rare that Congress is ahead of the curve. We usually have to be prodded by crisis to act.

If we fail to close the internet loophole today—I promise you—it will not be the last time that we hear about this issue. A child, a criminal, a disturbed individual will exploit this loophole, evade a background check and commit a crime that will leave America in mourning.

In Alabama, where a juvenile succeeded in buying a gun on the internet an ATF agent said:

> The sale of guns on the internet is part of the growing cottage gun industry, replacing face-to-face firearms sales between dealers and individuals at local shops with e-mail messages and shipping orders.
>
> On the internet, the dealers don't know who they're dealing with on the other end. You could be dealing with a career criminal, a drug dealer or a high school student.

Do we really want to leave the sale of guns over the internet completely unregulated?

This bill I am presenting is a balanced, constitutionally sound bill which requires web sites that are clearly designed to offer guns for sale to be federally licensed firearm dealers—no more, no less.

We learned from the Brady bill that the honor system doesn't work for guns. It might for most people. It doesn't for criminals. And it doesn't for kids who want to buy them and to do something terrible.

Pass this amendment and we solve the major problem. Let it fail and we open a firearms cyberhighway that has no exit.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me clear up a point the Senator from New York made this evening before I discuss the amendment that is before us.

He has made the allegation that the special licensee we have created in our amendment for dealing with gun shows is somehow not going to have to do background checks. Language in the bill says, referring to the special licensee, ''shall conduct his activities in accordance with all dealer record keeping required under this chapter for a dealer.''

We go to that chapter, 18922, and he falls within that chapter, and that is the requirement of the background check.

So it is our intent. We believe we have covered that intent.

Let the record show that is what we believe the law to be as we proposed it in this form.

I am happy to sit down with the Senator tonight or tomorrow, but I believe we have covered it adequately. There is no question of our intent here. It is not a loophole. The special licensee is a dealer. We put him into the dealer section with all other gun dealers. We will leave it at that for the evening.

Very briefly; I want to get out of here.

Mr. SCHUMER. I don't blame the Senator. I appreciate the courtesy.

As I understand the special licensees, a background check would not be required; rather, the section of the law would require only certification.

Mr. CRAIG. That is not true. The licensee would become a dealer and falls under the dealer section of the law, 922 paragraph T(1). Check it out, read it tonight, see if you don't agree with us. If you don't, we will be happy to discuss it tomorrow.

Mr. SCHUMER. I appreciate that.

Mr. CRAIG. Let me talk about the Internet for a moment.

Somehow in the last day and a half we have heard this marvelous new word ''loophole.'' Everything has a loophole in it. Somehow through a loophole we are cramming everything today. It is a great mantra. I think Bill Clinton coined it in one of his phrases lately—handgun control loophole. Tonight we have a loophole in the Internet. It is called ''beam me up a gun, Scotty,'' except the Senator from New York, being the remarkable fellow he is, has not pioneered Star Trek technology to deal with guns.

The Internet is an advertising medium. It is not a medium of exchange. You advertise on the Internet.

Now, I am not a very good Internet surfer, but I know I can't push a button and see a gun come out from the screen. The Senator from New York knows it, too. In fact, he refers to Guns America Web Site. We pulled it up while he was talking. This is what it said:

> Please note, as a buyer you must first call the seller of the gun, confirm price and availability, and arrange for an FFL dealer in your State to receive shipment. Your FFL dealer must send a copy of their license to the seller.

My point is quite simple: If you buy a gun on the Internet, it somehow has to make contact with you.

He referenced a young fellow who acquired a gun on the Internet and his mother intercepted it because a common carrier had brought it to their home. The common carrier violated the law. It is against the law in America today to send a gun through the U.S. mail or to allow one to be transferred by common carrier to be delivered to a recipient.

I guess that is my point. He may not like the style of advertising or the rhetoric around the advertising, but there has to be a point of contact. How do you make the contact? How does the gun move from the seller to the buyer? Therein lies the issue here.

If I believed what is being said were true, I would be alarmed. I don't think any of us want a gun show in our kiddie's bedrooms. It is great rhetoric tonight. The gun show isn't in the kiddie's bedroom. There is advertising on the Internet. The child can access the Internet. The child can't touch the gun. He cannot receive the gun. And the example that he applied was a violation of the Federal law. Again, one of those laws that we stacked on the books and somehow somebody slipped through it. That is what happens with laws some of the time unless we have this huge web of law enforcement.

My guess is the common carrier is libel in this instance. I don't know the total story, but I do know the gun got

delivered to the home and it had to come through some form of common carrier. We believe that to be a violation of the law.

The impact of this amendment is to simply restrict gun sellers to 19th century advertising technology. That is, newspapers and fliers.

On a more serious note, the amendment would be an extraordinary and unprecedented restriction on commercial speech. That is called a violation of the first amendment.

I am not a constitutional lawyer and I am not going to debate that this is a constitutional violation. But my guess, if it were to become law, it would rapidly get tested in the courts because I believe it could be that.

Our laws have never required an advertising medium to become part of the business that it advertises. For example, we don't require a newspaper to get a State liquor license before carrying alcohol ads. But in any event, that would be well beyond anything this Congress ever contemplated.

In fact, Federal law confirms exactly the opposite: The Firearms Owners Protection Act, which became law in 1986, specifically confirms the right of individuals to make occasional sales, exchanges, and/or purchases of firearms for the enhancement of a personal collection, for a hobby, or to sell all or part of a personal collection of firearms within their State or their residence.

I do not quite understand what the Senator from New York is talking about tonight about expanding beyond the boundary of a State. Yes, the Internet is national; it is international. But for a gun owner in New York to buy a gun out of California would be interstate activity, and that would be against the current law. I think the Senator from New York knows that.

What we are suggesting in our amendment, because we do address the issue of Internet activities, this Congress would not want anything illegal going on in the Internet. If you use the Internet to offer a firearm to a felon, and you know it, you broke the law. That is what we are saying. If your intent is to sell to anybody on the Internet and not require the checking, you are breaking the law. That is what we would say.

The Hatch-Craig amendment makes it a crime to knowingly solicit—that is what you are doing on the Internet, you are soliciting. You are not transporting guns, you are not putting them in the hands of kids, you are soliciting—to knowingly solicit an illegal firearm transaction through the Internet. That is what we do.

We go a step forward and talk about explosive materials. There is a very real concern on the Internet today about bombs—not material, because you can't transport it, again, but the diagrams to build a bomb. I am opposed to that, too. But at least you have to go out and acquire the material to build one because the Internet doesn't ''beam it through to your home, Scotty,'' nor does it beam the gun.

That is the reality. Our amendment is simple. We think it addresses the issue. I hope our colleagues tomorrow would vote for the Hatch-Craig amendment that covers all of these issues very clearly, very succinctly.

I yield back the remainder of my time.

Mr. SCHUMER. Mr. President, I will answer a few points of the Senator from Idaho and maybe we can engage in a dialog.

The Senator is wrong in one sense. The Internet does not just do advertising. Some sites just do advertising, and if there were no efforts to transfer guns, we would agree.

How about when a web site offers guns and earns a fee when there is a sale? That is not an advertisement, it is a business. The more guns they sell, the more the web site makes.

The second point I make, and this is the most important point, the Senator from Idaho got up and he said they give each other the name and address, and it is their responsibility to contact a firearms dealer.

Say I am a 15-year-old and I want a gun, but I don't tell the seller that I want it, and I don't contact the firearms dealer. What is to stop me from doing that? That is the point here.

Sure, in a perfect world, the Senator from Idaho would be right. But then we wouldn't be debating a juvenile crime bill. The fact that there are criminals, young and old, means there are people who won't obey the law. All we are trying to do is make it easy for law enforcement or even possible for law enforcement to make sure people obey the law.

I guess I would ask my friend from Idaho if the 15-year-old has no intention of going through a licensed dealer, which is the law for an out-of-State sale, how do we stop him under present law? How do we stop him from getting the gun? That is the problem.

Mr. CRAIG. I will respond briefly. The hour is late.

Mr. SCHUMER. I appreciate that.

Mr. CRAIG. We can conduct more dialog on this tomorrow.

Under current law—in other words, we are talking about ''the law,'' not a vacuum but the law, let me read what Guns America says: ''As a buyer, you must first call a dealer.''

The reason you have to do that is the gun is transferred through the dealer, not through the mail. Because the 15-year-old cannot——

Mr. SCHUMER. I ask the Senator, what if he doesn't call the dealer?

Mr. CRAIG. Then he will not get the gun.

Mr. SCHUMER. They will still mail him the gun. They don't know he is 15.

Mr. CRAIG. The U.S. Postal Service says it is illegal.

Mr. SCHUMER. But the U.S Postal Service doesn't open every package.

Mr. CRAIG. I can't dispute that. In other words, he broke a law.

Mr. SCHUMER. He got the gun.

Mr. CRAIG. But he broke a law. You are going to create another law to be broken. Why don't we enforce the law we have?

Mr. SCHUMER. Reclaiming my time——

Mr. CRAIG. You have it.

Mr. SCHUMER. The point is, the two gentlemen from Columbine High School broke the law. If we want to allow every kid to get a gun and we can then, after they create havoc, say they broke the law, we are in pretty sad shape.

What we want to do here is prevent them from getting guns. To simply say a 15-year-old who purchases a gun on the Internet broke the law is not very satisfying to most Americans. They want to stop them from getting the gun, prevent him from getting the gun.

So I suggest there in a nutshell is the whole argument. The Senator from Idaho says, since the law prohibits interstate gun sales, we should allow a 15-year-old who wants to violate the law to use the exact mechanism we have talked about, the Internet, to get that gun and then after he gets the gun we go after him.

Mr. CRAIG. I am going to have to ask the Senator to yield because that is a very improper portrayal of what I just said. Be accurate, please.

Mr. SCHUMER. Let me just finish my point and then I will be delighted to allow the Senator to respond.

The 15-year-old wants to break the law, sends for the gun, gets the gun, and because the Postal Service is not going to open every package ahead of time, there is nothing that prevents the 15-year-old from getting the gun. In fact, the Postal Service has no way of knowing that gun is being shipped to an underage person. So they cannot even—there is not even a suspicion. Then, after that person gets the gun, we say that person broke the law.

In fact, the only way we are going to know they broke the law is if they use that gun for a bad purpose. If there was ever a situation of closing the barn door after the cows got out of the barn, this is it.

I simply ask my colleague to rethink his opposition to this legislation based on his own statement. He broke the law. How do we know it? The only human way we can know it, that is humanly possible, is after the gun is used in a crime. If the Senator would like me to yield, I will. I do not have to if he does not want to respond. Please. It is on my time.

Mr. CRAIG. I will only comment this much further and then I am through for the evening. I have been sitting

here adding up the laws that your description broke. The seller has broken the law tonight by your definition.

Mr. SCHUMER. No.

Mr. CRAIG. Absolutely, if he sold to a juvenile.

Mr. SCHUMER. The seller has no knowledge that the child is 15.

Mr. CRAIG. I think he says he wants the knowledge here.

Mr. SCHUMER. But the point is, if the child writes in ''25,'' there is no way the seller knows.

Mr. CRAIG. If he doesn't check it out, he broke the law.

Mr. SCHUMER. How is he going to check it out?

Mr. CRAIG. Because it is his responsibility as a dealer.

Mr. SCHUMER. I submit, none of the dealers and none of the advertisers on the Internet actually go check. If someone says they are above 25——

Mr. CRAIG. It sounds like ATF isn't doing their job.

Mr. SCHUMER. It doesn't sound like that to me.

Mr. CRAIG. I counted that breaking the law. The juvenile is breaking the law.

Mr. SCHUMER. Clearly.

Mr. CRAIG. And the common carrier is probably breaking the law.

Mr. SCHUMER. I don't think the common carrier did.

But, again, my point is a simple one. They are all breaking the law, and there is no way to find out. This is not a question for the ATF. This is a question because the Senator would be one of the first if the ATF started opening every package to see if there were guns and knocking on the door of every person who ordered a gun to see what age they were, which is of course an absurd situation, we would all be in an outcry. So, to say that three people broke the law is not very satisfying. To say that Klebold and Harris broke the law in Littleton is not very satisfying to the parents who are grieving their children.

By this simple piece of legislation, we might have stopped it. Without impinging on anyone's rights, without changing anything else, we might have stopped it.

With that, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has all time been yielded back?

The PRESIDING OFFICER. It has.

Mr. LEAHY. Mr. President, Amendment No. 329 more than any other we have seen so far cobbles together a number of proposals that have been around for a long time. Let me start with the NIH study, the $2 million study required by the amendment.

I am concerned that this amendment singles out only a few potential influences on teen behavior. A better approach, in my view, would be to study all factors—the role of parents and schools, the existence of counseling and guidance efforts, the alienation of young from their peers, and media influences, among other things.

The President has called on the Surgeon General to conduct just that type of review. Perhaps we should include the NIH and other experts in the Surgeon General study which is now underway.

In our rush to respond to very real tragedies, we should take care to study all the factors, and to seek solutions that won't trample the First Amendment. To artificially limit the NIH study to only media influences may not be proper scientific design. The role of parents must be considered. Bad parenting can have devastating effects on the behavior of children. Just ask the child in an alcoholic family, or in a family where there is spouse abuse, or worse.

I am also concerned about the two sets of antitrust exemptions being proposed in this amendment.

I have spent a good deal of effort over the past several years working to eliminate unjustified antitrust exemptions from the law. The baseball antitrust amendment comes to mind as one that the Chairman of the Judiciary Committee and I worked on together for years until we finally succeeded last year.

Do we have the views of the Department of Justice Antitrust Division on either of these proposed antitrust exemptions?

Last time I examined this issue was when the Assistant Attorney General for Antitrust clarified that it would not violate the antitrust laws of television stations to agree on guidelines and viewer advisories to reduce the negative impact of violence on television. That was 1994. It was not illegal now. So, I do not understand the need for antitrust exemptions.

My fear is that any such exemption might be abused and used to immunize anti-competitive conduct to the detriment of consumers viewers and other companies in and around the entertainment industries.

I note that one of the exemptions tries at least to protect against legalizing group boycotts. Whether that language succeeds, I cannot tell as I read it here on the floor. But I do know that the language applies to only one of the two exemptions and does not reach all anticompetitive conduct.

Does that create the implication that boycotts are an acceptable way to ''enforce'' rules or act anti-competitively? The language mandates enforcement but does not say how.

Senators BROWNBACK and HATCH had initially provided me with two very different amendments, and I assumed that the fight would have been over which amendment would win over the other—since they are inconsistent.

It never occurred to me that they would simply slap them together into one inconsistent mass which will be impossible to interpret.

The combined amendment that passed yesterday has major flaws. It defines the Internet in a way that could have major unintended effects on other laws.

It hugely denigrates the role of parents—essentially the amendment considers parents almost irrelevant to the development of children into young adults. It blames most of the social problems of children on television, movies and music—an easy target even in the face of falling national crime statistics.

Television programming and movie content is a tempting subject for demagoguery. It is much harder to deal with issues such as bad parenting and lack of parental supervision because then we can only blame ourselves.

Contrary to the findings in the amendment, there is no substitute for parental involvement in the raising of our children.

I am also very nervous about involving government in the day-to-day regulation of the content of television shows or movies and other forms of speech. I do not see how the government can step into the shoes of parents.

The Supreme Court has noted that ''laws regulating speech for the protection of children have no limiting principle, and a well-intentioned law restricting protected speech on the basis of content is, nevertheless, state-sponsored censorship.''

Movies such as ''Saving Private Ryan'' or ''Schindler's List'' are violent. I admit it. But I do not think that such films should be discouraged because of any government enforced content standards.

If this amendment were voluntary we, of course, would not need to pass it since the entertainment industry leaders can already work together to develop guidelines, standards, ratings and label warnings. That is why I worked out a deal, and signed a dear colleague letter, with Senators HATCH, LOTT, DASCHLE, MCCAIN and others in July of 1997.

We agreed, based on clear guidance from the Justice Department, that entertainment industry leaders could meet to work out these guidelines and standards and that there would be no antitrust concerns.

Antitrust laws permit meeting to work out voluntary guidelines.

This slapped-together amendment goes way beyond that understanding.

Letters dated January 25, 1994, January 7, 1994, and November 29, 1993, from the Justice Department make it clear that industry leaders can work together to establish guidelines regarding violence in programming and movies.

One bedrock principle of our democratic government and one of the basic protections of freedoms to enjoy as Americans is the First Amendment's guarantee that the government will keep itself out of the regulation of speech.

When the Constitution says that ''Congress shall make no law * * * abridging the freedom of speech,'' I believe it means what it says. That provision ought to be respected until it is repealed which I hope never, never, happens.

For years there have been crusades against the content of books and movies but government enforcement is not the answer—where do you draw the line?

This goes back to the old joke about a conference of ministers of different faiths getting together and trying to start the meetings. They could never agree on the opening prayer so that had to cancel the conference.

I know that some have fond memories of the days of content regulation when only separate beds could be shown on shows like Dick Van Dyke. One of the findings fondly looks back at these standards stating from page 6 of the amendment that ''The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.'' What is ''essential to the plot'' and who decides that question? What is ''tasteful'' and should the government decide that?

National crime statistics show crime has declined in recent years. I know that Mayor Giuliani keeps talking about that reduction in crime. What does this drop in crime statistics mean in terms of this amendment?

Section 505 of the amendment allows for the ''enforcement'' of guidelines ''designed to ensure compliance'' with ratings and labeling systems. When you use words such as ''enforcement'' and ''designed to ensure compliance'' that does not sound voluntary to me. I hope that we take more time in conference to read this amendment and consider the possible problems posed by its language.

I know some want to permit government enforcement of vague standards on the content of TV shows and movies. No one will know what is allowed and what isn't allowed. That is chilling, it violates the Constitution, and it relegates the role of parents to mere observers.

Mr. GORTON. Mr. President, on April 20, 1999 two Columbine High School students in Littleton, Colorado, swept into that school with sawed-off shotguns, one pistol, one semiautomatic rifle, and as many as 60 homemade pipe bombs. Before they turned their guns on themselves, they killed 12 fellow students and 1 teacher and wounded 21 others. In doing so, they violated 17 separate federal and Colorado state Statutes relating to guns and explosive devices, not to mention a host of criminal laws criminalizing their assaults and murders.

In a justified aftermath of horror and revulsion, wide-ranging public opinions across the United States demands that the federal government do SOMETHING, anything, to make this violence go away. The most prominent call is for more gun laws, many of which raise serious constitutional questions under the 2nd Amendment.

Other attack Hollywood and the Internet for the pervasive violence in movies, music and the Internet, all easily available to the most impressionable of our teenagers. Any controls of this nature clearly run afoul of the 1st Amendment.

Others blame parents, the lax law enforcement and the schools themselves. Few, curiously enough, recognize the reality of an evil that lurks in the minds of at least a handful of human beings and is clearly beyond the ability of any law to control.

It would be wonderful if we could just pass a law through Congress, another gun control measure or another limitation on free speech that could prevent another Littleton, Colorado, or Jonesboro, Arkansas. But who, in the calm aftermath of this tragedy, believes that two or three more gun laws, in addition to the dozen and a half violated by the two Colorado teenagers, would have made the slightest difference in Littleton?

The perpetrators of this violence were far beyond caring about adhering to human laws. They were bent on killing. The arena in which to reach and stop this evil is not Congress. It is in those places where the human heart can be touched; the home, the community and the church, and in the humility to recognize that no human efforts will ever eliminate all evil from human hearts.

My children were in high school 25 years ago and I am struck by the thought that this kind of extreme violence involving school kids did not happen in America then and in my own high school years more people may have owned guns than do so today. I can't help but ask: What has changed? Why does this happen now?

The Senate has begun a debate of a Juvenile Justice bill that will serve as a vehicle for a number of amendments relating to guns and explosives. At least eight different such proposals were submitted to Congress by President Clinton in the wake of the Littleton tragedy. This is the same President whose budget, bloated in so many other respects, makes drastic cuts in the field of effective law enforcement assistance. This year, for example, over President Clinton's objection, Congress will continue to fund a Byrne Grant program—a program that encourages cooperative drug enforcement and treatment mechanisms across the country and in my State of Washington. Last year Washington State received $10 million in Byrne Grants, without which our law enforcement officials would find it next to impossible to combat the biggest drug problem in our state—meth labs. Despite this success, the President proposes drastic cuts in this successful program.

Clinton's budget also zeroes out funding for a huge law enforcement program—the Local Law Enforcement Block Grant and the Violent Offender Incarceration and Truth in Sentencing Incentive Grants, which Washington state uses to help fund prison construction, was gutted in Clinton's budget—from $772.5 million in FY 1999 to $75 million in FY 2000.

Far better to fund anti-crime programs that have proven to be successful than to ignore those successes and substitute new statutes on the backs of statutes that have been unsuccessful in attaining their own goals. Why not enforce the gun laws we already have than add new ones to those the Administration ignores?

Let me make a point clearly here—I thrive on working as an elected official because I believe that sensible actions by government can have a positive impact on the lives of families and communities across America.

One positive role for government is in promoting a safer society. As Washington State Attorney General and now as Senator, I have supported laws to make safer products for consumers including safe food, clothes, cars and highways. I have worked nearly every day in the last three years on the issue of school safety to change federal rules to give more flexibility to local school districts to expel violent students. Individuals in our society cannot assure a safe food supply or safe products or safe roads, so taking sensible steps to make lives safer is a proper function of government.

Still, I am convince that more laws would not have prevented what happened in Littleton and, what is more important as we look forward—I believe that it is dangerous to promote legislation as a solution. What is wrong with the President's gun law proposal and any other legislation promoted under the banner of stopping violence? They are wrong because they are a mirage. We are repulsed by violence and the mirage of a federal government's answer to violence raises false hopes. The false hope that violence will be stopped by new federal laws is also wrong because it detracts attention from the need to fix what is wrong in individual families and communities the need to concentrate on those sick elements in our nation that promote violence and disrespect for life. This violence stemmed from an evil that found fertile ground in the hearts of two impressionable boys in Colorado

and another federal law will not eradicate that evil.

There are things that government can do to make our society safer, including making our schools safer, and we have already passed one amendment to just that end, but the scope of evil which showed its face in Littleton is beyond the reach of government action. Controlling violence of this scope will come when people care more for each other and I, for one, will not join in any chorus of politicians promising that government will make that happen.

I know that there are people of goodwill who disagree with me. They want so desperately to do something about this horrible event. I understand that desire. If I agreed, I would have already introduced legislation. But I believe that actions closer to home are far more likely to be successful. I know that this is a radical concept, but most of what is good about America is not made so by federal legislation. People across our country are searching their hearts and their communities for answers. In hundreds of local papers you can see that nearly every school district in America has already called together teachers, parents and community members to see what can be done locally. Local people in their churches of all denominations are getting together to see how they can do more to reach kids in trouble. And every parent in America has considered carefully whether his or her children are at risk of committing violence.

We should allow this process of national soul searching to continue. If out of this process positive actions for the federal government emerge we should respond, but we should not hold not immediate federal action as false hope in place of the real actions and changes that will take place in communities, homes and schools across America.

It is difficult in this body to face the fact that we don't really need new laws as much as we need the enforcement of the laws we already have. Even more important than that, however, is a thorough examination of the culture of violence in our society and a broad base societal demand that those who profit from that violence, in the media and elsewhere, be brought to show more responsibility and more restraint.

I am concerned that the underlying Juvenile Justice bill suffers from the same defects. While it includes a few good ideas, it is another example of Washington, DC knows best. It spends money we don't have and tells every state and local government that we here in Washington, DC, know more about juvenile justice than those who spend their lives on the subject do.

Mr. LEAHY. Mr. President, my friend from Utah attacked the motion picture theater industry yesterday for not enforcing their voluntary rating system. Though no system, voluntary or mandatory, can every be perfect, the fact is that the exhibition industry is doing an increasingly better job enforcing those movie ratings.

The National Association of Theater Owners, the industry trade association, and its members have made ratings enforcement a top priority. The association has developed a videotape training series on the ratings and their enforcement for theater managers and employees.

It has distributed hundreds of thousands of brochures through theaters to the public which explains the rating system.

It has published weekly bulletins to its members and newspapers on new ratings.

It has published educational articles for its members, and it has held industry-wide meetings twice a year in which code enforcement is emphasized.

Recently, the Motion Picture Association and the National Association of Theater Owners began developing slide presentations for display during intermissions about the ratings.

The motion picture theater industry may be the only industry in the country which voluntarily turns down millions of dollars in ticket sales to enforce a voluntary rating system. We should all encourage the industry to do more. But in our rush to judgement, let us remember to consider the facts.

Mr. BURNS. Mr. President, I rise today to lend my voice in support of the juvenile justice bill currently before the Senate. This is an extensive, thoughtful approach to try to decrease the juvenile crime rate and to try to intervene in today's high-risk youth.

I stand before you to tell you that this is not only an urban problem. In our largest city, Billings, we have about 80,000 people, small by most States' standards. However, we also have gangs. Size and closeness of community doesn't innoculate us from the effects of our society. Even our tribal population is affected by juvenile crime. Youth on our reservations are being solicited for gang enrollment at increasingly earlier ages. From Billings to Fort Belknap, from Helena to Havre, from Gallatin to Glasgow to Great Falls, no area of the state is immune from the problem of juvenile delinquency. This bill finally tries to provide a focused approach to both reach today's youth and to prosecute violent criminals.

I would like to say that I agree and support all provisions of this bill. However, like most major legislation, there are some minor issues that cause me concern. But what we are really trying to do here is to intervene early in a youth's criminal career. By stopping the spree early, we prevent a lifetime of crime and create a contributing member of society.

Let me highlight why this bill is so drastically different from any previous juvenile justice legislation. First and foremost, this bill establishes a $450 million block grant program for state and local governments to establish youth violence programs. This almost doubles the FY 99 spending in equivalent programs. These funds can be used for record keeping, detention facilities, restitution programs, anti-truancy programs, gang intervention, crime training programs, and vocational training. In addition, it encourages the establishment of programs that will punish adults who knowingly use juveniles to help commit crimes. This is a key provision, since often adults will use kids in crime specifically because they are exempt from some of the stiffer penalties that apply to adults.

I have long been a proponent of enforcing existing laws. Right now, there is little additional penalty for repeat juvenile offenders. This law provides for graduated penalties to put some real teeth into law enforcement. There is also a juvenile version of the ''Brady bill,'' which prevents a person convicted of a violent felon of possessing a firearm.

Overall, this bill provides $1 billion specifically for juvenile crime programs. It covers everything from education to intervention. This comprehensive package will make significant strides in trying to keep our most precious commodity, our youth, out of harms way. I will be casting my vote in favor of this bill, and I encourage my colleagues to do the same.

MORNING BUSINESS

Mr. CRAIG. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

THE PASSING OF REAR ADMIRAL JAMES ''BUD'' NANCE

Mr. THURMOND. Mr. President, Admiral Bud Nance, the Staff Director of the Senate Foreign Relations Committee, passed away earlier this week and I rise to pay tribute to him and the service he rendered the nation.

Few others amassed the impressive record of public service that Bud did. He served the United States during times of war and during times of peace, and none can challenge that he was a man who loved the nation and who worked to protect her interests, security, and most importantly, citizens.

Born 77 years ago in the ''Tarheel State'', Bud Nance became involved in public service at an early age, attending and graduating from the United States Naval Academy. It was 1944 when Bud Nance became an ensign, and World War II was still a year away from ending, so the young officer was

posted to the Battleship North Carolina where he began what was to be a long and illustrious career. Though many would point to his achieving the rank of Rear Admiral as a demonstration of his abilities as an officer, I would counter that it was his command of the aircraft carrier USS *Forrestal* that serves as the best illustration of his professionalism and abilities as a sailor and leader. Simply put, there are few more coveted or more selectively assigned duties than that of captain of a carrier.

I am sure that when Bud stowed his seabag at the end of his final tour and retired from the Navy, he thought his days of hard work, low pay, and government service were behind him. Nothing could be further from the truth. As is common with all those who enter public service, even more so with the World War II generation, devotion to duty and a desire to make a difference was at the core of what made Bud Nance ''tick''. I doubt that he hesitated for a moment when Senator HELMS called him in 1991 and asked him to become the ''skipper'' of the Senate Foreign Relations Committee.

For the past eight years, Bud Nance has worked tirelessly to promote American foreign policy and he made many important and significant contributions to international relations during his tenure as the staff director of the Foreign Relations Committee. Bud, more than most, understood that the policy and directives that emanate from Congress can have a powerful impact on the world beyond the Beltway. He knew from firsthand experience that there is a tremendous difference in how the world looks from the Senate Chamber and a foxhole in some remote part of the world. The advice and guidance that Bud gave Senator HELMS and other members of the Foreign Relations Committee was based on a lifetime of experience and a world view that was unique and insightful.

Bud leaves behind many who cared for and admired this man, not the least of whom is his widow, Mary. I know that each of us sends our deepest condolences to her, as well as the children and grandchildren of the Nances, for their loss.

Mr. President, with the passing of Admiral Bud Nance, the Senate has lost a dedicated and selfless staffer, the nation has lost a true patriot, and many of us—especially JESSE HELMS—have lost a good friend. I join my friend from North Carolina in mourning this man, and I wish Admiral James ''Bud'' Nance fair winds and following seas on his final voyage.

IN MEMORY OF MEG GREENFIELD

Mr. DASCHLE. Mr. President, Meg Greenfield has just passed away.

On behalf of all colleagues in the Senate, our hearts go out to the family, to all of those who were so close to Meg over these years. There are few giants in journalism who have the standing stature and the extraordinary influence that Meg Greenfield has had through the years.

Her contribution to journalism has been legendary. Her contribution to her country through journalism has been extraordinary. It has been our good fortune to follow her leadership in journalism, to be guided by her wisdom, and certainly to be influenced by her good judgment on many, many occasions over these extraordinary decades which she has been involved.

I express my condolences to her family and say farewell to someone who has made an extraordinary impact on our country and on her profession.

I yield the floor.

Mr. KENNEDY. Mr. President, I want to join with Senator DASCHLE in expressing our heartfelt thoughts to the members of her family. Meg Greenfield put up an extraordinary fight against cancer for a very long period of time and did so with incredible bravery and extraordinary elegance, style, and class.

For the past two decades, she was the editor of the editorial page at The Washington Post, and in her long and brilliant career, the editorial page set an unsurpassed standard of excellence on all the great issues of the day in the nation's foreign and domestic policy.

She earned a Pulitzer Prize and many other honors during her outstanding career. For a quarter century, her extraordinary columns in Newsweek Magazine were a consistent voice of insight and reason that we looked forward to and learned from.

I had the opportunity to visit her just about 2 weeks ago. She was always immensely understanding and respectful of the political process. She admired those who were part of the political process in the finest sense, and believed that those who were really committed to public life could make a difference in our society.

She was a hopeful, idealistic person who wrote with great clarity, great eloquence, and great passion about the state of our nation. She established a high standard by which political leaders of both parties could try to measure themselves.

She made an extraordinary difference with her life. She had scores of friends and was highly regarded and respected in her business. To those who knew her and respected her, she was a giant in the writing press. A graduate of Smith College, Meg Greenfield became one of the greatest women and greatest journalists or our time, and we will miss her very much.

Mr. LEAHY. Mr. President, my colleagues have spoken about Meg Greenfield. I also want to echo their sentiments.

I think what was most amazing about her was not just her great talent, her ability to write, her extraordinary breadth of knowledge and interest, but to watch her, especially in the last few months, when ravaged by disease, she continued that same interest. She continued her work.

When you spoke with her or saw her, she never spoke about her own illness; she spoke of her interest in others. I have never once during her long illness heard her complain about her illness, but rather she would talk of others.

This was an extraordinary woman who left much earlier than she should have left this Earth, but she left behind a legacy of the truest of professionalism and one that will be missed.

Mr. HATCH. Mr. President, let me say a few words also about Meg Greenfield. This was an extraordinary journalist, an extraordinary person, a person who anybody would have to look up to.

I remember as a young conservative meeting with her. She was fair and decent to me. It just about meant everything to me that she would take time to discuss some of the great issues of the day with me.

I have inestimable respect for her. My sympathy and the sympathy of my wife Elaine goes out to her family. They have real reason to be very proud of her. She set standards of journalism that were very high. What pleased me is that even though I know she disagreed with me on a number of issues, she was very fair, very frank, and very decent when we discussed them. She went out of her way to make me feel welcomed.

Whether you agree or disagree with the Washington Post—I personally believe it is one of the greatest newspapers in America—for her to rise to the pinnacle of her profession in that great newspaper and to make sure that the editorial page and other aspects she worked with in the Washington Post were done with integrity and decency always impressed me.

We will miss her. Our love and affection and hearts go out to the family. She deserves the respect of everybody in this body, and, frankly, many, many, more throughout the country.

Mr. LAUTENBERG. Mr. President, our sympathies go out to the family of Meg Greenfield. She was, indeed, an extraordinary person, a thoughtful and brilliant writer and reporter.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 12, 1999, the Federal debt stood at $5,578,150,283,470.74 (Five trillion, five hundred seventy-eight billion, one hundred fifty million, two hundred eighty-three thousand, four hundred seventy dollars and seventy-four cents).

One year ago, May 12, 1998, the Federal debt stood at $5,491,841,000,000

(Five trillion, four hundred ninety-one billion, eight hundred forty-one million).

Five years ago, May 12, 1994, the Federal debt stood at $4,577,406,000,000 (Four trillion, five hundred seventy-seven billion, four hundred six million).

Ten years ago, May 12, 1989, the Federal debt stood at $2,764,990,000,000 (Two trillion, seven hundred sixty-four billion, nine hundred ninety million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,813,160,283,470.74 (Two trillion, eight hundred thirteen billion, one hundred sixty million, two hundred eighty-three thousand, four hundred seventy dollars and seventy-four cents) during the past 10 years.

DEATH OF HOLLY SELF DRUMMOND

Mr. THURMOND. Mr. President, South Carolina recently lost one of its most prominent citizens, Holly Self Drummond, who was known and admired by many throughout the Palmetto State.

''Miss Holly'' passed away at the age of 77, and though she led a full life, her death still came too soon. Each of us who knew Holly Drummond remember her as a vibrant, outgoing, and gracious lady who was a pillar of her community and an individual who embodied all that is good about the South.

This was a woman who distinguished herself in many ways throughout her life. She was active in any number of organizations that made her community and our State better places to live. She served as a member of the South Carolina Palmetto Cabinet; the Greenwood Woman's Club; the Sasanqua Garden Club of Ninety Six; and, on the Board of Visitors of Winthrop University and Piedmont Technical College. She was also active in her local church, and of course, was a fixture at the State House where her able husband has served for many years. Her contributions truly benefited others and served as an example of civic mindedness that others strove to emulate.

Holly Drummond's passing is saddening for many reasons. My grief is deepened for this woman was a loyal supporter, and more importantly, a valued friend. I had known Holly for more years than I can remember, and her family was well known to me.

Mr. President, Holly Self Drummond's passing leaves a tremendous void not only in the town of Greenwood and the State House of South Carolina, but in the lives of the many men and women who called her ''friend.'' Holly Drummond will not soon be forgotten, and I am certain that all those who knew her would join me in sending condolences to her family.

DERAILING NBC'S ATOMIC TRAIN

Mr. CRAIG. Mr. President, scare tactics may boost your ratings, but they won't do much for your credibility—especially when you advertise fiction as fact. This weekend, NBC will air a miniseries that is so far from plausible it is indeed laughable. The plot for this hyped up film revolves around a horrifying nuclear accident stemming from the transportation of nuclear weapons and hazardous waste on a train from California to Idaho.

Could this really happen, as the network originally advertised? Should you be staying up late at night to worry if your daily commute will include a rendezvous with spilled nuclear waste and Rob Lowe? Unfortunately, this movie only perpetuates Hollywood's warped depiction of all things nuclear. Because of past hype, Americans envision nuclear waste as a glowing green mass causing human and environmental meltdown on contact—not unlike the demise of the Wicked Witch of the West in the The Wizard of Oz. However, nothing could be farther from the truth.

If and when Hollywood comes out with another ''scary'' nuclear waste film, they might remember a few lessons NBC forgot. First of all, nuclear weapons are not transported by train, nor are they ever armed en route. They are moved by specially crafted 18-wheelers with the latest security and safety technologies and armed Federal agents. Even if an accident should occur, U.S. nuclear weapons are all designed to survive without detonation if jolted or engulfed in flames.

The plot of Atomic Train originally depicted the mutual transportation of both a nuclear weapon and nuclear waste, but NBC has changed any references to nuclear waste in the movie to ''hazardous'' waste. Wrong again. Federal regulations prohibit hazardous waste and nuclear waste from traveling along with nuclear weapons.

Secondly, nuclear waste is not green, glowing, or horrific to look at and great care is taken in its transportation. Spent nuclear fuel is solid, irradiated uranium oxide pellets encased in metal tubes and is non-explosive. It is transported in metal casks which will survive earthquakes, train collision and derailment, highway accident or fire.

To give credit where credit is due, the movie's trailer was right on one count—nuclear waste is transported far more frequently than most Americans realize. This is because the threat to both public and environmental health has been minimized by stringent safety protocols and close to 34 years of fine tuning. The possibility of radioactive materials harming the public en route is slim to none. Since 1965, more than 2,500 shipments of spent nuclear fuel have been transported safely throughout the U.S. without injury or environmental consequences from radioactive materials. That's a pretty good track record to go on.

Materials contaminated by radiation are also transported across the country. In fact, the first shipment of transuranic nuclear waste was safely and uneventfully transported from Idaho's own National Engineering and Environmental Laboratory (INEEL) to the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico last month. It was carried in DOE certified containers and tracked by satellite during the 1,400 mile trip. The Western Governors Association worked for years to develop the safest route possible and notify all emergency responders of shipment dates, routes, and even parking areas. Such shipments will become a routine matter in the years ahead.

INEEL celebrates its 50th Anniversary this year, and was the birthplace of harnessing the atom for electrical generation. Close to twenty percent of our electricity comes from nuclear energy, and remains one of the safest energy sources our country has available. Yes, nuclear waste requires special handling and precautions, but so do all of the chemical and industrial waste byproducts of our vibrant economy.

Due to the outcry over NBC's, ''this could really happen,'' trailer, the broadcasting company has made the wise decision to pull the ads, make last minute script changes to fix some of the more blatant inaccuracies, and post a disclaimer at the beginning of the movie. Yes, this is a piece of fiction, and it is predictable that Hollywood would stray far from the truth, but it is downright irresponsible of the network to create mass hysteria to boost ratings. I can only hope that future films will promote a more intelligent plot line.

PROMOTING HEALTH IN RURAL AREAS ACT OF 1999

Mr. FRIST. Mr. President, I rise to speak in support of S.980, the ''Promoting Health in Rural Areas Act of 1999,'' which my colleagues and I on the Senate Rural Health Caucus introduced on May 6,1999.

There is no single issue that unites rural Americans more than access to quality health care. It is one of the most important components of good quality of life in rural areas. The ability to receive high quality health care keeps people in and attracts them to small towns. Good health care services in a community can be both a source of great pride and security and many times local hospitals are a community's largest employer.

But some of that security is being threatened. Access to health care in rural areas can be problematic. Distances are greater. Some hospitals have closed. There are fewer choices of health plans than in urban areas. The

''Promoting Health in Rural Areas Act of 1999'' will help to improve access for rural citizens, increase payments to providers in rural areas, and bring innovative technologies to rural areas.

Approximately 20 percent of the nation's population, or more than 50 million people, live in rural America. However, the rural population is disproportionately poor, experiences significantly higher rates of chronic illness and disability, and is aging faster than the nation as a whole. In rural areas, the elderly account for 18% of the population.

Poverty is more widespread in rural areas and in 1995 the poverty rate was 15.6% there. Poverty was especially high in minorities—affecting 35% of rural African Americans and 31% of rural Hispanics. 22.4% of rural children live in poverty.

Health insurance coverage is also a problem. In 1996, only 53.7% of residents in rural areas had private health insurance and in 1996 about 10.5 million rural residents were uninsured. Medicare beneficiaries are more likely than the general population to reside in rural areas. Medicare spends less on rural beneficiaries than on urban beneficiaries and Medicaid covered only 45% of the rural poor. The government has a responsibility to rural communities and a responsibility to support the safety net upon which so many rural communities depend.

Before coming to the Senate, I was a heart-lung transplant surgeon. In that capacity, much of my time was spent working with rural health care providers who were caring for trauma victims eligible for organ donation. I spent many late nights flying to remote areas to harvest organs for transplantation elsewhere in the country. In this situation, I entered into their communities and worked side-by-side with rural hospitals, and their physicians, nurses, and other health professionals. These providers do an excellent job. However they work under very difficult conditions and require special attention to their particular needs.

To address the unique attributes of the health needs of the rural areas of America, I joined my colleagues in introducing this important legislation. The Promoting Health in Rural Areas Act of 1999 contains a number of provisions designed to enhance rural health.

There are provisions in the legislation to assist rural hospitals. For example, our bill reinstates the Medicare Dependent Hospital program which expired last year. This special designation directs special Medicare payments to eligible hospitals. Medicare Dependent Hospitals include rural hospitals that are not Sole Community Hospitals, have 100 or fewer beds, and at least 60% Medicare patient discharges or days. The bill also protects the Sole Community Hospitals program which aids hospitals in remote areas that serve as the sole hospital in an area.

There are also provisions to expand wage index reclassification. This means that hospitals in areas that are classified as rural can apply to use an urban wage index if they can show that their wages are similar to prevailing wages in urban areas. The provision would also direct the Health Care Financing Agency (HCFA) to establish separate wage indices for home health agencies and skilled nursing facilities so that their payments will be fairer and more accurate.

This bill would exclude Critical Access Hospitals, Medicare Dependent Hospitals, and Sole Community Hospitals from the new Medicare outpatient prospective payment system (PPS) when it is implemented. The HCFA analysis has shown that these primarily small, rural hospitals would be disproportionately impacted by the outpatient PPS as proposed.

The bill would improve Medicare payments to rural health clinics and allow HCFA to institute a prospective payment system. Medicare currently pays Rural Health Clinics for their reasonable costs up to a per-encounter cap of $60.40. The equivalent cap for Federally Qualified Health Center services, which was set using more recent data and a different methodology, is significantly higher ($80.62). S. 980 updates the methodology used to calculate the per-encounter cap, which will improve payments to rural health clinics.

There are provisions in the legislation to enhance choice of health plans in rural areas. The payment formula for Medicare+Choice plans, as revised in the Balanced Budget Act of 1997 (BBA), contains substantial changes designed to lessen the variance in payments to health plans among geographic areas over time. Today, Medicare payments vary county to county by more than 350% because they had been tied to historical charges. This is not a true reflection of the cost of delivering health care and in fact penalizes rural areas with historically poor access to quality care. Therefore, S.980 adjusts the payment formulas for Medicare+Choice plans to help rural areas attract private health plans.

Attracting health professionals to rural areas, and having them remain in the those communities, has been an ongoing problem. But access to high quality medical care is improved when there is an adequate supply of practitioners who remain in the community. S. 980 improves the likelihood of attracting and retaining health care professionals in rural areas. S. 980 increases payments to practitioners serving in Health Professional Shortage Areas (HPSAs) and assists rural communities with recruiting efforts. Specifically a 10% bonus will be paid to physician assistants and nurse practitioners for outpatient services provided in these areas. Our bill also assists with recruitment of health professionals to serve rural areas. Currently a community is not allowed to recruit and hire a practitioner until the one being replaced has left. No longer would a community have to lose the practitioner, before the recruitment process could begin. In addition, tuition benefits provided as scholarships through the National Health Service Corps, would not be treated as taxable income. These changes help ensure that trained health care professionals are accessible to seniors and individuals with disabilities living in rural areas.

The bill also makes changes to assist with training of physicians in rural hospitals. S.980 would allow rural hospitals to get credit for residents who spend time training outside a hospital and in rural health clinics. It would also allow hospitals with only one residency program to add up to three residents to their limit. BBA froze the reimbursement for residents at 1996 levels. This was detrimental to rural areas. These changes will allow for the training of more physicians in rural areas

Mr. President, I am pleased that S. 980 would enhance telemedicine and telehealth. Under the Balanced Budget Act of 1997, Medicare has begun to pay for telemedicine consultations for patients living in rural areas that are designated as Health Professional Shortage Areas (HPSAs). The Promoting Health in Rural Areas Act would: (1) allow anything currently covered by Medicare to be reimbursed; (2) expand eligibility for telemedicine reimbursement to include all rural areas; and (3) state definitively that the referring physician need not be present at the time of the telehealth service, and clarify that any health care practitioner, acting on instructions from the referring physician or practitioner, may present the patient to the consulting physician.

In addition, the bill would formally authorize an existing group of Cabinet level and private sector members and instruct them to focus on identifying, monitoring, and coordinating federal telehealth projects. The provisions also authorize the development a grant/loan program for telemedicine activities in rural areas.

Mr. President, this bill was developed by the Senate Rural Health Caucus, of which I am a member. I am proud of the provisions directed towards rural health care providers and the benefits they will have for the citizens of rural communities.

This bill sends a strong message to rural America: Washington cares about your problems and wants to help ensure access to quality health care. This is accomplished by strengthening the Medicare program and by making the newest technology available to rural areas.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1999.*

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 775. An act to establish procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

MEASURES REFERRED

The following bill was referred the Committee on Armed Services, pursuant to section 3(b) of Senate Resolution 400, Ninety-fourth Congress, for a period not to exceed thirty days of session:

S. 1009. A bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 775. An act to establish procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, for the Committee on Foreign Relations:

Treaty Doc. 105–1(A) Amended Mines Protocol (Exec. Rept. 106–2).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the Amended Mines Protocol (as defined in section 5 of this resolution), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the reservation, which shall be included in the United States instrument of ratification and shall be binding upon the President, that the United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

SEC. 3. UNDERSTANDINGS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following understandings, which shall be included in the United States instrument of ratification and shall be binding upon the President:

(1) UNITED STATES COMPLIANCE.—The United States understands that—

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual—

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) EFFECTIVE EXCLUSION.—The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to that Article are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) HISTORIC MONUMENTS.—The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) LEGITIMATE MILITARY OBJECTIVES.—The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) PEACE TREATIES.—The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) BOOBY-TRAPS AND OTHER DEVICES.—For the purposes of the Amended Mines Protocol, the United States understands that—

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a ''booby-trap'' under Article 2(4) of the Amended Mines Protocol and shall not be considered a ''mine'' or an ''anti-personnel mine'' under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) NON-LETHAL CAPABILITIES.—The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) INTERNATIONAL TRIBUNAL JURISDICTION.—The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

(9) TECHNICAL COOPERATION AND ASSISTANCE.—The United States understands that—

(A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

(B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military countermining capabilities of a State Party to the Protocol.

SEC. 4. CONDITIONS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following conditions, which shall be binding upon the President:

(1) PURSUIT DETERRENT MUNITION.—

(A) UNDERSTANDING.—The Senate understands that nothing in the Amended Mines Protocol restricts the possession or use of the Pursuit Deterrent Munition, which is in compliance with the provisions in the Technical Annex.

(B) CERTIFICATION.—Prior to deposit of the United States instrument of ratification, the President shall certify to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives that the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

(C) EFFECTIVE ALTERNATIVE DEFINED.—For purposes of subparagraph (B), the term ''effective alternative'' does not mean a tactic or operational concept in and of itself.

(2) HUMANITARIAN DEMINING ASSISTANCE.—The Senate makes the following findings:

(A) UNITED STATES EFFORTS.—The United States contributes more than any other country to the worldwide humanitarian demining effort, having expended more than $153,000,000 on such efforts since 1993.

(B) DEVELOPMENT OF DETECTION AND CLEARING TECHNOLOGY.—The Department of Defense has undertaken a program to develop improved mine detection and clearing technology and has shared this improved technology with the international community.

(C) EXPANSION OF UNITED STATES HUMANITARIAN DEMINING PROGRAMS.—The Department of Defense and the Department of State have expanded their humanitarian demining programs to train and assist the personnel of other countries in developing effective demining programs.

(3) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ASSESSMENT FOR COST OF IMPLEMENTATION.—Notwithstanding any provision of the Amended Mines Protocol, and subject to the requirements of subparagraphs (B) and (C), the portion of the United States annual assessed contribution for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol may not exceed $1,000,000.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term ''Consumer Price Index'' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions would seriously affect the national interest of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol to which the additional contributions would be applied.

(4) UNITED STATES AUTHORITY FOR TECHNICAL COOPERATION AND ASSISTANCE.—Notwithstanding any provision of the Amended Mines Protocol, no funds may be drawn from the Treasury of the United States for any payment or assistance (including the transfer of in-kind items) under Article 11 or Article 13(3)(d) of the Amended Mines Protocol without statutory authorization and appropriation by United States law.

(5) FUTURE NEGOTIATION OF WITHDRAWAL CLAUSE.—It is the sense of the Senate that, in negotiations on any treaty containing an arms control provision, United States negotiators should not agree to any provision that would have the effect of prohibiting the United States from withdrawing from the arms control provisions of that treaty in a timely fashion in the event that the supreme national interests of the United States have been jeopardized.

(6) LAND MINE ALTERNATIVES.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the President, in pursuing alternatives to United States anti-personnel mines or mixed anti-tank systems, will not limit the types of alternatives to be considered on the basis of any criteria other than those specified in subparagraph (B); and

(B) in pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that—

(i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and

(ii) would be affordable.

(7) CERTIFICATION WITH REGARD TO INTERNATIONAL TRIBUNALS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that, with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

(8) TACTICS AND OPERATIONAL CONCEPTS.—It is the sense of the Senate that development, adaptation, or modification of an existing or new tactic or operational concept, in and of itself, is unlikely to constitute an acceptable alternative to anti-personnel mines or mixed anti-tank systems.

(9) FINDING REGARDING THE INTERNATIONAL HUMANITARIAN CRISIS.—The Senate finds that—

(A) the grave international humanitarian crisis associated with anti-personnel mines has been created by the use of mines that do not meet or exceed the specifications on detectability, self-destruction, and self-deactivation contained in the Technical Annex to the Amended Mines Protocol; and

(B) United States mines that do meet such specifications have not contributed to this problem.

(10) APPROVAL OF MODIFICATIONS.—The Senate reaffirms the principle that any amendment or modification to the Amended Mines Protocol other than an amendment or modification solely of a minor technical or administrative nature shall enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(11) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval an international agreement that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty-making power as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(12) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and condition (8) of the resolution of ratification of the CFE Flank Document, approved by the Senate on May 14, 1997.

(13) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Amended Mines Protocol requires or authorizes the enactment of legislation, or the taking of any other action, by the United States that is prohibited by the Constitution of the United States, as interpreted by the United States.

SEC. 5. DEFINITIONS.

As used in this resolution:

(1) AMENDED MINES PROTOCOL OR PROTOCOL.—The terms ''Amended Mines Protocol'' and ''Protocol'' mean the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, as adopted at Geneva on May 3, 1996 (contained in Senate Treaty Document 105-1).

(2) CFE FLANK DOCUMENT.—The term ''CFE Flank Document'' means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, done at Vienna on May 31, 1996 (Treaty Document 105–5).

(3) CONVENTION ON CONVENTIONAL WEAPONS.—The term ''Convention on Conventional Weapons'' means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on October 10, 1980 (Senate Treaty Document 103–25).

(4) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Amended Mines Protocol.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1028. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other

purposes; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. KENNEDY, Mr. LEVIN, and Mr. VOINOVICH):

S. 1029. A bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1030. A bill to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 1031. A bill to amend the National Forest Management Act of 1976 to prohibit below-cost timber sales in the Shawnee National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWNBACK (for himself, Mr. HELMS, Mr. BURNS, Mr. ROBERTS, Mr. FITZGERALD, and Mr. LUGAR):

S. 1032. A bill to permit ships built in foreign countries to engage in coastwise trade in the transport of certain products; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1033. A bill to amend title IV of the Social Security Act to coordinate the penalty for the failure of a State to operate a State child support disbursement unit with the alternative penalty procedure for failures to meet data processing requirements; to the Committee on Finance.

By Mr. AKAKA (for himself, Ms. SNOWE, Mrs. MURRAY, and Ms. COLLINS):

S. 1034. A bill to amend title XVIII of the Social Security Act to increase the amount of payment under the medicare program for pap smear laboratory tests; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. BINGAMAN):

S. 1035. A bill to establish a program to provide grants to expand the availability of public health dentistry programs in medically underserved areas, health professional shortage areas, and other Federally-defined areas that lack primary dental services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. DODD, and Mr. ROCKEFELLER):

S. 1036. A bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program; to the Committee on Finance.

By Mrs. BOXER:

S. 1037. A bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. KERREY, Mr. CONRAD, and Mr. DASCHLE):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Finance.

By Mr. NICKLES:

S. 1039. A bill for the relief of Renato Rosetti; to the Committee on the Judiciary.

By Mr. SHELBY (for himself and Mr. CRAIG):

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

By Mr. FRIST:

S. 1041. A bill to amend title 38, United States Code, to permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Mr. DOMENICI, Mr. BINGAMAN, Mr. LOTT, Ms. LANDRIEU, Mr. COCHRAN, Mr. THOMAS, Mr. BROWNBACK, and Mr. GRAMM):

S. 1042. A bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes; to the Committee on Finance.

By Mr. McCAIN:

S. 1043. A bill to provide freedom from regulation by the Federal Communications Commission for the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 1044. A bill to require coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERREY, and Mr. ROBB):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions, and for other purposes; to the Committee on Finance.

By Mr. REED:

S. 1046. A bill to amend title V of the Public Health Service Act to revise and extend certain programs under the authority of the Substance Abuse and Mental Health Services Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN) (by request):

S. 1047. A bill to provide for a more competitive electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1048. A bill to provide for a more competitive electric power industry, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1049. A bill to improve the administration of oil and gas leases on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1050. A bill to amend the Internal Revenue Code of 1986 to provide incentives for gas and oil producers, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN) (by request):

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BINGAMAN):

S. 1052. A bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FITZGERALD (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. ASHCROFT):

S. Res. 101. A resolution expressing the sense of the Senate on agricultural trade negotiations; to the Committee on Finance.

By Mr. LOTT:

S. Res. 102. A resolution appointing Patricia Mack Bryan as Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1028. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes; to the Committee on the Judiciary.

CITIZENS ACCESS TO JUSTICE ACT OF 1999

Mr. HATCH. Mr. President, I am pleased today to introduce the ''Citizens Access to Justice Act of 1999,'' or CAJA. More precisely, I am reintroducing the same bill that was voted out of the Judiciary Committee last Congress, but was a victim of a filibuster by the left.

Why am I doing this? Some may say that it is fruitless. But even though Senator LANDRIEU, other supporters of the bill, and myself, were unsuccessful last Congress in passing this much needed bill, property owners of Utah, and, indeed, of all of our States, still feel the heavy hand of the government erode their right to hold and enjoy private property. To make matters worse, many of these property owners often are unable to safeguard their rights because they effectively are denied access to federal courts. Our bill was designed to rectify this problem. Let me explain.

In a society based upon the ''rule of law,'' the ability to protect property and other rights is of paramount importance. Indeed, it was Chief Justice John Marshall, who in the seminal 1803 case of Marbury v. Madison, observed that the ''government of the United States has been emphatically termed a government of laws, and not of men. It will cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested right.''

Despite this core belief of John Marshall and other Founders, the ability of property owners to vindicate their rights in court today is being frustrated by localities which sometimes create labyrinths of administrative hurdles that property owners must jump through before being able to bring a claim in Federal court to vindicate their federal constitutional rights. They are also hampered by the overlapping and confusing jurisdiction of the Court of Federal Claims and the federal district courts over Fifth Amendment property rights claims. CAJA seeks to remedy these situations.

The purpose of the bill is, therefore, at its root, primarily one of fostering fundamental fairness and simple justice for the many millions of Americans who possess or own property. Many citizens who attempt to protect their property rights guaranteed by the Fifth Amendment of the Constitution are barred from the doors of the federal courthouse.

In situations where other than Fifth Amendment property rights are sought to be enforced—such as First Amendment rights, for example—aggrieved parties generally file in a single federal forum to obtain the full range of remedies available to litigants to make them whole. In property rights cases, property owners may have to file in different courts for different types of remedies. This is expensive and wasteful.

Moreover, unlike situations where other constitutional rights are sought to be enforced, property owners seeking to enforce their Fifth Amendment rights must first exhaust all state remedies with the result that they may have to wait for over a decade before their rights are allowed to be vindicated in federal court—if they get there at all. CAJA addresses this problem of providing property owners fair access to federal courts to vindicate their federal constitutional rights.

Let me be more specific. The bill has two main provisions to accomplish this end. The first is to provide private property owners claiming a violation of the Fifth Amendment's Taking Clause some certainty as to when they may file the claim in federal court. This is accomplished by addressing the procedural hurdles of the ripeness and abstention doctrines which currently prevent them from having fair and equal access to federal court. The bill defines when a final agency decision has occurred for purposes of meeting the ripeness requirement and prohibits a federal judge from abstaining from or relinquishing jurisdiction when the case does not allege any violation of a state law, right, or privilege. Thus, the bill serves as a vehicle for overcoming federal judicial reluctance to review takings claims based on the ripeness and abstention doctrines.

The second provision clarifies the jurisdiction between the Court of Federal Claims in Washington, D.C., and the regional federal district courts over federal Fifth Amendment takings claims. The ''Tucker Act,'' which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate the right to just compensation for a government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the federal district court and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court.

This division between law and equity is archaic and results in burdensome delays as property owners who seek both types of relief are ''shuffled'' from one court to the other to determine which court is the proper forum for review. The bill resolves this matter by simply giving both courts concurrent jurisdiction over takings claims, thus allowing both legal and equitable relief to be granted in a single forum.

I must emphasize that the bill does not create any substantive rights. The definition of property, as well as what constitutes a taking under the Just Compensation Clause of the Fifth Amendment, is left to the courts to define. The bill would not change existing case law's ad hoc, case-by-case definition of regulatory takings. Instead, it would provide a procedural fix to the litigation muddle that delays and increases the cost of litigating a Fifth Amendment taking case. All the bill does is to provide for fair procedures to allow property owners the means to safeguard their rights by having their day in court.

Mr. President, I am very well aware that this bill has been opposed by the Department of Justice, many localities, some interstate governmental associations, and certain environmental groups. I believe that there concerns that the bill would hinder local prerogatives and significantly increase the amount of federal litigation are highly overstated. The bill is carefully drafted to ensure that aggrieved property owners must first seek solutions on the local or state level before filing a federal claim. It just sets a limit on how many procedures localities may interpose.

Moreover, I seriously doubt that there will be a rush of new litigation, as some have contended, flooding federal courts. That there will be no significant increase was the conclusion of the nonpartisan Congressional Budget Office in its study of last year's bill.

It is extremely difficult to prove a takings claim, and this bill does not in any way redefine what constitutes a taking. These claims are also expensive to bring. Paradoxically, localities' need to defend federal actions may be lessened by the bill because localities already must litigate property rights claims on federal ripeness grounds, which take years to resolve.

Let me restate this. By providing certainty on the ripeness issue, the bill may very well reduce litigation costs to localities. Substantive takings claims, unless they are likely to prevail on the merits, are simply too hard to prove and too expensive to bring in federal court. And the issue of ripeness will have been removed by the bill from the already crowded court dockets.

Mr. President, it is interesting to note that once many state officials, localities, and state and trade organizations really examine the measure, many become the bill's supporters. Those supporting the bill and increased vigilance in the property rights arena include the Governors of Tennessee, Wisconsin, New Mexico, and North Dakota.

They also include the American Legislative Exchange Council, which represents over 3000 state legislators, and trade groups such as America's Community Bankers, the National Mortgage Association of America, the National Association of Home Builders, the National Association of Realtors, and the National Federation of Independent Businesses, the organ of small business in the United States. They also include agricultural interests such as the American Farm Bureau, the American Forest and Paper Association, the National Cattlemen's Beef Association, and the National Grange.

Just as important, let me point out that 133 House sponsors of the last year's House passed bill were former state and local officeholders. I do not believe that they would have voted for the bill if the bill would conflict with local sovereignty.

Mr. President, we have bent over backwards trying to accommodate those expressing concerns about the bill which passed out of the Senate Judiciary Committee last year. We met with city mayors, representatives of local governmental organizations, attorneys generals, and religious groups, to name just a few.

We held group meetings and asked for suggestions and changes to the bill which would alleviate opposition and concerns. These changes are incorporated in the present bill. These changes by and large alleviate municipalities' concerns that the bill would become a vehicle for frivolous and novel suits. They remove any incentive the bill may have for property owners

to file specious suits against localities. They foster negotiations to resolve problems. And, they recognize the right of the states and localities to abate nuisances without having to pay compensation.

But I am under no illusion. I understand that many localities still oppose the bill. The process that we so fruitfully began last year should be continued. It is my hope that groups supporting property rights and those localities and governmental entities that oppose the bill should meet as soon as practicable. Let each side discuss their problems and concerns. I believe—in the best tradition of American pragmatic know how—that a solution to this problem can be worked out.

The bill I introduce today is a model. But it is a model that can be improved. I assure all those concerned that we will consider all reasonable suggested changes to the bill. After all, it is not pride of authorship that is important. What is important, instead, is a viable solution to a vexing and unfair problem.

Mr. President, I ask unanimous consent that the entire text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1028

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 ''Citizens Access to Justice Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) property rights have been abrogated by the application of laws, regulations, and other actions by all levels of government that adversely affect the value and the ability to make reasonable use of private property;

(2) certain provisions of sections 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act), that delineate the jurisdiction of courts hearing property rights claims, frustrate the ability of a property owner to obtain full relief for violation founded upon the fifth and fourteenth amendments of the United States Constitution;

(3) current law—

(A) has no sound basis for splitting jurisdiction between two courts in cases where constitutionally protected property rights are at stake;

(B) adds to the complexity and cost of takings and litigation, adversely affecting taxpayers and property owners;

(C) forces a property owner, who seeks just compensation from the Federal Government, to elect between equitable relief in the district court and monetary relief (the value of the property taken) in the United States Court of Federal Claims;

(D) is used to urge dismissal in the district court in complaints against the Federal Government, on the ground that the plaintiff should seek just compensation in the Court of Federal Claims;

(E) is used to urge dismissal in the Court of Federal Claims in complaints against the Federal Government, on the ground that the plaintiff should seek equitable relief in district court; and

(F) forces a property owner to first pay to litigate an action in a State court, before a Federal judge can decide whether local government has denied property rights safeguarded by the United States Constitution;

(4) property owners cannot fully vindicate property rights in one lawsuit and their claims may be time barred in a subsequent action;

(5) property owners should be able to fully recover for a taking of their private property in one court;

(6) certain provisions of section 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act) should be amended, giving both the district courts of the United States and the Court of Federal Claims jurisdiction to hear all claims relating to property rights in complaints against the Federal Government;

(7) section 1500 of title 28, United States Code, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and made by the same plaintiff, should be repealed;

(8) Federal and local authorities, through complex, costly, repetitive and unconstitutional permitting, variance, and licensing procedures, have denied property owners their fifth and fourteenth amendment rights under the United States Constitution to the use, enjoyment, and disposition of, and exclusion of others from, their property, and to safeguard those rights, there is a need to determine what constitutes a final decision of an agency in order to allow claimants the ability to protect their property rights in a court of law;

(9) a Federal judge should decide the merits of cases where a property owner seeks redress solely for infringements of rights safeguarded by the United States Constitution, and where no claim of a violation of State law is alleged; and

(10) certain provisions of sections 1343, 1346, and 1491 of title 28, United States Code, should be amended to clarify when a claim for redress of constitutionally protected property rights is sufficiently ripe so a Federal judge may decide the merits of the allegations.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a clear, uniform, and efficient judicial process whereby aggrieved property owners can obtain vindication of property rights guaranteed by the fifth and fourteenth amendments to the United States Constitution and this Act;

(2) amend the Tucker Act, including the repeal of section 1500 of title 28, United States Code;

(3) rectify the unduly onerous and expensive requirement that an owner of real property, seeking redress under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) for the infringement of property rights protected by the fifth and fourteenth amendments of the United States Constitution, is required to first litigate Federal constitutional issues in a State court before obtaining access to the Federal courts;

(4) provide for uniformity in the application of the ripeness doctrine in cases where constitutional rights to use and enjoy real property are allegedly infringed, by providing that a final agency decision may be adjudicated by a Federal court on the merits after—

(A) the pertinent government body denies a meaningful application to develop the land in question; and

(B)(i) the property owner seeks available waivers and administrative appeals from such denial; and

(ii) such waiver or appeal is not approved; and

(5) confirm the proper role of a State or territory to prevent land uses that are a nuisance under applicable law.

SEC. 4. DEFINITIONS.

In this Act, the term—

(1) ''agency action'' means any action, inaction, or decision taken by a Federal agency or other government agency that at the time of such action, inaction, or decision adversely affects private property rights;

(2) ''district court''—

(A) means a district court of the United States with appropriate jurisdiction; and

(B) includes the United States District Court of Guam, the United States District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands;

(3) ''Federal agency'' means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government;

(4) ''owner'' means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(5) ''private property'' or ''property'' means all interests constituting property, as defined by Federal or State law, protected under the fifth and fourteenth amendments to the United States Constitution; and

(6) ''taking of private property'', ''taking'', or ''take'' means any action whereby restricting the ownership, alienability, possession, or use of private property is an object of that action and is taken so as to require compensation under the fifth amendment to the United States Constitution, including by physical invasion, regulation, exaction, condition, or other means.

SEC. 5. PRIVATE PROPERTY ACTIONS.

(a) IN GENERAL.—An owner may file a civil action under this section to challenge the validity of any Federal agency action as a violation of the fifth amendment to the United States Constitution in a district court or the United States Court of Federal Claims.

(b) CONCURRENT JURISDICTION.—Notwithstanding any other provision of law and notwithstanding the issues involved, the relief sought, or the amount in controversy, the district court and the United States Court of Federal Claims shall each have concurrent jurisdiction over both claims for monetary relief and claims seeking invalidation of any Act of Congress or any regulation of a Federal agency affecting private property rights.

(c) ELECTION.—The plaintiff may elect to file an action under this section in a district court or the United States Court of Federal Claims.

(d) WAIVER OF SOVEREIGN IMMUNITY.—This section constitutes express waiver of the sovereign immunity of the United States with respect to an action filed under this section.

(e) APPEALS.—The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction of any action filed

under this section, regardless of whether the jurisdiction of such action is based in whole or part under this section.

(f) STATUTE OF LIMITATIONS.—The statute of limitations for any action filed under this section shall be 6 years after the date of the taking of private property.

(g) ATTORNEYS' FEES AND COSTS.—In issuing any final order in any action filed under this section, the court may award costs of litigation (including reasonable attorneys' fees) to any prevailing plaintiff.

SEC. 6. JURISDICTION OF UNITED STATES COURT OF FEDERAL CLAIMS AND UNITED STATES DISTRICT COURTS.

(a) UNITED STATES COURT OF FEDERAL CLAIMS.—

(1) JURISDICTION.—Section 1491(a) of title 28, United States Code, is amended—

(A) in paragraph (1) by amending the first sentence to read as follows: ''The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States for monetary relief founded either upon the Constitution or any Act of Congress or any regulation of an executive department or upon any express or implied contract with the United States, in cases not sounding in tort, or for invalidation of any Act of Congress or any regulation of an executive department under section 5 of the Citizens Access to Justice Act of 1999.'';

(B) in paragraph (2) by inserting before the first sentence the following: ''In any case within its jurisdiction, the Court of Federal Claims shall have the power to grant injunctive and declaratory relief when appropriate.''; and

(C) by adding at the end the following new paragraphs:

''(3) In cases otherwise within its jurisdiction, the Court of Federal Claims shall also have supplemental jurisdiction, concurrent with the courts designated under section 1346(b), to render judgment upon any related tort claim authorized under section 2674.

''(4) In proceedings within the jurisdiction of the Court of Federal Claims which constitute judicial review of agency action (rather than de novo proceedings), the provisions of section 706 of title 5 shall apply.

''(5)(A) Any claim brought under this subsection to redress the deprivation of a right or privilege to use and enjoy real property as secured by the Constitution, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

''(B) For purposes of this paragraph, a final decision exists if—

''(i) the United States makes a definitive decision regarding the extent of permissible uses on real property that has been allegedly infringed or taken; and

''(ii) one meaningful application as defined by applicable law to use the property has been submitted but has not been approved within a reasonable time, and the party seeking redress has applied for one appeal and one waiver which has not been approved within a reasonable time, where the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

''(C)(i) The party seeking redress shall not be required to submit any application or apply for any appeal or waiver required under this section, if the district court determines that such action would be futile.

''(ii) In this subparagraph, the term 'futile' means the inability of an owner of real property to seek or obtain approvals to use such real property, and the hardship endured by such inability, as defined under applicable land use, zoning, and planning law.

''(D) Nothing in this paragraph alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.''.

(2) PENDENCY OF CLAIMS IN OTHER COURTS.—

(A) IN GENERAL.—Section 1500 of title 28, United States Code is repealed.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1500.

(b) DISTRICT COURT JURISDICTION.—

(1) CITIZEN ACCESS TO JUSTICE ACTION.—Section 1346(a) of title 28, United States Code, is amended by adding after paragraph (2) the following:

''(3) Any civil action filed under section 5 of the Citizens Access to Justice Act of 1999.''.

(2) UNITED STATES AS DEFENDANT.—Section 1346 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) Any claim brought under subsection (a) to redress the deprivation of a right or privilege to use and enjoy real property as secured by the Constitution shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

''(2)(A) For purposes of this subsection, a final decision exists if—

''(i) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

''(ii) one meaningful application as defined by applicable law to use the property has been submitted but has not been approved within a reasonable time, and the party seeking redress has applied for one appeal and one waiver which has not been approved within a reasonable time, where the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

''(B)(i) The party seeking redress shall not be required to submit any application or apply for any appeal or waiver required under this section, if the district court determines that such action would be futile.

''(ii) In this subparagraph, the term 'futile' means the inability of an owner of real property to seek or obtain approvals to use such real property, and the hardship endured by such inability, as defined under applicable land use, zoning, and planning law.

''(3) Nothing in this subsection alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.''.

(c) DISTRICT COURT CIVIL RIGHTS JURISDICTION; ABSTENTION.—Section 1343 of title 28, United States Code, is amending by adding at the end the following:

''(c) Whenever a district court exercises jurisdiction under subsection (a), the court shall not abstain from or relinquish jurisdiction to a State court in an action if—

''(1) no claim of a violation of a State law or privilege is alleged; and

''(2) a parallel proceeding in State court arising out of the same core of operative facts as the district court proceeding is not pending.

''(d) A district court that exercises jurisdiction under subsection (a) in an action in which the operative facts concern the uses of real property may abstain where the party seeking redress—

''(1) has not submitted a meaningful application, as defined by applicable law, to use such real property; and

''(2) challenges whether an action of the applicable locality exceeds the authority conferred upon the locality under the applicable zoning or planning enabling statute of the State or territory.

''(e)(1) Where the district court has jurisdiction over an action under subsection (a) in which the operative facts concern the uses of real property and which cannot be decided without resolution of an unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question certified to it, the district court shall proceed with resolving the merits.

''(2) In making a decision whether to certify a question of State law under this subsection, the district court may consider whether the question of State law—

''(A) will significantly affect the merits of the injured party's Federal claim; and

''(B) is patently unclear.

''(f)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a right or privilege to use and enjoy real property as secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, that causes actual and concrete injury to the party seeking redress.

''(2)(A) For purposes of this subsection, a final decision exists if—

''(i) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken;

''(ii)(I) one meaningful application, as defined by applicable law to use the property has been submitted but has not been approved within a reasonable time, and the party seeking redress has applied for one appeal or waiver which has not been approved within a reasonable time, where the applicable statute, ordinance, custom, or usage provides a mechanism for appeal to or waiver by an administrative agency; or

''(II) one meaningful application, as defined by applicable law, to use the property has been submitted but has not been approved within a reasonable time, and the disapproval at a minimum specifies in writing the range of use, density, or intensity of development of the property that would be approved, with any conditions therefor, and the party seeking redress has resubmitted another meaningful application taking into account the terms of the disapproval, except that—

''(aa) if no such reapplication is submitted, then a final decision shall not have been reached for purposes of this subsection, except as provided in subparagraph (B); and

''(bb) if the reapplication is not approved within a reasonable time, or if the reapplication is not required under subparagraph (B), then a final decision exists for purposes of this subsection if the party seeking redress has applied for one appeal or waiver with respect to the disapproval, which has not been approved within a reasonable time, where the applicable statute, ordinance, custom, or usage provides a mechanism of appeal or waiver by an administrative agency; and

''(iii) in a case involving the uses of real property, where the applicable statute or ordinance provides for review of the case by

elected officials, the party seeking redress has applied for but is denied such review.

''(B)(i) The party seeking redress shall not be required to submit any application or re-application, or apply for any appeal or waiver as required under this subsection, upon determination by the district court that such action would be futile.

''(ii) In this subparagraph, the term 'futile' means the inability of an owner of real property to seek or obtain approvals to use such real property, and the hardship endured by such inability, as defined under applicable land use, zoning, and planning law.

''(3) For purposes of this subsection, a final decision shall not require the party seeking redress to exhaust judicial remedies provided by any State or territory of the United States.

''(g) Nothing in subsection (c), (d), (e), or (f) alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.''.

SEC. 7. ATTORNEYS FEES FOR LOCALITIES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by striking ''In any action'' and inserting ''(1) Subject to paragraphs (2) and (3), in any action''; and

(2) by adding at the end the following:

''(2) In an action arising under section 1979 of the Revised Statutes (42 U.S.C. 1983), where the taking of real property is alleged, a district court, in its discretion, may hold the party seeking redress liable for a reasonable attorney's fee and costs where the takings claim is not substantially justified, unless special circumstances make an award of such fees unjust. Whether or not the position of the party seeking redress was substantially justified shall be determined on the basis of any administrative and judicial record, as a whole, which is made in the district court adjudication for which fees and other expenses are sought.

''(3) In an action arising under section 1979 of the Revised Statutes (42 U.S.C. 1983) where the taking of real property is alleged, the district court shall decide any motion to dismiss such claim on an expedited basis. Where such a motion is granted and the takings claim is dismissed with prejudice, the non-moving party may be liable for a reasonable attorney's fee and costs at the discretion of the district court, unless special circumstances make an award of such fees unjust.''.

SEC. 8. DUTY OF NOTICE TO DEFENDANTS.

Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) by inserting ''(a)'' before ''Every person''; and

(2) by adding at the end the following:

''(b) A party seeking redress under this section for a taking of real property without the payment of compensation shall not commence an action in district court before 60 days after the date on which written notice has been given to any potential defendant.''.

SEC. 9. DUTY OF NOTICE TO OWNERS.

Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by this Act (including the amendments made by this Act), the agency shall give notice to the owners of that property explaining their rights under this Act and the procedures for obtaining any compensation that may be due to them under this Act.

SEC. 10. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed to interfere with the authority of any State to create additional property rights.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall apply to any agency action that occurs on or after such date.

By Mr. COCHRAN (for himself and Mr. KENNEDY)

S. 1029. A bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Health, Education, Labor and Pensions.

DIGITAL EDUCATION ACT OF 1999

Mr. COCHRAN. Mr. President, today I am proud to introduce the Digital Education Act, a bill to amend title III of the Elementary and Secondary Education Act. I am pleased that the distinguished Senator from Massachusetts, Mr. KENNEDY, joins me in introducing this legislation to address some critical technology issues and the role of public broadcasting in education.

This bill expands Ready to Learn, a program of combined successful efforts in early childhood education. It expands MATHLINE, a proven model of teacher professional development, and it supports production of new digital educational material. The Digital Education Act includes innovative applications of progressive technology to promote the best practices in teaching and bring up to date information to classrooms throughout the country.

The Federal Government, State departments of education, local community businesses, and public television stations have made major investments in educational technology in recent years. These investments have focused on network infrastructure and computer hardware. It is time to invest in instructional resources that will make these new networks relevant and ensure that students and teachers are prepared to benefit fully from the new technology.

The Ready To Learn Television program, first authorized in 1994, has made a unique contribution to ensure that American children start school ''ready to learn.'' The program has funded an unprecedented blending of services, including quality children's educational television programming broadcast by the Public Broadcasting Service, and a variety of outreach services for parents, teachers and other care givers.

Ready to Learn outreach programs have had tremendous success. Local public television stations that subscribe to Ready to Learn provide training and other services to parents and care givers of preschoolchildren. Ready to Learn has grown from 10 public television stations to 130, reaching approximately 94 percent of the country. Each month Ready to Learn distributes over 35,000 books to children and over 900,000 copies of a custom parent/care giver magazine, specifically designed to integrate programming with reading. Ready to Learn is providing the opportunities for children and parents to build that foundation for success. Over 330,000 parents and child care professionals have been trained in using television to encourage reading. Using Ready to Learn techniques, these adults have nurtured the reading of 4,331,829 children.

The Mississippi Educational Network in my home State, targets outreach services to high poverty populations who are particularly disadvantaged. The services include basic lessons in parenting, developmental benchmarks, health and nutrition, nurturing literacy in the home, and using the television programs children watch most to reinforce the lessons.

The families in these communities often have no reading material in their house. The first book given to a child by Mississippi Ready to Learn is quite likely to be the first book the child has ever owned. And, while Ready to Learn is designed for prekindergarten children, these families may have older children who may be equally in need. The local design of Ready to Learn allows the Mississippi director, Cassandra Washington, to tailor her workshops and even have a few older child books on hand for these families. Ms. Washington has been very resourceful in her outreach, finding non-traditional places for education, such as the Women Infants and Children Distribution Centers throughout Mississippi where families in need come regularly.

The International Reading Association stated recently, ''By the time children are exposed to beginning reading instruction in kindergarten and first grade, they should have a foundation that assures them early success. Recent studies indicate just how critical those positive early experiences are to cognitive development and lifelong reading.''

Congressionally authorized and Federally funded research at the National Institutes of Health found that when parents read to their young children, it literally stimulates the brain development of the children. A recent University of Alabama study found that Ready to Learn families: watch 40 percent less television, watch more education-oriented programming, read more often with their children, read longer at each sitting, read for more educational and informational purposes, and took their children to libraries and bookstores more often than others.

Using the best research tested information available, Ready To Learn has driven the development of two major, commercial-free broadcast series for young children. The first, ''Dragon Tales,'' will begin airing this fall and will be integrated with carefully designed home and school resources to develop reading skills in young children.

The Digital Education Act will build on the early successes of Ready to

Learn. It will authorize funding to increase station grants, produce new outreach and training activities, and generate more services for parents and care givers, so that more children start school truly ready to learn.

The Digital Education Act provides for the demonstration of early childhood education digital applications with public television stations that are technologically ready. Currently, there are digital broadcast public television stations in Mississippi, Massachusetts, Missouri, Oregon, Pennsylvania, Virginia, Wisconsin, and Washington. These stations can transmit several programming services simultaneously. New applications include a dedicated channel for early childhood education and transmission of Internet accessible supplementary information text and video.

Today, children's programs produced by PBS and individual public broadcasting stations are among the television shows most watched by children and most used in classrooms. Many teachers and parents credit these programs for stimulating curiosity, educating, and encouraging continued learning through reading and other resources. The increased funding authorized in this bill will continue the investment of Ready to Learn resources in producing commercial-free children's programming of the highest educational quality.

Thirty years ago, Federal funding seeded the creation of Sesame Street. This carved out a meaningful place for educational children's programming as analog public television developed. The Digital Education Act stakes a new claim in the technological frontier for children and educational broadcasting and will ensure that this reinvention of television includes a major education component for children from the beginning.

The second element of the Digital Education Act concerns teacher professional development. In 1994, Congress authorized the ''Telecommunications Demonstration Project for Mathematics,'' which has supported a project called MATHLINE. Through MATHLINE, PBS has pioneered a new model of teacher professional development, utilizing a blend of technologies, including online communications and video, to provide quality resources and services to teachers of mathematics.

Through public and private funding, PBS MATHLINE developed The Elementary School Math Project for teachers, grades K–5; The Middle School Math Project for teachers, grades 5–8; The High School Math Project: Focus on Algebra for teachers, grades 7–12; and The Algebraic Thinking Math Project for teachers, grades 3–8.

Over 5,000 math teachers in 40 States and the District of Columbia have participated in MATHLINE. These innovative teaching techniques have taught more than 1.3 million students.

Three separate external evaluators have certified that MATHLINE is making a positive impact on the way teachers teach. For example, an evaluation of the Middle School Math Project by Rockman, et al. found, ''The impact of PBS MATHLINE is clear. It has influenced how teachers see themselves and helped them create a powerful and enriching mathematics environment in their classrooms . . . The gap between belief and performance is narrowing . . . The combination of viewing, communicating, and doing seems to have resulted in substantive changes in teaching.''

The International Reading Association stated in February, ''The most effective professional development programs are those planned by teachers themselves, based on their assessments of their needs as educators and their students' needs as learners.'' MATHLINE does just that. It is real teachers, teaching real students, and passing success on to more teachers. The MATHLINE demonstration has worked.

Our legislation would authorize the New Century Program for Distributed Teacher Professional Development. Under this new program, the successful MATHLINE model will expand to other core curriculum areas, such as literature, science and social studies. It will also connect the digitized public broadcasting infrastructure with digital education networks at schools, colleges and universities throughout the nation. Nearly every teacher in the United States will have access to the New Century Program.

The third element of our legislation would authorize the Digital Education Content Collaborative. As a nation, we have made tremendous progress in the last decade bringing our schools from the 19th Century to 21st Century technologically. However, there is still one major element that needs to be in place to make it all work. That is world-class educational content that rivals video games for students' attention, is tied to state standards, which teachers seamlessly integrate into daily learning activities.

Programs distributed by public broadcast stations are used by more classroom teachers than any other because of their high quality and relevance to the curriculum. A survey commissioned by the Corporation for Public Broadcasting in 1997, found that 92 percent of teachers use videos to improve their lessons and public broadcasting programs were the highest rated. However, single channel analog distribution limited station services to a few hours per day of linear video broadcasts.

Digital broadcasting will dramatically increase and improve the types of services local public broadcasting stations can offer schools. One of the most exciting is the ability to broadcast multiple video channels and data information simultaneously. A vast library of instructional video materials could be distributed on full time, continuous channels and it could be available on demand, when teachers and students need it. Digitally produced programs will allow local stations broadcast flexibility and new interactive content that matches state standards and fits local curriculums.

As Members of the United States Senate, working to reauthorize the programs our elementary and secondary schools depend upon, we are also looking for successful models that lead to true educational reform and improvement.

The Digital Education Act takes the best of educational technology programing; improves those proven to work; and places renewed confidence in education's most trusted and successful content development partners.

Mr. President, I am proud to be associated with the public broadcasting community, and I am proud of their commitment to our earliest learners. I hope more Senators will join us in supporting this important education legislation.

Mr. President, I ask unanimous consent that a copy 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. 1029

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 ''Digital Education Act of 1999''.

SEC. 2. REVISION OF PART C OF TITLE III.

Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.) is amended to read as follows:

''PART C—READY-TO-LEARN DIGITAL TELEVISION

''SEC. 3301. FINDINGS.

''Congress makes the following findings:

''(1) In 1994, Congress and the Department collaborated to make a long-term, meaningful and public investment in the principle that high-quality preschool television programming will help children be ready to learn by the time the children entered first grade.

''(2) The Ready to Learn Television Program through the Public Broadcasting Service (PBS) and local public television stations has proven to be an extremely cost-effective national response to improving early childhood development and helping parents, caregivers, and professional child care providers learn how to use television as a means to help children learn, develop, and play creatively.

''(3) Independent research shows that parents who participate in Ready to Learn workshops are more critical consumers of television and their children are more active viewers. A University of Alabama study showed that parents who had attended a Ready to Learn workshop read more books

and stories to their children and read more minutes each time than nonattendees. The parents did more hands-on activities related to reading with their children. The parents engaged in more word activities and for more minutes each time. The parents read less for entertainment and more for education. The parents took their children to libraries and bookstores more than nonattendees. For parents, participating in a Ready to Learn workshop increases their awareness of and interest in educational dimensions of television programming and is instrumental in having their children gain exposure to more educational programming. Moreover, 6 months after participating in Ready to Learn workshops, parents who attended generally had set rules for television viewing by their children. These rules related to the amount of time the children were allowed to watch television daily, the hours the children were allowed to watch television, and the tasks or chores the children must have accomplished before the children were allowed to watch television.

''(4) The Ready to Learn (RTL) Television Program is supporting and creating commercial-free broadcast programs for young children that are of the highest possible educational quality. Program funding has also been used to create hundreds of valuable interstitial program elements that appear between national and local public television programs to provide developmentally appropriate messages to children and caregiving advice to parents.

''(5) Through the Nation's 350 local public television stations, these programs and programming elements reach tens of millions of children, their parents, and caregivers without regard to their economic circumstances, location, or access to cable. In this way, public television is a partner with Federal policy to make television an instrument, not an enemy, of preschool children's education and early development.

''(6) The Ready to Learn Television Program extends beyond the television screen. Funds from the Ready to Learn Television Program have funded thousands of local workshops organized and run by local public television stations, almost always in association with local child care training agencies or early childhood development professionals, to help child care professionals and parents learn more about how to use television effectively as a developmental tool. These workshops have trained more than 320,000 parents and professionals who, in turn, serve and support over 4,000,000 children across the Nation.

''(7)(A) The Ready to Learn Television Program has published and distributed millions of copies of a quarterly magazine entitled 'PBS Families' that contains—

''(i) developmentally appropriate games and activities based on Ready to Learn Television programming;

''(ii) parenting advice;

''(iii) news about regional and national activities related to early childhood development; and

''(iv) information about upcoming Ready to Learn Television activities and programs.

''(B) The magazine described in subparagraph (A) is published 4 times a year and distributed free of charge by local public television stations in English and in Spanish (PBS para la familia).

''(8) Because reading and literacy are central to the ready to learn principle Ready to Learn Television stations also have received and distributed millions of free age-appropriate books in their communities as part of the Ready to Learn Television Program. Each station receives a minimum of 200 books each month for free local distribution. Some stations are now distributing more than 1,000 books per month. Nationwide, more than 300,000 books are distributed each year in low-income and disadvantaged neighborhoods free of charge.

''(9) In 1998, the Public Broadcasting Service, in association with local colleges and local public television stations, as well as the Annenberg Corporation for Public Broadcasting Project housed at the Corporation for Public Broadcasting, began a pilot program to test the formal awarding of a Certificate in Early Childhood Development through distance learning. The pilot is based on the local distribution of a 13-part video courseware series developed by Annenberg Corporation for Public Broadcasting and WTVS Detroit entitled 'The Whole Child'. Louisiana Public Broadcasting, Kentucky Educational Television, Maine Public Broadcasting, and WLJT Martin, Tennessee, working with local and State regulatory agencies in the childcare field, have participated in the pilot program with a high level of success. The certificate program is ready for nationwide application using the Public Broadcasting Service's Adult Learning Service.

''(10) Demand for Ready To Learn Television Program outreach and training has increased dramatically, with the base of participating Public Broadcasting Service member stations growing from a pilot of 10 stations to nearly 130 stations in 5 years.

''(11) Federal policy played a crucial role in the evolution of analog television by funding the television program entitled 'Sesame Street' in the 1960's. Federal policy should continue to play an equally crucial role for children in the digital television age.

''SEC. 3302. READY-TO-LEARN.

''(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3303(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

''(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, childcare workers, and Head Start providers to increase the effective use of such programming.

''SEC. 3303. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 3302 to eligible entities to—

''(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

''(A) educational programming for preschool and elementary school children; and

''(B) accompanying support materials and services that promote the effective use of such programming;

''(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

''(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

(A) to the widest possible audience appropriate to be served by the programming; and

(B) by the most appropriate distribution technologies.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

''(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

''(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

''(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

''SEC. 3304. DUTIES OF SECRETARY.

''The Secretary is authorized—

''(1) to award grants, contracts, or cooperative agreements to eligible entities described in section 3303(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

''(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

''(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

''(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

''(D) developing and disseminating training materials, including—

''(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

''(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after- school program personnel caring for preschool and elementary school children;

''(2) to establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

''(3) to coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

''(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

''(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

''SEC. 3305. APPLICATIONS.

''Each entity desiring a grant, contract, or cooperative agreement under section 3302 or 3304 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''SEC. 3306. REPORTS AND EVALUATION.

''(a) ANNUAL REPORT TO SECRETARY.—An eligible entity receiving funds under section 3302 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 3302, including—

''(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

''(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

''(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

''(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

''(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

''(1) a summary of activities assisted under section 3303(a); and

''(2) a description of the training materials made available under section 3304(1)(D), the manner in which outreach has been conducted to inform parents and childcare providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

''SEC. 3307. ADMINISTRATIVE COSTS.

''With respect to the implementation of section 3303, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

''SEC. 3308. DEFINITION.

''For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

''SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3303.''.

SEC. 3. REVISION OF PART D OF TITLE III.

Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.) is amended to read as follows:

''PART D—THE NEW CENTURY PROGRAM FOR DISTRIBUTED TEACHER PROFESSIONAL DEVELOPMENT

''SEC. 3401. FINDINGS.

''Congress makes the following findings:

''(1) Since 1995, the Telecommunications Demonstration Project for Mathematics (as established under this part pursuant to the Improving America's Schools Act of 1994) (in this section referred to as 'MATHLINE') has allowed the Public Broadcasting Service to pioneer and refine a new model of teacher professional development for kindergarten through grade 12 teachers. MATHLINE uses video modeling of standards-based lessons, combined with professionally facilitated online learning communities of teachers, to help mathematics teachers from elementary school through secondary school adopt and implement standards-based practices in their classrooms. This approach allows teachers to update their skills on their own schedules through video, while providing online interaction with peers and master teachers to reinforce that learning. This integrated, self-paced approach breaks down the isolation of classroom teaching while making standards-based best practices available to all participants.

''(2) MATHLINE was developed specifically to disseminate the first national voluntary standards for teaching and learning as developed by the National Council of Teachers of Mathematics (NCTM). During 3 years of actual deployment, more than 5,800 teachers have participated for at least a full year in the demonstration. These teachers, in turn, have taught more than 1,500,000 students cumulatively.

''(3)(A) In the first 3 years of the MATHLINE project, the Public Broadcasting Service used the largest portion of the funds provided under this part—

''(i) to produce video-based models of classroom teaching;

''(ii) to produce and disseminate extensive accompanying print materials;

''(iii) to organize and host professionally moderated, year-long, online learning communities; and

''(iv) to train the Public Broadcasting Service stations to deploy MATHLINE in their local communities. In fiscal year 1998, the Public Broadcasting Service added an extensive Internet-based set of learning tools for teachers' use with the video modules and printed materials, and the Public Broadcasting Service expanded the online resources available to teachers through Internet-based discussion groups and a national listserv.

''(B) To extend Federal funds, the Public Broadcasting Service has experimented with various fee models for teacher participation, with varying results. Using fiscal year 1998 Federal funds and private money, participation in MATHLINE will increase by 10,000 MATHLINE scholarships to preservice and inservice teachers. The Public Broadcasting Service and its participating member stations will distribute scholarships in each congressional district in the United States, with teachers serving disadvantaged populations given priority for the scholarships.

''(4) Independent evaluations indicate that teaching improves and students benefit as a result of the MATHLINE program.

''(5) The MATHLINE program is ready to be expanded to reach many more teachers in more subject areas. The New Century Program for Distributed Teacher Professional Development will link the digitized public broadcasting infrastructure with education networks by working with the program's digital membership, and Federal and State agencies, to expand the successful MATHLINE model. Tens of thousands of teachers will have access to the New Century Program for Distributed Teacher Professional Development, to advance their teaching skills and their ability to integrate technology into teaching and learning. The New Century Program for Distributed Teacher Professional Development also will leverage the Public Broadcasting Service's historic relationships with higher education to improve preservice teacher training.

''SEC. 3402. PROJECT AUTHORIZED.

''The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program authorized by this part shall be designed to assist elementary school and secondary school teachers in preparing all students for achieving State content standards.

''SEC. 3403. APPLICATION REQUIRED.

''(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

''(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

''(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the subject areas;

''(3) assure that a significant portion of the benefits available for elementary schools and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

''(4) contain such additional assurances as the Secretary may reasonably require.

''(b) APPROVAL OF APPLICATIONS; NUMBER OF SITES.—In approving applications under this section, the Secretary shall assure that the program authorized by this part is conducted at elementary school and secondary school sites in at least 15 States.

"SEC. 3404. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $20,000,000 for the fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 4. ADDITION OF PART F TO TITLE III.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

"PART F—DIGITAL EDUCATION CONTENT COLLABORATIVE

"SEC. 3701. FINDINGS.

''Congress makes the following findings:

''(1) Over the past several years, both the Federal and State governments have made significant investments in computer technology and telecommunications in the Nation's schools. Tremendous progress has been made in wiring classrooms, equipping the classrooms with multimedia computers, and connecting the classrooms to the Internet.

''(2) There is a great need for aggregating high quality, curriculum-based digital content for teachers and students to easily access and use in order to meet the State standards for student performance.

''(3) Under Federal Communications Commission policy, public television stations and State networks are mandated to convert from analog broadcasting to digital broadcasting by 2003.

''(4) Most local public television stations and State networks provide high quality video programs, and teacher professional development, as a part of their mission to serve local schools. Programs distributed by public broadcast stations are used by more classroom teachers than any other because of their high quality and relevance to the curriculum. However analog distribution has limited kindergarten through grade 12 services to a few hours per day of linear video broadcasts on a single channel.

''(5) The new capacity of digital broadcasting, can dramatically increase and improve the types of services public broadcasting stations can offer kindergarten through grade 12 schools.

''(6) Digital broadcasting can contribute to the improvement of schools and student performance as follows:

''(A) Broadcast of multiple video channels and data information simultaneously.

''(B) Data can be transmitted along with the video content enabling students to interact, access additional information, communicate with featured experts, and contribute their own knowledge to the subject.

''(C) Both the video and data can be stored on servers and made available on demand to teachers and students.

''(7) Teachers depend on public television stations as a primary source of high quality video material. The material has not always been as accessible or adaptable to the curriculum as teachers would prefer. Moreover, direct student interaction with the material was difficult.

''(8) Public television stations and State networks will soon have the capability of creating and distributing interactive digital content that can be directly matched to State standards and available to teachers and students on demand to fit their local curriculum.

''(9) Interactive digital education content will be an important component of Federal support for States in setting high standards and increasing student performance.

"SEC. 3702. DIGITAL EDUCATION CONTENT COLLABORATIVE.

''(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3703(b) to develop, produce, and distribute educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State standards.

''(b) AVAILABILITY.—In making the grants, contracts, or cooperative agreements, the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

"SEC. 3703. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under this part to eligible entities to—

''(1) facilitate the development of educational programming that shall—

''(A) include student assessment tools to give feedback on student performance;

''(B) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

''(C) be created for, or adaptable to, State content standards; and

''(D) be capable of distribution through digital broadcasting and school digital networks.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be a local public telecommunications entity as defined by section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

''(c) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis as determined by the Secretary.

''(d) DURATION.—Each grant under this part shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

"SEC. 3704. APPLICATIONS.

''Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3705. MATCHING REQUIREMENT.

''An eligible entity receiving a grant under this part shall contribute to the activities assisted under this part non-Federal matching funds equal to not less than 100 percent of the amount of the grant. Matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

"SEC. 3706. ADMINISTRATIVE COSTS.

''With respect to the implementation of this part, entities receiving a grant under this part from the Secretary may use not more than 5 percent of the amounts received under the grant for the normal and customary expenses of administering the grant.

"SEC. 3707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $25,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator COCHRAN in sponsoring the ''Digital Education Act of 1999.'' I commend him for his leadership in improving technology for children and families, so that more children come to school ready to learn.

In the early 1990's, Dr. Ernest Boyer, the distinguished former leader of the Carnegie Foundation, gave compelling testimony to the Senate Labor Committee about the appallingly high number of children who enter school without the skills to prepare them for learning. Their lack of preparation presented enormous obstacles to their ability to learn effectively in school, and seriously impaired their long-term achievement.

In response, Congress enacted the Ready-to-Learn program in 1992, and two years later its promise was so great that we extended it for five years. Because of the Department of Education and the Corporation for Public Broadcasting, the Ready-to-Learn initiative became an innovative and effective program. By linking the power of television to the world of books, many more children have been enabled to become good readers much more quickly.

Many children who enter school without the necessary basic skills are soon placed in a remedial program, which is costly for school systems. It is even more costly, however, for the students who face a bleaker future.

Today, by the time they enter school, the average child will have watched 4,000 hours of television. That is roughly the equivalent of four years of school.

For far too many youngsters, this is wasted time—time consuming ''empty calories'' for the brain. Instead, that time could be spent reading, writing, and learning. Through Ready-to-Learn television programming, children can obtain substantial education benefits that turn T.V. time into learning time.

As a result of Ready-to-Learn television, millions of children and families have access to high-quality television produced by public television stations across the country. Tens of thousands of parents and child-care providers have learned how to be better role models, to reinforce learning, and to be more active participants in children's learning from programs funded through Ready-to-Learn.

For many low-income families, the workshops, books, and television shows funded through this program are a vital factor in preparing children to read. These programs help parents and child-care providers teach children the basics, preparing them to enter school ready to learn and ready to succeed.

Ready-to-Learn provides 6.5 hours of non-violent educational programming a day. These hours include some of the best programs available to children, including Arthur, Barney & Friends, Mister Rogers' Neighborhood, The Puzzle Place, Reading Rainbow, and Sesame Street.

One of the most successful aspects of Ready-to-Learn is that it helps parents work more effectively with their children. Parents who participate in Ready-to-Learn workshops are more thoughtful consumers of television, and their children are more active viewers. These parents have more hands-on activities with their children, and they read more often with their children. They read less often for entertainment, and more often for education. They take their children more often to libraries and bookstores.

The workshops provided by the Ready-to-Learn program are considered the best of their kind. It also brings needed literacy services to parents and children at food distribution centers, homeless shelters, employment centers, and supermarkets.

Many of the innovations under Ready-to-Learn have come from local stations. WGBH in Boston is one of the nation's leaders in public broadcasting. It created the Reading Rainbow, and Where in the World is Carmen San Diego, which are leaders in educational programming across the country.

Last year, WGBH hosted 34 Ready-to-Learn workshops in Massachusetts. 1,100 parents and 265 child-care providers and teachers attended. These parents and providers in turn worked with 3,400 children, who are now better prepared to succeed in their schools.

WGBY of Springfield is the mainstay of literacy services for Western Massachusetts. This station trained 250 home day-care providers, who serve 2,500 children. A video lending library makes PBS materials available to teachers to use in their classroom.

Workshop participants receive training on using children's programs as the starting point for educational activities. Participants receive free books. For some, these are the only books they have ever owned. They receive the PBS Families magazine, in English or Spanish, and they also receive the broadcasting schedules. Each of these resources builds on the learning that begins with viewing the PBS programs.

Through partnerships with the Massachusetts Office of Child Care Services and community-based organizations such as Head Start, Even Start, and the Reach Out & Read Program at Boston Medical Center, Ready-to-Learn trainers are reaching many low-income families with media and literacy information.

In Worcester, the Clark Street Developmental Learning School offers a family literacy program that uses Reading Rainbow or Arthur in every session with families. In addition, the school has now expanded its efforts to create an adult literacy center in the school. Many of the parents involved in the Ready-to-Learn project now attend the adult education program there.

Similar successes are happening across the nation. Since 1994, the sponsors of Ready-to-Learn workshops have given away 1.5 million books. Their program has grown from 10 television stations in 1994 to 130 television stations today. They have conducted over 8,500 workshops reaching 186,000 parents and 146,000 child care providers, who have in turn affected the lives of over four million children.

The ''Digital Education Act of 1999'' we are introducing today will continue this high-quality children's television programming. Equally important, it will take this valuable service into the next century through digital television, a powerful resource for delivering additional information through television programs.

The Digital Education Act will also increase the authorization of funds for Ready-to-Learn programs from $30 million to $50 million a year, enabling these programs to reach even more families and children with these needed services.

The Digital Education Act also authorizes $20 million for high-quality teacher professional development. Building on the success of the MATHLINE program, the bill will expand the program to include materials for helping teachers to teach to high state standards in core subject areas.

Participating stations make the teachers workshops available through districts, schools, and even on the teachers' own television sets. In this way, at their own pace, and in their own time, teachers can review the materials, observe other teachers at work, and reflect on their own practices. They can consider ways to improve their teaching, and make adjustments to their own practices. Teachers will also receive essential help in integrating technology into their teaching.

Teachers themselves are very supportive of the contribution that television can make to their classrooms. 88% of teachers surveyed in 1997 by the Corporation for Public Broadcasting said that quality television used in the classroom helped them be more creative, 92% said that it helped them be more effective in the classroom.

Finally, the Act will create a new ''Digital Education Content Collaborative,'' with an authorization of $25 million. Its goal is to stimulate quality content and curriculum through video and digital programs that will enable students to meet high state standards. Local public telecommunications agencies will create the programs, so that teachers can teach more effectively to the state standards and assess how well children are learning.

Again, I commend Senator COCHRAN for his leadership, and I urge my colleagues to join us in support of this important legislation, so that many more children can come to school ready to learn.

By Mr. BROWNBACK (for himself, Mr. HELMS, Mr. BURNS, Mr. ROBERTS, Mr. FITZGERALD, and Mr. LUGAR):

S. 1032. A bill to permit ships built in foreign countries to engage in coastwise trade in the transport of certain products; to the Committee on Commerce, Science, and Transportation.

FREEDOM TO TRANSPORT ACT OF 1999

• Mr. BROWNBACK. Mr. President, today I am reintroducing legislation that will expand capacity and increase competition within the domestic transportation system. This legislation, which will allow foreign built ships to transport bulk commodities, forest products, and livestock between U.S. ports, will help to expand the overall capacity by allowing ship operators to expand their fleets through obtaining affordable ships.

Currently, Section 27 of the Merchant Marine Act of 1920, commonly referred to as the Jones Act, requires that merchandise being transported on water between U.S. ports travel on U.S. built, U.S. flagged, and U.S. citizen owned vessels that are documented by the Coast Guard for such carriage. The bill I am introducing today, The Freedom to Transport Act of 1999, does not seek to repeal the Jones Act. Rather, it provides very targeted modification—to allow foreign built ships to carry bulk cargo in domestic trade. These ships would have to register in the United States and comply with all U.S. laws, including Jones Act ownership and crewing requirements.

The current law makes it infeasible for domestic coastwise shipments of agricultural commodities to occur on bulk shipping vessels. This is largely because the cost of purchasing a ship in the United States is as much as three times higher than it can be obtained on the world market. As a result, there has been little capital infusion into the domestic Jones Act fleet for many years. As a consequence, the cost of transport on bulk Jones Act vessels, if they are available at all, is prohibitively high.

Agriculture is a pillar to the Kansas economy, and an efficient transportation is critical to American agriculture. Laws that raise the cost of conducting business and impede efficient means for transporting product have a negative impact on farmers around the country, including Kansas. Moreover, the cost of transporting goods is always a proportionately high cost of the delivered product for bulk commodities, but especially now as grain prices are at the lowest levels seen in years. Having means to the most cost-effective and efficient means for transporting product is now, more than ever, critical to American farmers.

If ocean transportation between U.S. ports were more efficient, more product might be delivered to its destination by ocean rather than by rail. For example, the poultry and pork producers in the grain deficit southeastern

United States could bring in grain by ocean through the Great Lakes rather than by across the country by railroad. Since little of this type of trade currently occurs, this could have the effect of increasing the overall capacity of the domestic transportation infrastructure. That would make more railcars available for transport in places like Kansas, particularly during the harvest season when there is often a shortage of available cars. Furthermore, more efficient coastwise transportation would bring down prices for trade to Hawaii, Puerto Rico, and Alaska, which oftentimes find it less expensive to purchase products from other countries than to pay the inflated costs of shipping from the mainland U.S.

I am aware that the maritime industry has supported the Jones Act as a protection of domestic industry for many years, and resists any change to the current law. However, despite the ''protective'' nature of the Jones Act, it has protected very little. In the last 50 years the merchant marine has lost 40,000 jobs and over 60 shipyards have closed since 1987. In my view this legislation would not only benefit the customers of transportation services, but would also inject new life into an industry that has missed out on the unprecedented growth that the rest of the economy has enjoyed in the last generation. I want to work with the maritime industry to address their concerns and look forward to their eventual support of this legislation, which I envision will help them as much as it will help agricultural shippers.

I would like to point out that the legislation as introduced enjoys broad support not only in the agriculture industry, but also among many industries that ship bulk commodities—including oil, coal, clay, and steel. Additionally, those engaged in commerce with the non-contiguous U.S. are supportive, including the Puerto Rico Manufacturers Association, the Hawaii Shippers Council, and the Alaska Jones Act Reform Coalition. Finally, the National Taxpayers Union and Americans for Tax Reform support this as a measure that would save consumers over $14 billion annually.

A healthy maritime industry increases competitiveness, lowers costs, and improves service for customers of transportation. It creates jobs in the U.S. not only for the people who crew the ships, but for those who repair them, who own them, and who are employed by industries who buy transportation services. It is a win-win-win-win proposal.

I hope my colleagues will join me in reducing stifling government regulation and support this important bill.●

By Mrs. FEINSTEIN:

S. 1033. A bill to amend title IV of the Social Security Act to coordinate the penalty for the failure of a State to operate a State child support disbursement unit with the alternative penalty procedure for failures to meet data processing requirements; to the Committee on Finance.

CHILD SUPPORT PENALTY FAIRNESS ACT

Mrs. FEINSTEIN. Mr. President, today I am introducing the Child Support Penalty Fairness Act. This important legislation will remedy a flaw in federal child support laws that could cost California $4 billion annually.

On April 30, the Department of Health and Human Services announced its intent to reject the State of California's plan for child and spousal support because California does not have a centralized ''State Disbursement Unit'' that distributes child support collections to families. The mandatory penalty for this failure is loss of all federal child support administrative funding, which amounts to $300 million a year.

In addition, because the 1996 welfare reform law requires states to have an approved child support plan in order to receive the Temporary Assistance to Needy Families block grant, California could lose its entire TANF block grant of $3.7 billion a year.

In other words, California faces a $4 billion annual penalty for its failure to operate a State Disbursement Unit.

This so-called ''nuclear penalty'' is completely unjust and out of proportion. It will devastate the State of California's ability to serve low-income children and families—both families on welfare, and families who need child support so that they can stay off welfare. The penalty also will cripple the State's budget, seriously harming the largest economy in this nation.

I am not questioning the value of a State Disbursement Unit, or California's need to develop one. On the contrary, I am urging Governor Davis and the State legislature to come up with a plan to develop a State Disbursement Unit as quickly as possible. But I do not believe that poor families should be severely punished because the State has not gotten its act together.

Moreover, California's failure to develop a State Disbursement Unit is a direct result of its failure to develop a statewide computer system that tracks child support cases—and California is already paying a penalty for the computer failure.

The computer system penalty, which Congress established just last year, is fair and proportionate. More importantly, it rises over time, giving California a powerful incentive to get a computer system up and running. If California does not have a computer system in place by 2002, it will lose over $109 million annually in federal funds.

It is simply unfair to levy a $4 billion penalty against California for not having a State Disbursement Unit, when the State's failure to establish the unit is a direct result of a computer failure for which the State is already being penalized.

The Child Support Penalty Fairness Act would provide that States could not be penalized for failure to develop centralized disbursement units, if they are already paying a penalty for computer-related problems.

Under this bill, California would still have to pay a significant penalty for its computer-related troubles. Moreover, if California gets a statewide computer system in place, but still fails to operate a centralized disbursement unit, the State would be subject to additional severe penalties. This provides powerful incentive for the State to develop both a computer system, and a central disbursement unit, quickly.

I believe that this bill is proportionate and fair. It will prompt the State of California to develop a State Disbursement Unit in a timely fashion, without placing aid to low income children and families at risk. It is simply the right thing to do. I hope that my colleagues will take up and pass the Child Support Penalty Fairness Act as quickly as possible.

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. 1033

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 ''Child Support Penalty Fairness Act''.

SEC. 2. ALTERNATIVE PENALTY PROCEDURE FOR FAILURE TO OPERATE STATE DISBURSEMENT UNIT.

(a) IN GENERAL.—Section 455(a)(4) of the Social Security Act (42 U.S.C. 655(a)(4)) is amended by adding at the end the following:

''(E) The Secretary may not disapprove a State plan under section 454 against a State with respect to a failure to comply with section 454(27) for a fiscal year as long as the State is receiving a penalty under this paragraph with respect to a failure to comply with either section 454(24)(A) or 454(24)(B) for the fiscal year.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 101 of the Child Support Performance and Incentive Act of 1998.

By Mr. AKAKA (for himself, Ms. SNOWE, Mrs. MURRAY, and Ms. COLLINS):

S. 1034. A bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests; to the Committee on Finance.

INVESTMENT IN WOMEN'S HEALTH ACT OF 1999

Mr. AKAKA. Mr. President, today marks the 116th birthday of Dr. George Papanicolaou, who developed one of the most effective cancer screening tests in medical history—the Pap

smear. Cervical cancer was one of the leading causes of cancer deaths in women in the United States 50 years ago and it is still a major killer of women worldwide. I rise today to introduce the Investment in Women's Health Care Act, a bipartisan bill to increase the reimbursement for Pap smear laboratory tests under the Medicare program. I am pleased to be joined by my colleagues—Senators SNOWE, MURRAY and COLLINS.

The inadequacy of current lab test reimbursement was brought to my attention by pathologists who alerted me to the significant cost-payment differential for Pap smear testing in Hawaii. According to the American Pathology Foundation, Hawaii is one of the 23 States where the cost of performing the test greatly exceeds the Medicare payment. In Hawaii, the cost ranges between $13.04 and $15.80. Yet the Medicare reimbursement rate is only $7.15.

The large disparity between the reimbursement level and the actual cost of performing the test may force labs in Hawaii and around the Nation to discontinue Pap smear testing. The below-cost reimbursement may compel some labs to process tests faster and in higher volume to improve cost efficiency. This situation increases the risk of inaccurate results and can severely handicap patient outcomes.

This bill would increase the a reimbursement rate for Pap smear labwork from its current $7.15 to $14.60—the national average cost of the test. This rate is important because it establishes a benchmark for many private insurers.

Last year, we were successful in having language included in the omnibus appropriations conference report recognizing the large disparity between the costs incurred to provide the screening tests and the amount paid by Medicare. The conferees noted that data from laboratories nationwide indicates that the cost of providing the test averages $13.00 to $17.00, with the costs in some areas being higher. Accordingly, conferees urged the Health Care Financing Administration to increase Medicare reimbursement for Pap smear screening. Although HCFA has indicated a willingness to increase this payment, I am concerned that the adjustment the agency is considering may be significantly less than the costs incurred by most laboratories in providing this service. Therefore, my colleagues and I are compelled to reintroduce legislation that would implement what we believe to be an appropriate increase.

Mr. President, no other cancer screening procedure is as effective for early detection of cancer as the Pap smear. Over the last 50 years, the incidence of cervical cancer deaths has declined by 70 percent due in large part to the use of this cancer detection measure. Evidence shows that the likelihood of survival when cervical cancer is detected in its earliest stage is almost 100 percent, if treatment and follow-up is timely. If the Pap smear is to continue as an effective cancer screening tool, it must remain widely available and reasonably priced for all women. Adequate payment is necessary to ensure women's continued access to quality Pap smears.

I urge my colleagues to support this important bipartisan legislation. Mr. President, I also ask consent the text of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1034

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 ''Investment in Women's Health Act of 1999''.

SEC. 2. INCREASE IN PAYMENT AMOUNT FOR PAP SMEAR LABORATORY TESTS.

(a) IN GENERAL.—Section 1833(h) of the Social Security Act (42 U.S.C. 13951(h)) is amended by adding at the end the following:

''(7) In no case shall payment under the fee schedule established under paragraph (1) for the laboratory test component of a diagnostic or screening pap smear be less than $14.60.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to laboratory tests furnished on or after January 1, 2000.

Ms. SNOWE. Mr. President, I rise today to join my colleague from Hawaii, Senator AKAKA, in introducing the Investment in Women's Health Act.

Today we celebrate the 116th birthday of Dr. George Papanicolaou, the physician who developed the Pap smear. In the 50 years since Dr. Papanicolaou first began using this test, the cervical cancer mortality rate has declined by an astonishing 70 percent. There is no question that this test is the most effective cancer screening tool yet developed. The Pap smear can detect abnormalities before they develop into cancer. Having an annual Pap smear is one of the most important things a woman can do to help prevent cervical cancer.

Congress has recognized the incomparable contribution of the Pap smear in preventing cervical cancer and nine years ago directed Medicare to begin covering preventive Pap smears. Medicare beneficiaries are eligible for one test every three years, although a more frequent interval is allowed for women at high risk of developing cervical cancer. And through the Balanced Budget Act of 1997, Congress expanded the Pap smear benefit to also include a screening pelvic exam once every 3 years.

But the Medicare reimbursement rate is artificially low and does not accurately reflect the true cost of providing this vital test. The current Medicare rate of reimbursement is $7.15, though the mean national cost of the test is twice that amount: $14.60 per test. The bill we introduce today, The Investment in Women's Health Act, will raise the Medicare reimbursement rate for Pap smears to at least $14.60 per test.

Women understand the usefulness and life-saving benefit of the Pap smear. The U.S. Centers for Disease Control and Prevention reported last year that 95 percent of women age 18 years old and over have received a Pap smear at some point in their lives. And 85 percent of women age 18 years and older across the country have received a Pap smear within the last 3 years.

Unfortunately, the artificially low reimbursement rate threatens both our country's local clinical laboratories and the health of women across the country. Pathologists are increasingly concerned that low Medicare reimbursement for Pap smears will force them to stop providing the service and to ship the slides to large out-of-state laboratories. Shipping the slides to non-local, large-scale laboratories—''Pap mills''—reduces quality control, brings up continuity of care issues, and puts women at risk of higher rates of ''false positives'' or ''false negatives.''

Providing Pap smears locally facilitates the likelihood of follow-up by a pathologist, comparison of a patient's Pap smear to cervical biopsy, and facilitates better communication and consultation between the patient's pathologist and attending physician or clinician. When Pap smears are shipped out of the local community these vital comparisons are much more difficult to complete and are more prone to inconsistencies and error.

Inadequate reimbursement for Pap smears provided through Medicare threatens not only a woman's health but the financial stability of the laboratory as well. If a lab is forced to continue to subsidize Medicare Pap smears they will eventually either stop providing the Medicare service or go out of business—and neither option is acceptable. Finally, local laboratories have a proven track record of providing better service for the patients. A Pap smear is less likely to get lost in a local lab than among the tens of thousands of other tests in a ''Pap mill'' and cytotechnicians have better supervision by a pathologist in smaller laboratories than in large volume operations.

The Pap test has contributed immeasurably to the fight against cervical cancer. We cannot risk erasing our advancements in this fight because of low Medicare reimbursement. I urge my colleagues to join us.

By Mr. FEINGOLD (for himself and Mr. BINGAMAN):

S. 1035. A bill to establish a program to provide grants to expand the availability of public health dentistry programs in medically underserved areas,

health professional shortage areas, and other Federally-defined areas that lack primary dental services; to the Committee on Health, Education, Labor, and Pensions.

DENTAL HEALTH ACCESS EXPANSION ACT

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation to address a troubling—but little recognized—public health problem in this country, and that's access to dental health.

Unlike many public health problems, there are clinically proven techniques to prevent or delay the progression of dental health problems. These proven techniques are not only more cost-effective, but also are relatively simple if done early. I'm specifically referring to the use of fluoride and dental sealants. The combination of fluoride and sealants is so effective against tooth decay that it has been likened to a ''magic potion.'' In fact, an article in Public Health Reports called the ''one-two combination of fluoride and sealants . . . similar to that of vaccinations.''

With such an effective prevention method in place, one might assume that dental disease is becoming increasingly rare in this country. But that's not the case, Mr. President, because, in order to receive these preventive treatments—this ''magic potion'' against dental disease—you need to see a dentist, and there simply are not enough dentists to provide these basic services to everyone who needs them. As of September 30 of last year, the United States had 1,116 dental health professions shortage areas, or Dental HPSA's according to the Health Resources and Services Administration. The chart I have here shows the counties in Wisconsin that have areas designated as shortage areas, but every single state in our Nation has a portion designated as a dental shortage area.

There are proven methods for preventing dental disease, yet 1,116 communities across our country—particularly underserved rural and inner-city communties—do not have enough dentists to provide simple preventive services. Barriers to dental care are particularly acute among lower income families, Medicaid enrollees, and the uninsured. Studies indicate that the prevalence of dental disease increases as income decreases. In many areas, there simply are not enough dentists to provide basic treatment to all who need them, and although there is a federal method for designating such areas as dental health professional shortage areas (DHPSA's) to become eligible for additional funding, the designation process can be so tedious that State dental directors simply lack the resources to complete the necessary documentation.

To illustrate this problem of undercounting shortage areas, as of September 30 of last year, only eight counties in Wisconsin had portions designated as DHPSA's according to the Health Resources and Services Administration (HRSA), but statewide only 23 percent of Medicaid enrollees had received dental care. As you can see from this chart, in 13 Wisconsin counties, fewer than 10 percent of Medicaid enrollees received dental care. According to Wisconsin's state dental director, Dr. Warren LeMay, 80 percent of tooth decay is found in the poorest 25 percent of children. Given the effectiveness of dental health care in preventing dental disease—particularly the combination of check-ups, fluoride, and sealants—the access problems are simply unacceptable.

And the impact of so many people going without dental care is devastating. Those of us who have ever had a toothache remember how excruciating that pain can be, making it difficult if not impossible to work, go to school or otherwise go about our business. For those Americans who lack access to dental services, however, the toothache is more than a bad memory—it is the here and now.

Mr. President, imagine you had a child, a daughter, in need of dental services. But you lack insurance, and cannot afford to pay out-of-pocket to see a dentist. Or you may have Medicaid, but the nearest dentist is more than 2 hours away, and you don't own a car. Since your child hasn't received the preventive care treatments, she has a lot of untreated tooth decay—decay that leads to infection, fevers, stomach aches, and, worst of all, debilitating pain, making it almost impossible for her to concentrate in school. She may also develop speech difficulties, since she may lack the teeth necessary to form certain words and sounds. When you try to get her emergency dental services, you find that the few dentists in the area have waiting lists of two months or more.

Mr. President, one mother, from Rhinelander, WI—which is in Oneida County in the northern part of my state—called me to tell me about her 8-year-old daughter in just that situation. He daughter was in excruciating pain because of a severe toothache, but the one dental provider in the area had a waiting list of several weeks, so that mother had no choice but to take her child to the nearest hospital emergency room, where the child was given painkillers to use until she could be seen by a dentist. Whereas routine primary dental care could have prevented this decay altogether, this mother had to take her young child to the hospital emergency room for prescription painkillers in order to make the wait before seeing the dentist bearable.

Mr. President, the unfortunate reality is that I hear such stories from my constituents on a regular basis, and I have heard enough to know that it's time to stop this needless suffering from dental disease by increasing access to dental care.

The legislation I am introducing today, the Dental Health Access Expansion Act, will establish take three important steps to promote access to dental health services:

First, the bill creates a federal grant program to be administered by the Health Resources and Services Administration through which community health centers and local health departments in designated dental health professionals shortage areas can apply for funding to assist in the hiring of primary care dentists. Strengthening locally run dental access programs ensures a safety net for these vitally important services.

The bill also creates a grant program to give bonus payments to dentists in shortage areas who devote at least 25 percent of their practice to Medicaid patients. More than 90 percent of America's dentists are in private practice, and incentive payments for dentists to increase their Medicaid practice helps to bring needy patients into the dental care mainstream.

Finally, the bill requires that HRSA work with the Association of State and Territorial Dental Directors and other organizations interested in expanding dental health access to simplify the process for designating dental shortage areas. Right now the system is so complicated that states simply don't have the resources to fill out the paperwork needed to get the designation.

Mr. President, the Dental Health Access Expansion Act is meant to complement existing initiatives—such as Health Professions Training Program expansions of general dentistry residencies, and the National Health Service Corps scholarship program—to increase access to primary care dental services in underserved communities. I have supported these and other programs in the past, and will continue to do so. My legislation is also meant to complement the excellent oral health initiatives proposed by my colleague, Senator BINGAMAN of New Mexico. I am thankful for the good work he has done in increasing awareness about this issue, and look forward to working with him to increase access to dental health services.

Through the legislation I am proposing, we can increase the number of dentists providing care to underserved communities, and in doing so strengthen our nation's existing network of Community Health Centers and local health departments.

Advances in dentistry have given us the tools to eradicate most dental diseases—what we need now is to provide people with access to dental care so that they can receive the simple preventive treatments they need, and that's what my legislation can help us achieve.

By Mr. KOHL (for himself, Mr. DODD, and Mr. ROCKEFELLER):

S. 1036. A bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program; to the Committee on Finance.

CHILDREN FIRST CHILD SUPPORT REFORM ACT OF 1999

Mr. KOHL. Mr. President, I rise today to introduce legislation, along with my colleagues Senator DODD of Connecticut and Senator ROCKEFELLER of West Virginia, to provide more resources to America's children and families by encouraging more parents to live up to their child support obligations. My legislation, the Children First Child Support Reform Act, would enhance the options and incentives available to states to allow more child support to be paid directly to the families to whom it is owed and not be counted against public assistance benefits. My legislation will help assure more noncustodial parents that the child support they pay will actually contribute to the wellbeing of their child, rather than the government, and also help reduce administrative burdens on the state.

As my colleagues know, since its inception in 1975, our Federal-State Child Support Enforcement Program has been tasked with collecting child support for families receiving public assistance and other families that request help in enforcing child support. Toward this end, the program works to establish paternity and legally binding support orders, while collecting and disbursing funds on behalf of families so that children receive the support they need to grow up in healthy, nurturing surroundings.

But on one crucial point, the current program does not truly work on behalf of families and, perhaps more importantly, actually works against families.

Under current law, if a family is not on public assistance, support collected by the Child Support Enforcement Program is generally sent directly to the family. However, and this is the crux of the problem, support collected on behalf of families receiving public assistance is kept by the State and Federal Governments as reimbursement for welfare expenditures. Thus, for families on public assistance, the child support program ends up benefiting the financial interests of the government, rather than their children.

The research shows that many noncustodial parents are discouraged from paying child support because they realize and resent the fact that their payments go to the government rather than benefiting their children directly. In addition, some custodial parents are skeptical about working with the child support agency to secure payments since the funds are generally not forwarded to them. Obviously, these builtin program obstacles to reliable, timely child support payments serve to undermine the program's intended goals of promoting self-sufficiency and personal responsibility.

Mr. President, we know that an estimated 800,000 families would not need public assistance if they could count on the child support owed to them. In addition, we know that 23 million children are owed more than $43 billion in outstanding support. Clearly, the vital importance of child support in keeping families off of assistance remains as true today as when the program began. In a world with TANF time limits, it has never been more important. And with these figures in mind, it is not unthinkable that some policymakers may have or might still consider this program as a means of recovering welfare expenditures.

But I am convinced that that thinking must change, if not be cast off entirely, because, simply put, times have changed. The welfare reform law of 1996, which I supported, paved the way for time limits and work requirements that provide clear and compelling incentives for families to enter the workforce and find a way to stay there. Open ended, unconditional public support is no longer a reality, and our goal and responsibility as policymakers, now more than ever before, is to give families the tools and resources they need to prepare for and ultimately survive the day when they are without public assistance.

We fundamentally changed welfare, now we fundamentally reexamine the central role of child support in helping families as they struggle to become and remain self-sufficient. To this end, we've made some, but not nearly enough, progress. Under the welfare reform law, states will eventually be required to distribute state-collected child support arrears owed to the family before paying off arrears owed to the state and Federal governments for welfare expenditures. In addition, states were provided with some ability to continue or expand the $50 passthrough that had been required under previous law. But only one state—my homestate of Wisconsin—has opted to let families retain all support paid. As you know, Wisconsin has been a leader and national model in the area of welfare reform. Under Wisconsin's welfare program, child support counts as income in determining financial eligibility for welfare assistance, but once eligibility is established, the child support income is disregarded in calculating program benefits. In other words, families are allowed to keep their own money. Non-custodial parents can be assured that their contribution counts and that their child support payments go to their children. And both parents are presented with a realistic picture of what that support means in the life of their child.

I worked with Wisconsin to secure the waivers necessary to pursue this innovative policy and want to provide the other states with additional flexibility and options so that they can follow Wisconsin's example.

In addition to helping families, the expanded passthrough and disregard approach also has significant benefits on the administrative side. The current distribution requirements place significant accounting and paperwork burdens on the states. They are also costly. Data from the Federal Office of Child Support demonstrates that nearly 20 percent of program expenditures are spent simply processing payments. States are required to maintain a complicated set of accounts to determine whether support collected should be paid to the family or kept by the government. These complex accounting rules depend on whether the family ever received public assistance, the date a family begins and ends assistance, whether the non-custodial parent is current on payments or owes arrears, the method of collection and other factors.

We know that we have already asked much of the states in the realm of automation, systems integration and welfare law child support enforcement adjustments. We hope and believe these improvements will lead to better collection rates. Now we have a chance to simplify and improve distribution of support. What could be simpler than a distribution system in which child support collected would automatically be delivered to the children to whom it is owed? A distribution system in which child support agencies would distribute current support and arrears to both welfare and non-welfare families in exactly the same way?

Mr. President, child support financing must be addressed in the near future. First, our current distribution scheme is out of step with the philosophy of current welfare policy. We must move the child support program from cost-recovery to service delivery for all families. Second, the current financing scheme is no longer workable. TANF caseloads are decreasing dramatically, even as overall child support caseloads are increasing. Therefore, while the system needs additional resources, the portion of the caseload that produces those resources is decreasing. We must put the child support program on a sound financial footing that confirms a strong Federal and state commitment to the program and gives states additional flexibility to put more resources into the hands of children and let families keep more of their own money.

Let me strongly affirm that by advocating an expanded passthrough and

disregard approach, I am absolutely not advocating a disinvestment in our child support system by either the Federal government or the states. Our commitment to this program must remain strong and steadfast. I am working to expand the passthrough for the reasons that I've explained, but I am also committed to paying for it in a responsible way. Not knowing what the proposal will cost today necessarily requires that we keep ourselves open to adjustments as the debate proceeds.

That said, it is time for us to envision a child support program that truly serves families and works to advance, not undermine, the TANF policy goals of self-sufficiency and personal responsibility with which it is inextricably combined. Because assistance is now time-limited, we must give families the tools to survive in a world without public help, a world where they must rely on their own resources. In that equation, we all know that child support is fundamental. Letting as many as 5 years go by with child support payments either not being or accuring to the state rather than the family does nothing to advance those goals.

Mr. President, it's time to put our children first and envision a child support program that truly serves families. We can do that by passing this legislation to improve the public system, let families keep more of their own money, and make child support truly meaningful in the everyday lives of children on public assistance.

Mr. President, I ask unanimous consent that the 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. 1036

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 ''Children First Child Support Reform Act of 1999''.

SEC. 2. DISTRIBUTION AND TREATMENT OF CHILD SUPPORT COLLECTED BY THE STATE.

(a) STATE OPTION TO PASS ALL CHILD SUPPORT COLLECTED DIRECTLY TO THE FAMILY.—

(1) IN GENERAL.—Section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(A) in subsection (a), by striking ''(e) and (f)'' and inserting ''(e), (f), and (g)''; and

(B) by adding at the end the following:

''(g) STATE OPTION TO PASS THROUGH ALL SUPPORT COLLECTED TO THE FAMILY.—

''(1) IN GENERAL.—At State option, subject to paragraph (2), and subsections (a)(4), (b), (e), (d), and (f), this section shall not apply to any amount collected on behalf of a family as support by the State and any amount so collected shall be distributed to the family.

''(2) INCOME PROTECTION REQUIREMENT.—A State may not elect the option described in paragraph (1) unless the State also elects (through an amendment to the State plan submitted under section 402(a)) to disregard any amount so collected and distributed for purposes of determining the amount of assistance that the State will provide to the family under the State program funded under part A pursuant to section 408(a)(12)(B).

''(3) OPTION TO PASS THROUGH AMOUNTS COLLECTED PURSUANT TO A CONTINUED ASSIGNMENT.—At State option, any amount collected pursuant to an assignment continued under subsection (b) may be distributed to the family in accordance with paragraph (1).

''(4) RELEASE OF OBLIGATION TO PAY FEDERAL SHARE.—If a State that elects the option described in paragraph (1) also elects to disregard under section 408(a)(12)(B) at least 50 percent (determined, at the option of the State, in the aggregate or on a case-by-case basis) of the total amount annually collected and distributed to all families in accordance with paragraph (1) for purposes of determining the amount of assistance for such families under the State program funded under part A, the State is released from—

''(A) calculating the Federal share of the amounts so distributed and disregarded; and

''(B) paying such share to the Federal Government.''.

(2) AUTHORITY TO CLAIM PASSED THROUGH AMOUNT FOR PURPOSES OF TANF MAINTENANCE OF EFFORT REQUIREMENTS.—Section 409(a)(7)(B)(i)(I)(aa) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by inserting '', and, in the case of a State that elects under section 457(g) to distribute any amount so collected directly to the family, any amount so distributed (regardless of whether the State also disregards that amount under section 408(a)(12) in determining the eligibility of the family for, or the amount of, such assistance)'' before the period.

(b) STATE OPTION TO DISREGARD CHILD SUPPORT COLLECTED FOR PURPOSES OF DETERMINING ELIGIBILITY FOR, OR AMOUNT OF, TANF ASSISTANCE.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) STATE OPTION TO DISREGARD CHILD SUPPORT IN DETERMINING ELIGIBILITY FOR, OR AMOUNT OF, ASSISTANCE.—

''(A) OPTION TO DISREGARD CHILD SUPPORT FOR PURPOSES OF DETERMINING ELIGIBILITY.—A State to which a grant is made under section 403 may disregard any part of any amount received by a family as a result of a child support obligation in determining the family's income for purposes of determining the family's eligibility for assistance under the State program funded under this part.

''(B) OPTION TO DISREGARD CHILD SUPPORT IN DETERMINING AMOUNT OF ASSISTANCE.—A State to which a grant is made under section 403 may disregard any part of any amount received by a family as a result of a child support obligation in determining the amount of assistance that the State will provide to the family under the State program funded under this part.''.

(c) MAINTENANCE OF EFFORT REQUIREMENT.—Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) in paragraph (32), by striking ''and'' at the end;

(2) in paragraph (33), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(34) provide that, if the State elects to distribute support directly to a family in accordance with section 457(g), the State share of expenditures under this part for a fiscal year shall not be less than an amount equal to the highest amount of such share expended for fiscal year 1995, 1996, 1997, or 1998 (determined without regard to any amount expended that was eligible for payment under section 455(a)(3)).''.

(d) CONFORMING AMENDMENT.—Section 457(f) of the Social Security Act (42 U.S.C. 657(f)) is amended by striking ''Notwithstanding'' and inserting ''AMOUNTS COLLECTED ON BEHALF OF CHILDREN IN FOSTER CARE.—Notwithstanding''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

By Mrs. BOXER:

S. 1037. A bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am pleased to introduce legislation to nationally phase-out the use of the fuel oxygenate methyl tertiary butyl ether (MTBE). My bill provides for a priority phase-out schedule designed to immediately prohibit MTBE use in areas where it is leaking into ground and surface waters, to prevent the spread of MTBE to areas where its use is currently limited or nonexistent, and to set us on a course to removing MTBE in all other areas of the nation.

MTBE has been used in the blending of gasoline since the 1970s, but its use increased dramatically following the passage of the Clean Air Act Amendments of 1990. In regions of the country with particularly poor air quality, including Southern California and Sacramento, the Act required the use of reformulated gasoline.

Under the Act, reformulated gasoline must contain 2% oxygenate by weight.

Today, about 70% of the gasoline sold in California contains 2% oxygen by weight due to this requirement. While other oxygenates like ethanol may be used to meet this 2% requirement, the ready availability of MTBE and its chemical properties made it the oxygenate of choice among most oil companies.

While the oxygenate of choice, however, MTBE is also classified as a possible human carcinogen. Moreover, when MTBE enters groundwater, it moves through the water very fast and very far. Once there, MTBE resists degrading in the environment. We know very little about how long it takes to break down to the point that it becomes harmless. We do know that at even very low levels, MTBE causes water to take on the taste and odor of turpentine—rendering it undrinkable.

That is, it makes water smell and taste so bad that people won't drink it.

I first became aware of the significance of the threat MTBE posed to drinking water following the discovery that MTBE had contaminated drinking water wells in Santa Monica. Ultimately, Santa Monica was forced to close drinking water wells that supplied approximately half of its drinking water due to that contamination. Clean up of Santa Monica's drinking water supply continues today under

the oversight of the Environmental Protection Agency (EPA) at significant cost.

Following that discovery, I held a California field hearing of the Senate Committee on Environment and Public Works, of which I am a member, on the issue of MTBE contamination. Based upon the testimony I received at that hearing, I became convinced that MTBE posed a significant threat to drinking water not only in California, but nationwide. Shortly after the hearing, I wrote what would be one of many letters to the Administrator of EPA urging her to take action to remove this threat to the nation's drinking water supply.

While EPA has taken many laudable actions to speed the remediation of MTBE contaminated drinking water, it has been slow to respond to my calls for a nationwide MTBE phase-out. EPA maintains that it lacks the legal authority to phase-out the use of this harmful gasoline additive.

In the face of this federal inaction, and since the discovery of MTBE contamination in Santa Monica and my hearing in California, revelations of MTBE contamination in California and the nation have proliferated. In June 1998, the Lawrence Livermore National Laboratory estimated that MTBE is leaking from over 10,000 underground storage tanks in California alone. Potential clean up costs associated with MTBE contamination in my state range between $1 to $2 billion. Reports of MTBE contamination in the northeastern United States are also now becoming more common, and several state legislatures have introduced legislation to phase-out or ban MTBE use.

This flurry of activity in the northeastern states follows upon the first state action to prohibit the use of MTBE. Specifically, on March 26, 1999, California Governor Gray Davis provided that MTBE use in California will be prohibited after December 31, 2002.

While the action in California and several other states to begin to address the MTBE problem is certainly to be commended, I believe it demonstrates a failure of federal policymakers to design a national solution to what is clearly a national problem.

The legislation I introduce today would provide that solution.

First, my bill empowers the Environmental Protection Agency (EPA) to immediately prohibit MTBE use in areas where the additive is leaking into ground or surface waters. In my view, we must swiftly stop the use of MTBE in areas where we know we've got leaking underground storage tanks. That's just common sense.

Second, my bill prohibits the use of MTBE after January 1, 2000 in areas around the nation where the use of oxygenates like MTBE is not required by law. It has been recently revealed that oil companies have been adding significant quantities of MTBE to gasoline in the San Francisco area even though oxygenates like MTBE are not required to be used in that area. Notwithstanding California's MTBE phase-out, such MTBE use may legally continue throughout California until the state phase-out deadline of December 31, 2002.

As we face an estimated $1 to $2 billion in MTBE clean up costs in California alone, I believe we must swiftly take steps to prevent the spread of MTBE contamination to areas where its use is currently limited and is in no sense required under the law.

Third, the bill prohibits MTBE use nationwide after January 1, 2003, and provides for specific binding percentage reductions of MTBE use in the interim. Finally, the bill requires EPA to conduct an environmental and health effects study of ethanol use as a fuel additive.

I am hopeful that my House and Senate colleagues can act quickly to ensure the passage of my legislation to provide a nationwide solution to the nationwide problem of MTBE contamination.

I ask unanimous consent that the full text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF METHYL TERTIARY BUTYL ETHER.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

''(f) USE OF METHYL TERTIARY BUTYL ETHER.—

''(1) PROHIBITION ON USE IN SPECIFIED NONATTAINMENT AREAS.—Effective beginning January 1, 2000, a person shall not use methyl tertiary butyl ether in an area of the United States that is not a specified nonattainment area that is required to meet the oxygen content requirement for reformulated gasoline established under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)).

''(2) PROHIBITION ON USE IN AREAS OF LEAKAGE.—If the Administrator finds that methyl tertiary butyl ether is leaking into ground water or surface water in an area, the Administrator may immediately prohibit the use of methyl tertiary butyl ether in the area.

''(3) UPGRADING OF UNDERGROUND STORAGE TANKS.—In enforcing the requirement that underground storage tanks be upgraded in accordance with section 280.21 of title 40, Code of Federal Regulations, the Administrator shall focus enforcement of the requirement on areas described in paragraph (2).

''(4) USE OF METHYL TERTIARY BUTYL ETHER IN GASOLINE.—

''(A) INTERIM PERIOD.—

''(i) PHASED REDUCTION.—

''(I) IN GENERAL.—The Administrator shall promulgate regulations to require—

''(aa) by January 1, 2001, a ⅓ reduction in the quantity of methyl tertiary butyl ether that may be used in gasoline; and

''(bb) by January 1, 2002, a ⅔ reduction in the quantity of methyl tertiary butyl ether that may be used in gasoline.

''(II) BASIS FOR REDUCTIONS.—Reductions under subclause (I) shall be based on the quantity of methyl tertiary butyl ether in use in gasoline in the United States as of the date of enactment of this subsection.

''(ii) LABELING.—During the period beginning on the date of enactment of this subsection and ending December 31, 2002, the Administrator shall require any person selling gasoline that contains methyl tertiary butyl ether at retail to prominently label the fuel dispensing system for the gasoline with a notice that the gasoline contains methyl tertiary butyl ether.

''(B) PROHIBITION.—Effective beginning January 1, 2003, a person shall not use methyl tertiary butyl ether in gasoline.''.

SEC. 2. STUDY OF EFFECTS OF FUEL COMPONENTS.

Not later than July 31, 2000, the Administrator of the Environmental Protection Agency shall—

(1) conduct a study of the behavior, toxicity, carcinogenicity, health effects, and biodegradability, in air and water, of ethanol, olefins, aromatics, benzene, and alkylate; and

(2) report the results of the study to Congress.

By Mr. FRIST:

S. 1041. A bill to amend title 38, United States Code, to permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program, and for other purposes; to the Committee on Veterans Affairs.

GI EDUCATION OPPORTUNITY ACT OF 1999

• Mr. FRIST. Mr. President, I rise today to offer legislation that will assist the men and women serving in our armed forces in attaining an education. The GI Education Opportunity Act is targeted at a group serving in our military that has been forgotten since the passage of the Montgomery GI Bill. Before the GI Bill was enacted in 1985, new servicemen were invited to participate in a program called the Veterans' Educational Assistance Program, or VEAP. This program offered only a modest return on the service member's investment and, as a consequence, provided little assistance to men and women in the armed services who wanted to pursue additional education. It was and is inferior to the Montgomery GI Bill that every new serviceman is offered today.

The GI Education Opportunity Act would allow active duty members of the armed services who entered the service after December 31, 1976 and before July 1, 1985 and who are or were otherwise eligible for the Veterans' Educational Assistance Program to participate in the Montgomery GI Bill. This group of military professionals largely consists of the mid-career and senior noncommissioned officer ranks of our services—the exact group that new recruits have as mentors and leaders. If we really believe in the importance of providing our servicemen and

women with the education opportunities afforded by the Montgomery GI Bill, it is critical that we offer all service members the opportunity to participate of they choose.

It is important to remember that much of the impetus for the creation of the Montgomery GI Bill was that the Veterans' Educational Assistance Program was not doing the job. It was not providing sufficient assistance for young men and women to go to college. It was expensive for them to participate, and provided little incentive for young men and women to enter the military. The Montgomery GI Bill offers those serving in the military a significant increase in benefits over its predecessor and has been one of the most important recruiting tools over the last decade. It is essential that active military still covered under VEAP but not by the Montgomery GI Bill be brought into the fold.

The injustice that my bill attempts to address is that new recruits are eligible for a better education program than the noncommissioned officers responsible for their training and well-being. Expanding Montgomery Bill eligibility to those currently eligible for VEAP would, in many cases, help mid-career and senior noncommissioned officers, who are the backbone of our force and set the example for younger troops, become better educated. This legislation is modest in its scope and approach, but is enormously important for the individual attempting to better himself through education. Moreover, this legislation sends a meaningful message to those serving to protect the American interest that Congress cares. S. 4, the Soldiers, Sailors, Airmen, and Marines Bill of Rights Act which I was proud to cosponsor was an enormous step in this direction, and my legislation complements that effort.

Some of the common sense provisions of The GI Education Opportunity Act are: 1. Regardless of previous enrollment or disenrollment in the VEAP, active military personnel may choose to participate in the GI Bill. 2. Participation for VEAP-eligible members in the GI Bill is to be based on the same ''buy in requirements'' as are currently applicable to any new GI Bill participant. For example, an active duty member is required to pay $100 a month for twelve months in order to be eligible for the Montgomery GI Bill. The same would be required of someone previously eligible for VEAP. 3. Any active duty member who has previously declined participation in the GI bill may also participate. 4. There will be a one year period of eligibility for enrollment.

I believe that if we are to maintain the best trained, and most capable military force in the world, we must be committed to allowing the people that comprise our armed forces to pursue further education opportunities. I believe that this modest legislation will have a positive effect on morale and give our noncommissioned officers additional opportunities for self-improvement and life-long learning. I ask for my colleagues support in this effort.●

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Mr. DOMENICI, Mr. BINGAMAN, Mr. LOTT, Ms. LANDRIEU, Mr. COCHRAN, Mr. THOMAS, Mr. BROWNBACK, and Mr. GRAMM):

S. 1042. A bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes; to the Committee on Finance.

DOMESTIC ENERGY PRODUCTION SECURITY AND STABILIZATION ACT

● Mrs. HUTCHISON. Mr. President, I am pleased today to introduce with my colleague from Louisiana, Senator BREAUX, the Domestic Energy Production Security and Stabilization Act. This bill represents a necessary and workable proposal to ensure that the United States does not lose even more of its energy independence.

Mr. President, the oil and gas industry in this country is in a state of unprecedented crisis. Over the last year-and-a-half, oil and gas prices have been a historic lows. This has led to the closing of over 200,000 domestic oil and gas wells, has brought new exploration to a virtual standstill, and has cost an estimated quarter of a million American jobs.

Not only is this an economic issue, it is also a national security issue. We are importing more oil than we produce. This is not a healthy situation for shaping our foreign policy agenda. If our domestic industry is to survive, then Congress needs to act now to provide tax incentives to encourage energy production in America.

To reverse these trends and increase our energy independence, I have worked on a bipartisan basis to develop the Domestic Energy Production Security and Stabilization Act. The bill provides tax incentives in our significant areas to ensure that our domestic energy infrastructure is not decimated during prolonged periods of low energy prices.

First, the legislation would provide a $3 dollar a barrel tax credit, on the first three barrels that can offset the cost of keeping marginal wells operating during periods of critically low oil and gas prices. Marginal wells are those that produce 15 barrels a day or less. There are close to 500,000 such wells across the U.S. that collectively produce 20 percent of America's oil, more oil than we import from Saudi Arabia.

Second, the bill would provide some relief from the alternative minimum tax (AMT), again during prolonged periods of low energy prices. In a time of financial crisis for the oil and gas industry, this tax has had the effect of exacerbating the impact of low commodity prices and driving even more producers out of business. The AMT was enacted to ensure that companies reporting large financial income paid at least some level of taxes. Unfortunately, for the oil and gas industry, the AMT has only served to make a bad situation worse.

Third, Mr. President, this legislation would change the net income limitation on percentage depletion by eliminating the 65 percent taxable income limitation. Carried-over percentage depletion could also be carried back ten years. This would enable companies to fully utilize their percentage depletion allowance, which many have not been able to do since the onset of the oil and gas crisis.

Finally, Mr. President, this bill brings the U.S. Tax Code in line with the present-day realities of the oil and gas industry by allowing oil and gas exploration (geological and geophysical) costs to be expensed rather than capitalized, and by allowing delay rental lease payments to be deducted in the year in which they are paid, rather than when the oil is actually pumped. Even the Treasury Department has tacitly endorsed these proposed changes as making for sound economic and tax policy.

Taken together, these four major tax provisions will help the job-creating oil and gas sector of the economy to withstand the volatility of the international oil and gas markets. We simply must not allow our nation to become even more dependent on foreign oil. Nor can we afford to shut-down our domestic gas production capability, particularly since natural gas consumption is expected to grow rapidly in the near future, and, unlike oil, natural gas is not imported.

Mr. President, this legislation is long overdue, and I appreciate the support of Senator BREAUX and my other colleagues who are cosponsoring the bill. Most importantly, I urge my other colleagues, particularly those from non-energy producing states, to join with us in supporting this effort. America simply has too much at stake to stand by and let our domestic oil and gas industry jobs and infrastructure be lost to the whims of the world markets.●

● Mr. BREAUX. Mr. President, I am pleased to join with the distinguished Senator from the State of Texas. Senator HUTCHINSON, in introducing the Domestic Energy Production Security and Stabilization Act. I believe it is legislation all of our colleagues should support.

First, I'd like to outline the problem and then discuss how this legislation helps address it. Oil prices may be in the early stages of recovery, but over the last 17 months, a glut in the world market forced crude oil prices down to their lowest inflation-adjusted levels in

50 years. The Independent Petroleum Association of America estimates that, since November 1997, when the price of oil began to decline, more than 136,000 crude oil wells and more than 57,000 natural gas wells have been shut down.

The U.S. petroleum industry last year lost almost 30,000 jobs because of falling crude prices, according to the American Petroleum Institute's annual report. Despite the recent rise in oil prices, job losses continue. Another 3,600 jobs were lost between February and March. This brings the loss since December 1997 to about 54,400 jobs, a decline of 16 percent. In the first three months of 1999, losses amounted to about 24,000 jobs, or a drop of almost 8 percent.

Mr. President, independent producers account for almost a third of Gulf of Mexico oil production on the outer continental shelf (OCS), and almost half of natural gas production. According to the Minerals Management Service, on a per-day basis, the OCS accounts for 27 percent of the nation's natural gas production and 20 percent of the nation's crude oil production. In 1997, production on the federal OCS off Louisiana resulted in $2.9 billion or 83 percent of the $3.5 billion royalties received for all of the OCS. It is not difficult to see that as domestic production falls, so will federal royalty receipts.

And, let's not forget the thousands of jobs created in non-energy sectors to service the energy industry: computers, steel and other metals, transportation, financial and other service industries. When domestic oil and gas production increases, so does the number of jobs created in all these sectors.

This legislation will provide marginal well tax credits, alternative minimum tax relief, expensing of geological and geophysical costs and delay rental payments and other measures to encourage domestic oil and gas production. It is a safety net. The bill's provisions phase in and out as oil prices fall and rise between $17 and $14 per barrel and natural gas prices fall and rise between $1.86 and $1.56 per thousand cubic feet. It will provide a permanent mechanism to help our domestic producers cope with substantial and unexpected declines in world energy prices.

Let's examine how one aspect of this bill—marginal well production—affects this nation. A marginal well is one that producers 15 barrels of oil per day or 60,000 cubic feet of natural gas or less. Low prices hit marginal wells especially hard because they typically have low profit margins. While each well produces only a small amount, marginal wells account for almost 25 percent of the oil and 8 percent of the natural gas produced in the continental United States. The United States has more than 500,000 marginal wells that collectively produce nearly 700 million barrels of oil each year. These marginal wells contribute nearly $14 billion a year in economic activity. The marginal well industry is responsible for more than 38,000 jobs and supports thousands of jobs outside the industry.

The National Petroleum Council is a federal advisory committee to the Secretary of Energy. Its sole purpose is to advise, inform, and make recommendations to the Secretary of Energy on any matter requested by the Secretary with relating to oil and natural gas or to the oil and natural gas industries. The National Petroleum Council's 1994 Marginal Well Report said that:

> Preseving marginal wells is central to our energy security. Neither government nor the industry can set the global market price of crude oil. Therefore, the nation's internal cost structure must be relied upon for preserving marginal well contributions.

The 1994 Marginal Well Report went on to recommend a series of tax code modifications including a marginal well tax credit and expensing key capital expenditures. The Independent Petroleum Association of America estimates that as many of half the estimated 140,000 marginal wells closed in the last 17 months could be lost for good.

Mr. President, the facts speak for themselves. The U.S. share of total world crude oil production fell from 52 percent in 1950 to just 10 percent in 1997. At the same time, U.S. dependence on foreign oil has grown from 36 percent in 1973 (the time of the Arab oil embargo) to about 56 percent today. That makes the U.S. more vulnerable than ever—economically and militarily—to disruptions in foreign oil supplies. This legislation will provide a mechanism to help prevent a further decline in domestic energy production and preserve a vital domestic industry.●

● Mr. GRAMM. Mr. President, I am pleased to join Senator KAY BAILEY HUTCHISON and a number of other colleagues in the introduction of legislation which we believe will provide critically needed relief and assistance to our beleaguered domestic oil industry.

Our bill contains a number of incentives designed to increase domestic production of oil and gas. The decline in domestic oil production has resulted in the estimated loss of more than 40,000 jobs in the oil and gas industry since the crash of oil prices at the end of 1997. Our legislation will not only put people back to work, it will revitalize domestic energy production and decrease our dependence on imports.

I have sought relief for the oil and gas industry from a number of sources this year. As a member of the Senate Budget Committee, I strongly opposed the $4 billion tax which the Clinton budget proposed to levy on the oil industry. As my colleagues know, that tax is now dead.

Earlier this year I contacted Secretary of State Madeleine Albright and urged her to conduct a thorough review of our current policy which permits Iraq to sell $5.25 billion worth of oil every six months. The revenue generated from such sales is supposed to be used to purchase food and medicine but reports make it clear that Saddam Hussein has diverted these funds from their intended use and that they are being used to prop up his murderous regime. The United States should not be a party to such a counterproductive policy.

Senator HUTCHISON and I earlier this year introduced legislation which contained a series of tax law changes intended to spur marginal well production. The legislation which we introduce today contains those provisions as well as others, such as reducing the impact of the Alternative Minimum Tax (AMT) on the oil and gas industry and relaxing the existing constraints on use of the allowance for percentage depletion.

I am looking forward to working with my colleagues in an effort to enact the legislation as soon as possible.●

By Mr. MCCAIN:

S. 1043. A bill to provide freedom from regulation by the Federal Communications Commission for the Internet; to the Committee on Commerce, Science, and Transportation.

THE INTERNET REGULATORY FREEDOM ACT

Mr. MCCAIN. Mr. President, I rise today to introduce The Internet Regulatory Freedom Act of 1999. This legislation will help assure that the enormous benefits of advanced telecommunications services are accessible to all Americans, no matter where they live, what they do, or how much they earn.

Advanced telecommunications is a critical component of our economic and social well-being. Information technology now accounts for over one-third of our economic growth. The estimates are that advanced, high-speed Internet services, once fully deployed, will grow to a $150 billion a year market.

What this means is simple: Americans with access to high-speed Internet service will get the best of what the Internet has to offer in the way of online commerce, advanced interactive educational services, telemedicine, telecommuting, and video-on-demand. But what it also means is that Americans who don't have access to high-speed Internet service won't enjoy these same advantages.

Mr. President, Congress cannot stand idly by and allow that to happen.

Advanced high-speed data service finally gives us the means to assure that all Americans really are given a fair shake in terms of economic, social, and educational opportunities. Information

Age telecommunications can serve as a great equalizer, eliminating the disadvantages of geographic isolation and socioeconomic status that have carried over from the Industrial Age. But unless these services are available to all Americans on fair and affordable terms, Industrial Age disadvantages will be perpetuated, not eliminated, in the Information Age.

As things now stand, however, the availability of advanced high-speed data service on fair and affordable terms is seriously threatened. Currently, only 2 percent of all American homes are served by networks capable of providing high-speed data service. Of this tiny number, most get high-speed Internet access through cable modems. This is a comparatively costly service —about $500 per year —and most cable modem subscribers are unable to use their own Internet service provider unless they also buy the same service from the cable system's own Internet service provider. This arrangement puts high-speed Internet service beyond the reach of Americans not served by cable service, and limits the choices available to those who are.

If this situation is allowed to continue, many Americans who live in remote areas or who don't make a lot of money won't get high-speed Internet service anywhere near as fast as others will. And, given how critical high-speed data service is becoming to virtually every segment of our everyday lives, creating advanced Internet ''haves'' and ''have nots'' will perpetuate the very social inequalities that our laws otherwise seek to eliminate.

This need not happen. Our nation's local telephone company lines go to almost every home in America, and local telephone companies are ready and willing to upgrade them to provide advanced high-speed data service.

They are ready and willing, Mr. President, but they are not able—at least, not as fully able as the cable companies are. That's because the local telephone companies operate under unique legal and regulatory restrictions. These restrictions are designed to limit their power in the local voice telephone market, but they are mistakenly being applied to the entirely different advanced data market. And as a result, their ability to build out these networks and offer these services is significantly circumscribed.

Mr. President, it's very expensive for to build high-speed data networks. Unnecessary regulation increases this already-steep cost and thereby limits the deployment of services to people and places that might otherwise receive them—and many of them are people and places that won't otherwise be served. This legislation will get rid of this unnecessary regulation, thereby facilitating the buildout of the advanced data networks necessary to give more Americans access to high-speed Internet service at a cheaper price and with a greater array of service possibilities.

That's called ''competition,'' Mr. President, and some people don't like it very much. AT&T, for example, owns cable TV giant TCI and its proprietary Internet service provider @Home. AT&T doesn't face the same regulatory restrictions as the telephone companies do, and AT&T will fight furiously to retain these restrictions so that it can continue to enjoy the ''first-move'' advantage it now has in the market for high-speed Internet service. So will other local telephone company competitors such as MCI/Worldcom, many of whom, like AT&T, prefer gaming the regulatory process to competing in the marketplace.

They're right about one thing, Mr. President—competition sure isn't nice. It's tough. Some companies win, and some companies lose. But the important thing to me is this: with competition, consumers win.

The 1996 Telecommunications Act effectively nationalized telephone industry competition. That's one of the many reasons I voted against it. As subsequent events have shown, the Act has been a complete and utter failure insofar as most Americans are concerned. All the average consumer has gotten are higher prices for many existing services, with little or no new competitive offerings. Most of the advantages have accrued to gigantic, constantly-merging telecommunications companies and the big business customers they serve.

Mr. President, we must not let this misguided law produce the same misbegotten results when it comes to making high-speed data services available and affordable to all Americans. The service is too important, and the stakes are too high.

Even the former Soviet Union managed to recognize that centralized planning was a flat failure, and abandoned it decades ago. It's time we started doing the same with centralized competition planning under the 1996 Act, and advanced data services are the best place to start. Unfettered competition, not federally-micromanaged regulation, is the best way of making sure that high-speed data services will be widely available and affordable. That's what I want, that's what consumers deserve, and that's what this legislation will do.

The first is the fact that the high-speed cable modem service being rolled out by AT&T on many of the nation's cable television systems favors its own proprietary Internet service provider, which limits consumer choice. Although AT&T's cable customers can access AOL or other Internet service providers of their own choice, they must first pass through, and pay for, AT&T's own Internet service provider, @Home. The fact that it typically costs around $500 a year to subscribe to @Home is a big disincentive to paying even more to access another service provider.

The second problem is every bit as troubling. Even though cable subscribers have only limited choice in accessing high-speed Internet service, 98 percent of Americans are even worse off, because they aren't served by any network that can carry high-speed Internet services.

Obviously, Mr. President, telephone networks serve almost everybody, and the large telephone companies very much want to convert their networks and make these services available to subscribers who might not otherwise get them, especially in rural and low-income areas, and also provide competitive alternatives for AT&T's cable modem subscribers. But, although AT&T can roll out cable modem service in a virtually regulation-free environment, federal regulation significantly impedes the ability of telephone companies to do the same thing.

Mr. President, this is blatantly unfair to the telephone companies—but that's not the worst of it. The benefits of business development, employment, and economic growth will go where the advanced data networks go. If these benefits go to urbanized, high-income areas first, the resulting disparities may well be difficult, if not impossible, to equalize.

Mr. President, I ask unanimous consent the 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. 1043

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 ''Internet Regulatory Freedom Act of 1999''.

SECTION 2. PURPOSE.

The purpose of this Act is to eliminate unnecessary regulation that impedes making advanced Internet service available to all Americans at affordable rates.

SECTION 3. PROVISIONS OF INTERNET SERVICES.

Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

''SEC. 231. PROVISION OF INTERENT SERVICES.

''(a) POLICY.—Since Internet services are inherently interstate in nature, it is the policy of the United States to assure that all Americans have the opportunity to benefit from access to advanced Internet service at affordable rates by eliminating regulation that impedes the competitive deployment of advanced broadband data networks.

''(b) FREEDOM FROM REGULATION; LIMITATIONS ON COMMISSION'S AUTHORITY.—Notwithstanding any other provision, including section 271, of this Act, nothing in this Act applies to, or grants authority to Commission with respect to—

''(1) the imposition of wholesale discount obligations on bulk offerings of advanced services to providers of Internet services or telecommunications carriers under section

251(c)(4), or the duty to provide as network elements, under section 251(c)(3), the facilities and equipment used exclusively to provide Internet services;

''(2) technical standards or specifications for the provisions of Internet services; or

''(3) the provision of Internet services.

''(c) INTERNET SERVICES DEFINED.—In this section, the term 'Internet services' means services, other than voice-only telecommunication services, that consist of, or include—

''(1) the transmission of writing, signs, signals, pictures, or sounds by means of the Internet or any other network that includes Internet protocol-based or other packet-switched or equivalent technology, including the facilities and equipment exclusively used to provide those services; and

''(2) the transmission of data between a user and the Internet or such other network.

''(d) ISP NOT A PROVIDER OF INTRASTATE COMMUNICATION SERVICES.—A provider of Internet services may not be considered to be a carrier providing intrastate communication service described in section 2(b)(1) because it provides Internet services.''.

By Mr. KENNEDY:

S. 1044. A bill to require coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

THE ELIMINATE COLORECTAL CANCER ACT OF 1999

• Mr. KENNEDY. Mr. President, today we are introducing a bill that will require all private insurers to provide coverage for screening tests for colorectal cancer. More than 56,000 Americans die from colon cancer each year and we know that the vast majority of these tragedies could have been prevented by early detection and treatment.

Millions of Americans are at risk of contracting colon cancer during their lifetime. Persons over age 50 are particularly vulnerable, and so are family members of those who have had this illness. Effective treatments are well-established for this disease, but it must be detected early in order for the treatment to be successful.

Unfortunately, fewer than 20 percent of Americans take advantage of the routine screening tests that can identify those who have the disease or who are at risk. Too many physicians fail to recommend or even mention it. The cost of screening those at risk is minor compared to the savings gained by reducing the overall costs of treatment, suffering, lost productivity, and premature death.

As many colon cancer survivors have told us, early recognition and treatment are essential to winning this battle. Over 90% of people who have been diagnosed as a result of these screening tests and then treated for this cancer have resumed active and productive lives.

People on Medicare already have the right to these screening tests. The legislation we are introducing today will extend the same benefit to everyone else who has private insurance coverage. Under our proposal, coverage for screening tests will be available to anyone over age 50, and also to younger persons who are at risk for the disease or who have specific symptoms. The type of tests and frequency of tests would be determined by the doctor and the patient. This is a very reasonable and cost-effective measure that is essential to prevent thousands of unnecessary deaths.

Our bill has already received support and endorsements from all the major gastrointestinal professional organizations, the American Cancer Society, the American Gastroenterological Association, the Cancer Research Foundation of America, the American Society for Gastrointestinal Endoscopy, the American Society of Colon and Rectal Surgeons, STOP Colon and Rectal Cancer Foundation, the United Ostomy Association, the Colon Cancer Alliance, Cancer Care, Inc., and the American Association of Homes and Services for the Aging.

A companion bill is being introduced in the House with the bipartisan leadership of my respected colleagues, Congresswomen LOUISE SLAUGHTER and CONNIE MORELLA. They have rightly emphasized that this disease is one that affects women as much as men. I look forward to working with them and my colleagues here in the Senate to get this very important protective legislation passed.•

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERREY, and Mr. ROBB):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions, and for other purposes; to the Committee on Finance.

STRUCTURED SETTLEMENT PROTECTION ACT

Mr. CHAFEE. Mr. President, today I am introducing the Structured Settlement Protection Act, together with Senators BAUCUS, GRASSLEY, ROCKEFELLER, BREAUX, and KERREY of Nebraska. Companion legislation has been introduced in the House as H.R. 263, sponsored by Representatives CLAY SHAW and PETE STARK and a broad bipartisan group of Members of the House Ways and Means Committee.

The Act protects structured settlements and the injured victims who are the recipients of the structured settlement payments from the problems caused by a growing practice known as structured settlement factoring.

Structured settlements were developed because of the pitfalls associated with the traditional lump sum form of recovery in serious personal injury cases. All too often a lump sum meant to last for decades or even a lifetime swiftly eroded away. Structured settlements have proven to be a very valuable tool. They provide long-term financial security in the form of an assured stream of payments to persons suffering serious, often profoundly disabling, physical injuries. These payments enable the recipients to meet ongoing medical and basic living expenses without having to resort to the social safety net.

Congress has adopted special tax rules to encourage and govern the use of structured settlements in physical injury cases. By encouraging the use of structured settlements Congress sought to shield victims and their families from pressures to prematurely dissipate their recoveries. Structured settlement payments are non-assignable. This is consistent with worker's compensation payments and various types of federal disability payments which are also non-assignable under applicable law. In each case, this is done to preserve the injured person's long-term financial security.

I am very concerned that in recent months there has been sharp growth in so-called structured settlement factoring transactions. In these transactions, companies induce injured victims to sell off future structured settlement payments for a steeply-discounted lump sum, thereby unraveling the structured settlement and the crucial long-term financial security that it provides to the injured victim. These factoring company purchases directly contravene the intent and policy of Congress in enacting the special structured settlement tax rules. The Treasury Department shares these concerns and has included a similar proposal in the Administration's FY 2000 budget.

An article in the January 25 issue of U.S. News & World Report highlights the growing problem of structured settlement purchases. Orion Olson was bitten by a dog when he was three years old. The dog bite caused him vision and neurological problems. The settlement resulting from his lawsuit called for Mr. Olson to receive $75,000 in periodic payments once he turned 18. Unfortunately, Mr. Olson was lured into selling his payments for a lump sum payment of $16,100. Within six months this money was gone and Mr. Olson was living in a car.

Last year, the National Spinal Cord Injury Association wrote to the Chairman of the Finance Committee strongly supporting the legislation. They stated: [o]ver the past 16 years, structured settlements have proven to be an ideal method for ensuring that persons with disabilities, particularly minors, are not tempted to squander resources designed to last years or even a lifetime. That is why the National Spinal Cord Injury Association is so deeply concerned about the emergence of companies that purchase payments intended for disabled persons at drastic discount. This strikes at the heart of the security Congress intended when it created structured settlements.''

The legislation we are introducing would impose a substantial penalty tax

on a factoring company that purchases the structured settlement payments from the injured victim. This is a penalty, not a tax increase. Similar penalties are imposed in a variety of other contexts in the Internal Revenue Code to discourage transactions that undermine Code provisions, such as private foundation prohibited transactions and greenmail. The factoring company would pay the penalty only if it engages in the transaction that Congress has sought to discourage. An exception is provided for genuine court-approved hardship cases to protect the limited instances where a true hardship warrants the sale of future structured settlement payments.

This bipartisan legislation, which is supported by the Treasury Department, should be enacted as soon as possible to stem this growing nationwide problem.

Mr. President, I ask unanimous consent that a copy of the bill, a summary of the legislation and the article from U.S. News & World Report be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Structured Settlement Protection Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. IMPOSITION OF EXCISE TAX ON PERSONS WHO ACQUIRE STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS.

Subtitle E is amended by adding at the end the following new chapter:

''CHAPTER 55—STRUCTURED SETTLEMENT FACTORING TRANSACTIONS

''Sec. 5891. Structured settlement factoring transactions.

''SEC. 5891. STRUCTURED SETTLEMENT FACTORING TRANSACTIONS.

''(a) IMPOSITION OF TAX.—There is hereby imposed on any person who acquires directly or indirectly structured settlement payment rights in a structured settlement factoring transaction a tax equal to 50 percent of the factoring discount as determined under subsection (c)(4) with respect to such factoring transaction.

''(b) EXCEPTION FOR COURT-APPROVED HARDSHIP.—The tax under subsection (a) shall not apply in the case of a structured settlement factoring transaction in which the transfer of structured settlement payment rights is—

''(1) otherwise permissible under applicable law, and

''(2) undertaken pursuant to the order of the relevant court or administrative authority finding that the extraordinary, unanticipated, and imminent needs of the structured settlement recipient or the recipient's spouse or dependents render such a transfer appropriate.

''(c) DEFINITIONS.—For purposes of this section—

''(1) STRUCTURED SETTLEMENT.—The term 'structured settlement' means an arrangement—

''(A) established by—

''(i) suit or agreement for the periodic payment of damages excludable from the gross income of the recipient under section 104(a)(2), or

''(ii) agreement for the periodic payment of compensation under any workers' compensation act that is excludable from the gross income of the recipient under section 104(a)(1), and

''(B) where the periodic payments are—

''(i) of the character described in subparagraphs (A) and (B) of section 130(c)(2), and

''(ii) payable by a person who is a party to the suit or agreement or to the workers' compensation claim or by a person who has assumed the liability for such periodic payments under a qualified assignment in accordance with section 130.

''(2) STRUCTURED SETTLEMENT PAYMENT RIGHTS.—The term 'structured settlement payment rights' means rights to receive payments under a structured settlement.

''(3) STRUCTURED SETTLEMENT FACTORING TRANSACTION.—The term 'structured settlement factoring transaction' means a transfer of structured settlement payment rights (including portions of structured settlement payments) made for consideration by means of sale, assignment, pledge, or other form of encumbrance or alienation for consideration.

''(4) FACTORING DISCOUNT.—The term 'factoring discount' means an amount equal to the excess of—

''(A) the aggregate undiscounted amount of structured settlement payments being acquired in the structured settlement factoring transaction, over

''(B) the total amount actually paid by the acquirer to the person from whom such structured settlement payments are acquired.

''(5) RELEVANT COURT OR ADMINISTRATIVE AUTHORITY.—The term 'relevant court or administrative authority' means—

''(A) the court (or where applicable, the administrative authority) which had jurisdiction over the underlying action or proceeding that was resolved by means of the structured settlement, or

''(B) in the event that no action or proceeding was brought, a court (or where applicable, the administrative authority) which—

''(i) would have had jurisdiction over the claim that is the subject of the structured settlement, or

''(ii) has jurisdiction by reason of the residence of the structured settlement recipient.

''(d) COORDINATION WITH OTHER PROVISIONS.—

''(1) IN GENERAL.—In any case where the applicable requirements of sections 72, 130, and 461(h) were satisfied at the time the structured settlement was entered into, the subsequent occurrence of a structured settlement factoring transaction shall not affect the application of the provisions of such sections to the parties to the structured settlement (including an assignee under a qualified assignment under section 130) in any taxable year.

''(2) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to clarify the treatment in the event of a structured settlement factoring transaction of amounts received by the structured settlement recipient.''

SEC. 3. TAX INFORMATION REPORTING OBLIGATIONS.

Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

''SEC. 6050T. REPORTING REQUIREMENTS REGARDING STRUCTURED SETTLEMENT FACTORING TRANSACTIONS.

''(a) IN GENERAL.—In the case of a transfer of structured settlement payment rights in a structured settlement factoring transaction—

''(1) described in section 5891(b) and of which the person making the structured settlement payments has actual notice and knowledge, such person shall make such return and furnish such written statement to the acquirer of the structured settlement payment rights as would be applicable under the provisions of section 6041 (except as provided in subsection (c) of this section), or

''(2) subject to tax under section 5891(a) and of which the person making the structured settlement payments has actual notice and knowledge, such person shall make such return and furnish such written statement to the acquirer of the structured settlement payment rights at such time, and in such manner and form, as the Secretary shall by regulations prescribe.

''(b) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall apply in lieu of any other provisions of this part to establish the reporting obligations of the person making the structured settlement payments in the event of a structured settlement factoring transaction. The provisions of section 3405 regarding withholding shall not apply to the person making the structured settlement payments in the event of a structured settlement factoring transaction.

''(c) DEFINITION.—For purposes of this section, the term 'acquirer of the structured settlement payment rights' shall include any person described in section 7701(a)(1).''

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to structured settlement factoring transactions (as defined in section 5891(c)(3) of the Internal Revenue Code of 1986, as added by this Act) occurring after the date of enactment of this Act.

SUMMARY OF THE STRUCTURED SETTLEMENT PROTECTION ACT

1. STRINGENT EXCISE TAX ON PERSONS WHO ACQUIRE STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS

Factoring company purchases of structured settlement payments so directly subvert the Congressional policy underlying structured settlements and raise such serious concerns for the injured victims that it is appropriate to impose a stringent excise tax against the amount of the discount reflected in the factoring transaction (subject to a limited exception described below for genuine court-approved hardships). Accordingly, the Act would impose on the factoring company that acquires structured settlement payments directly or indirectly from the injured victim an excise tax equal to 50 percent of the difference between (i) the total amount of the structured settlement payments purchased by the factoring company, and (ii) the heavily-discounted lump sum paid by the factoring company to the injured victim.

Similar to the stiff excise taxes imposed on prohibited transactions in the private foundation and pension contexts—which can range as high as 100 to 200 percent—this

stringent excise tax is necessary to address the very serious public policy concerns raised by structured settlement factoring transactions.

The excise tax under the Act would apply to the factoring of structured settlements in tort cases and in workers' compensation. A structured settlement factoring transaction subject to the excise tax is broadly defined under the Act as a transfer of structured settlement payment rights (including portions of payments) made for consideration by means of sale, assignment, pledge, or other form of alienation or encumbrance for consideration.

2. EXCEPTION FROM EXCISE TAX FOR GENUINE, COURT-APPROVED HARDSHIP

The stringent excise tax would be coupled with a limited exception for genuine, court-approved financial hardship situations. The excise tax would apply to factoring companies in all structured settlement factoring transactions except those in which the transfer of structured settlement payment rights (1) is otherwise permissible under applicable Federal and State law and (2) is undertaken pursuant to the order of a court (or where applicable, an administrative authority) finding that the extraordinary, unanticipated, and imminent needs of the structured settlement recipient or his or her spouse or dependents render such a transfer appropriate.

This exception is intended to apply to the limited number of cases in which a genuinely extraordinary, unanticipated, and imminent hardship has actually arisen and been demonstrated to the satisfaction of a court (e.g., serious medical emergency for a family member). In addition, as a threshold matter, the transfer of structured settlement payment rights must be permissible under applicable law, including State law. The hardship exception under this legislation is not intended to override any Federal or State law prohibition or restriction on the transfer of the payment rights or to authorize factoring of payment rights that are not transferable under Federal or State law. For example, the States in general prohibit the factoring of workers' compensation benefits. In addition, State laws often prohibit or directly restrict transfers of recoveries in various types of personal injury cases, such as wrongful death and medical malpractice.

The relevant court for purposes of the hardship exception would be the original court which had jurisdiction over the underlying action or proceeding that was resolved by means of the structured settlement. In the event that no action had been brought prior to the settlement, the relevant court would be that which would have had jurisdiction over the claim that is the subject of the structured settlement or which would have jurisdiction by reason of the residence of the structured settlement recipient. In those limited instances in which an administrative authority adjudicates, resolves, or otherwise has primary jurisdiction over the claim (e.g., the Vaccine Injury Compensation Trust Fund), the hardship matter would be the province of that applicable administrative authority.

3. NEED TO PROTECT TAX TREATMENT OF ORIGINAL STRUCTURED SETTLEMENT

In the limited instances of extraordinary and unanticipated hardship determined by court order to warrant relief under the hardship exception, adverse tax consequences should not be visited upon the other parties to the original structured settlement. In addition, despite the anti-assignment provisions included in the structured settlement agreements and the applicability of a stringent excise tax on the factoring company, there may be a limited number of non-hardship factoring transactions that still go forward. If the structured settlement tax rules under I.R.C. Sections 72, 130 and 461(h) had been satisfied at the time of the structured settlement, the original tax treatment of the other parties to the settlement—i.e., the settling defendant (and its liability insurer) and the Code section 130 assignee—should not be jeopardized by a third party transaction that occurs years later and likely unbeknownst to these other parties to the original settlement.

Accordingly, the Act would clarify that if the structured settlement tax rules under I.R.C. Sections 72, 130, and 461(h) had been satisfied at the time of the structured settlement, the section 130 exclusion of the assignee, the section 461(h) deduction of the settling defendant, and the Code section 72 status of the annuity being used to fund the periodic payments would remain undisturbed. That is, the assignee's exclusion of income under Code section 130 arising from satisfaction of all of the section 130 qualified assignment rules at the time the structured settlement was entered into years earlier would not be challenged. Similarly, the settling defendant's deduction under Code section 461(h) of the amount paid to the assignee to assume the liability would not be challenged. Finally, the status under Code section 72 of the annuity being used to fund the periodic payments would remain undisturbed.

The Act provides the Secretary of the Treasury with regulatory authority to clarify the treatment of a structured settlement recipient who engages in a factoring transaction. This regulatory authority is provided to enable Treasury to address issues raised regarding the treatment of future periodic payments received by the structured settlement recipient where only a portion of the payments has been factored away, the treatment of the lump sum received in a factoring transaction qualifying for the hardship exception, and the treatment of the lump sum received in the non-hardship situation. It is intended that where the requirements of section 130 are satisfied at the time the structured settlement is entered into, the existence of the hardship exception to the excise tax under the Act shall not be construed as giving rise to any concern over constructive receipt of income by the injured victim at the time of the structured settlement.

4. TAX INFORMATION REPORTING OBLIGATIONS WITH RESPECT TO A STRUCTURED SETTLEMENT FACTORING TRANSACTION

The Act would clarify the tax reporting obligations of the person making the structured settlement payments in the event that a structured settlement factoring transaction occurs. The Act adopts a new section of the Code that is intended to govern the payor's tax reporting obligations in the event of a factoring transaction.

In the case of a court-approved transfer of structured settlement payments of which the person making the payments has actual notice and knowledge, the fact of the transfer and the identity of the acquirer clearly will be known. Accordingly, it is appropriate for the person making the structured settlement payments to make such return and to furnish such tax information statement to the new recipient of the payments as would be applicable under the annuity information reporting procedures of Code section 6041 (e.g., form 1099–R), because the payor will have the information necessary to make such return and to furnish such statement.

Despite the anti-assignment restrictions applicable to structured settlements and the applicability of a stringent excise tax, there may be a limited number of non-hardship factoring transactions that still go forward. In these instances, if the person making the structured settlement payments has actual notice and knowledge that a structured settlement factoring transaction has taken place, the payor would be obligated to make such return and to furnish such written statement to the payment recipient at such time, and in such manner and form, as the Secretary of the Treasury shall by regulations provide. In these instances, the payor may have incomplete information regarding the factoring transaction, and hence a tailored reporting procedure under Treasury regulations is necessary.

The person making the structured settlement payments would not be subject to any tax reporting obligation if that person lacked such actual notice and knowledge of the factoring transaction. Under the Act, for purposes of the reporting obligations, the term acquirer of the structured settlement payment rights'' would be broadly defined to include an individual, trust, estate, partnership, company, or corporation.

The provisions of section 3405 regarding withholding would not apply to the person making the structured settlement payments in the event that a structured settlement factoring transaction occurs.

5. EFFECTIVE DATE

The provisions of the Act would be effective with respect to structured settlement factoring transactions occurring after the date of enactment of the Act.

[From U.S. News & World Report, Jan. 25, 1999]

SETTLING FOR LESS

SHOULD ACCIDENT VICTIMS SELL THEIR MONTHLY PAYOUTS?

(By Margaret Mannix)

Orion Olson has had his share of hard knocks. When he was a 3 year old, a dog bite caused him vision and neurological problems, as well as injuries requiring plastic surgery. In his teens, he dropped out of high school and wound up homeless. But he had hope. On his 18th birthday, the Minneapolis man was to start receiving the first of five periodic payments totaling $75,000 from a lawsuit stemming from the dog attack. He received the first installment of $7,500, but the money didn't last long.

So when Olson saw a television ad for a finance company named J. G. Wentworth & Co. that provided cash to accident victims, he saw a way to get his life back on track. He agreed to sell his remaining future payments of $67,500 to Wentworth for a lump sum of $16,100. ''I needed money,'' says Olson, now 20 years old. ''If I could get the money out like they were saying on TV, I wouldn't have to worry about being on the street anymore.'' Within six months, however, Olson had spent all the money and was living in a car. He now wishes he had waited for his regular payments.

Olson may be financially unsophisticated, but he is also caught up in a burgeoning, and unregulated, new industry that specializes in converting periodic payments into fast cash. Also known as factoring companies, these firms can be a godsend to accident victims, lottery winners, and others who have guaranteed future incomes but need immediate funds. But like a modern-day Esau trading

his inheritance for a bowl of soup, the unwary consumer may be selling future sustenance for cheap. A growing number of federal and state legislators, as well as several attorneys general, contend that factoring companies charge usurious interest rates, fail to properly disclose terms, and take advantage of desperate people. ''It's unconscionable,'' says Minnesota Attorney General Mike Hatch. ''They are really preying upon the vulnerable.''

Frittering away. Critics further allege that factoring companies undermine the very law that Congress passed to help beneficiaries of large damage awards. In 1982, seeking to prevent accident victims from frittering away large sums intended to provide for them over their lifetimes, Congress instituted tax breaks for those who agreed to receive their money over a period of years. But now, contends Montana Sen. Max Baucus, a sponsor of that legislation, the careful planning that goes into the structuring of these payments ''can be unraveled in an instant by a factoring company offering quick cash at a steep discount.''

A number of advanced-funding companies compete for their share of future payments that include more than $5 billion in structured settlements awarded each year. The largest buyer is Wentworth, handling an estimated half of all such transactions. Based in Philadelphia, the firm began by financing nursing homes and long-term care facilities. In 1992 it started buying settlements that auto-accident victims were owed by the state of New Jersey. Since then, Wentworth has completed more than 15,000 structured-settlement transactions with an approximate total value of $370 million.

The deals work like this: A structured-settlement recipient who wants to sell, say, $50,000 in future payments, will not get a limp sum of $50,000. That's because, as a result of inflation, money schedule to be paid years from now is worth less today. Formulas based on such factors as inflation and the date that payments begin are used to determine the ''present value'' of the future payments. The seller is, in essence, borrowing a lump sum that is paid back with the insurance company payments. The interest on the borrowed sum is called the ''discount rate.''

Wentworth and other advanced-funding companies say they are providing a valuable service because structured settlements have a basic flaw: They are not flexible. Consumer needs change, they note, and a fixed monthly payment does not. Wentworth points to an Ohio woman who sold the company a $500 portion of her monthly payments for six years when her bills were piling up and her home mortgage was about to be foreclosed. She received instant cash of $21,000, at a discount rate of 15.8 percent. The customer, who did not wish to be identified, says she is grateful to Wentworth for advancing her the money when her insurance company would not. ''The insurance companies just don't understand,'' she says, ''When I needed their help, they were not there.'' Likewise, a New York quadriplegic, who also did not want to be named, says he secured funds from Wentworth at a 12 percent discount rate to expand his won business and, as a result, is more successful than ever. ''It was definitely worth it for me,'' he ways.

But other customers are not as satisfied. New York City resident Raymond White lost part of one leg when we has struck by a subway train in 1990. A lawsuit led to a settlement that guaranteed White a monthly payment of $1,100, with annual cost-of-living increases of 3 percent. In 1996, White, who did not have a job, wanted cash to buy a car and pay medical bills. So he turned to Wentworth, selling portions of his monthly payments for the next 15 years in six different transactions.

Altogether White gave up future payments totaling $198,000. He received a total of $54,000 in return, but the money, which he used for living expenses, is now gone. He bought a car, but it has been repossessed. He bought a plot of land in Florida, but lost it to foreclosure. With debts mounting, he now relies partially on public assistance to get by. ''Unfortunately I was so overwhelmed with debt and striving for a better life that I went along with it,'' says White. ''In reality, what I was doing was accumulating more debt for myself.''

Some Wentworth customers say they might have realized the repercussions of their transactions had the contracts been clearer about the long-term costs. Jerry Magee of Magnolia, Miss., who has filed a class action suit against the company, is one of them. In a mortgage contract, for instance, lending laws require that consumers see their interest rate and the total amount of money they will be paying over the life of the loan. By contrast, Magee's lawyer says, neither the effective interest rate nor the total amount of the transaction was clearly spelled out in the 13-page contract or in the 25 other documents Wentworth required him to sign. Wentworth says it has been revising its documents to make them easier to understand.

Change of address. While the factoring transaction itself is complex, the transfer of payments is simple. The structured settlement recipient instructs the insurance company to change his or her address to that of the factoring company. The check remains in the recipient's name, and the factoring company uses a power of attorney, granted by the recipient, to cash it.

This roundabout method is used because insurance companies say structured payments should not be sold. Most settlement contracts specify that payments cannot be ''assigned,'' and the Internal Revenue Service says that payments ''cannot be accelerated, deferred, increased or decreased.'' Selling payments, the insurance companies say, amounts to accelerating them. And that may threaten the claimant's tax break. Insurance companies say that if their annuitants start selling their payments, the social good that justifies the tax break disappears. Ironically, they make this argument even though some insurance companies themselves are not making counteroffers to factoring companies, accelerating payments to their own claimants. Berkshire Hathaway Life Insurance Co., for example, recently offered a claimant a lump sum of $59,000, beating Wentworth's offer of $45,000. The IRS has not formally addressed the tax issues, but the U.S. Department of the Treasury has recommended a tax on factoring transactions to discourage them.

Insurance companies also worry about having to pay twice. Last year, a judge ruled an insurance company was obligated to pay a workers' compensation recipient his monthly payments because the factoring transaction he entered into was invalid under Florida's workers' compensation statute. For their part, the factoring companies argue that even though the claimants do not own the annuities—the insurance companies do—the factoring companies can buy the ''right to receive'' the payments.

Insurance companies are getting wise to these factoring deals—CNA, a Chicago-based insurer, noticed that annuitants from all over the country were changing their addresses to Wentworth's Philadelphia post office box—and some are trying to stop the transactions. Some insurance companies, for example, refuse to honor change-of-address requests or redirect the payments back to the annuitant after the deal is done. But redirecting a payment can cause serious consequences for the claimant. In Wentworth's case, the company has each customer sign a clause called a ''confession of judgment,'' which allows the factoring company to sue customers quickly for default when their payments are not received; customers also waive the right to defend themselves.

Christopher Hicks, a 20-year-old accident victim from Oklahoma City, learned the effects of that clause the hard way. In 1997, Hicks signed over to Wentworth half of his $2,000 monthly payments for the next 32 months and $1,500 for the 26 months after that. In exchange, Hicks received $37,500, which he admits he quickly spent on furniture, clothes, and other items. When Wentworth failed to receive a check from the insurance company that pays Hicks the annuity, it secured a judgment against him for the entire amount of the deal—$71,000.

No clue. To collect, Wentworth garnisheed Metropolitan Life, meaning that Metropolitan Life was supposed to start sending Hicks's monthly checks to Wentworth. It did not—the company won't say why—and Hicks, who was supposed to be getting $1,000 back from Wentworth, was left with nothing. ''When the money stopped, I had no clue what was going on,'' says Hicks, who had to rely on family and friends until the two companies settled their differences in court. Hicks now wishes he had never gotten involved with Wentworth. ''They make you think you are doing the right thing in the long run,'' says Hicks, ''but you are really messing up your life.''

Wentworth makes liberal use of confession-of-judgment clauses even though they are illegal in consumer transactions in the company's home state of Pennsylvania. The Federal Trade Commission also bans the clauses as an unfair practice in consumer-credit transactions. The clauses are allowable in business transactions in Pennsylvania if they are accompanied by a statement of business purpose. So in each case Wentworth certifies that the agreements ''were not entered into for family, personal, or household purposes.''

Such language is used in affidavits despite cases like that of Davinia Willis, a 24-year-old resident of Richmond, Calif., who entered into a transaction with Wentworth in 1996 to stop her house from being foreclosed upon and to repair wheelchair ramps—clearly, she says, personal uses. In a class action lawsuit against the company, she cites the confession of judgment as one reason why the contract is ''illegal, usurious, and unconscionable.'' Wentworth says the clauses are necessary to keep its customers from reneging on their agreements.

In the end, the controversy over factoring companies comes down to a fundamental disagreement over the definition of their business. The factoring companies say they are not subject to usury or consumer-credit disclosure laws because they are not, in fact, lenders. ''We don't make loans,'' declares Andrew Hillman, Wentworth's general counsel. ''We buy assets.'' But some state attorneys general say these transactions differ very little, if at all, from loans and perhaps should be classified as such. That way, says Shirley Sarna, chief of the New York attorney general's consumer fraud and protection bureau,

the law could prevent factoring companies from charging discount rates that she says in some cases have exceeded 75 percent. Wentworth says its average rate is 16 percent, and several factoring companies insist their rates would be much lower if insurance companies did not make it expensive from them to complete the deals. ''By getting the insurance companies to process the address changes, it would overnight transform our discount rates from high teens to the single digits,'' says Jeffrey Grieco, managing director of Stone Street Capital, an advanced-funding firm in Bethesda, Md.

Who is right and who is wrong is being hammered out in courtrooms and statehouses across the country. The insurance companies were heartened last summer when a Kentucky judge denied four of Wentworth's garnishment actions, saying the purchase agreements the customers signed were neither valid nor legal. But other courts have ruled differently.

In Illinois, a new state law says that structured settlements can be sold as long as a judge approves the transaction. Wentworth notes that more than 100 such sales have been approved. At the same time, several state attorneys general are examining the factoring industry's practices. ''You have got to worry about people who have a debilitating injury,'' says Joseph Goldberg, senior deputy attorney general for Pennsylvania. ''The injury is never going away and they have no real means of income and probably no means of employment. . . . If they give that monthly payment up, it could have serious consequences.'' Voicing similar concerns, disability groups like the National Spinal Cord Injury Association, which now refuses to accept factoring companies' advertisements in its magazine, are warning members about the hazards of cashing out. The association is ''deeply concerned about the emergency of companies that purchase payments intended for disabled persons at a drastic discount,'' says its executive director, Thomas Countee.

While opinions are divided about the validity of factoring transactions, both sides agree that regulation of the secondary market is necessary. As in Illinois, Connecticut and Kentucky have passed laws requiring a judge's approval of advanced-funding deals, as well as fuller disclosure of costs. Faced with mounting criticism, Wentworth this week will announce its pledge to submit every request for purchase of a settlement to a court for approval. Other states are expected to address the issue this year, and in Congress, Rep. Clay Shaw, a Florida Republican, has reintroduced a measure that would tax factoring transactions.

The factoring companies respond to all these efforts by also calling for better disclosure from the primary market—the insurance companies, attorneys, and brokers that set up the structured settlements in the first place. Factoring companies argue that structured settlements are not always as generous as they are represented to be. ''We challenge insurance companies and their brokers to take the same pledge.'' said Michael Goodman, Wentworth's executive vice president.

Whatever the outcome of the debate, consumers thinking about selling their future payments are well advised to take a hard look at what they are getting into.

• Mr. BAUCUS. Mr. President, I am pleased to join today with Senator CHAFEE and a bipartisan group of our colleagues from the Finance Committee in introducing the Structured Settlement Protection Act.

Companion legislation has been introduced in the House (H.R. 263) by Representatives CLAY SHAW and PETE STARK. The House legislation is cosponsored by a broad bipartisan group of Members of the House Ways and Means Committee.

The Treasury Department supports this bipartisan legislation

I speak today as the original Senate sponsor of the structured settlement tax rules that Congress enacted in 1982. I rise because of my very grave concern that the recent emergence of structured settlement factoring transactions—in which favoring companies buy up the structured settlement payments from injured victims in return for a deeply-discounted lump sum—complete undermines what Congress intended when we enacted these structured settlement tax rules.

In introducing the original 1982 legislation, I pointed to the concern over the premature dissipation of lump sum recoveries by seriously-injured victims and their families:

> In the past, these awards have typically been paid by defendants to successful plaintiffs in the form of a single payment settlement. This approach has proven unsatisfactory, however, in many cases because it assumes that injured parties will wisely manage large sums of money so as to provide for their lifetime needs. In fact, many of these successful litigants, particularly minors, have dissipated their awards in a few years and are then without means of support. [CONGRESSIONAL RECORD (daily ed.) 12/10/81, at S15005.]

I introduced the original legislation to encourage structured settlements because they provide a better approach, as I said at the time: ''Periodic payment settlements, on the other hand, provide plaintiffs with a steady income over a long period of time and insulate them from pressures to squander their awards.'' (Id.)

Thus, our focus in enacting these tax rules in section 104(a)(2) and 130 of the Internal Revenue Code was to encourage and govern the use of structured settlements in order to provide long-term financial security to seriously-injured victims and their families and to insulate them from pressures to squander their awards.

Over the almost two decades since we enacted these tax rules, structured settlements have proven to be a very effective means of providing long-term financial protection to persons with serious, long-term physical injuries through an assured stream of payments designed to meet the victim's ongoing expenses for medical care, living, and family support. Structured settlements are voluntary agreements reached between the parties that are negotiated by counsel and tailored to meet the specific medical and living needs of the victim and his or her family, often with the aid of economic experts. This process may be overseen by the court, particularly in minor's cases. Often, the structured settlement payment stream is for the rest of the victim's life to ensure that future medical expenses and the family's basic living needs will be met and that the victim will not outlive his or her compensation.

I now find that all of this careful planning and long-term financial security for the victim and his or her family can be unraveled in an instant by a factoring company offering quick cash at a steep discount. What happens next month or next year when the lump sum from the factoring company is gone, and the stream of payments for future financial support is no longer coming in? These structured settlement factoring transactions place the injured victim in the very predicament that the structured settlement was intended to avoid.

Court records show that across the country factoring companies are buying up future structured settlement payments from persons who are quadriplegic, paraplegic, have traumatic brain injuries or other grave injuries. That is why the National Spinal Cord Injury Association and the American Association of Persons With Disabilities (AAPD) actively support the legislation we are introducing today. The National Spinal Cord Injury Association stated in a recent letter to Chairman ROTH of the Finance Committee that the Spinal Cord Injury Association is ''deeply concerned about the emergency of companies that purchase payments intended for disabled persons at drastic discount. This strikes at the heart of the security Congress intended when it created structured settlements.''

As a long-time supporter of structured settlements and an architect of the Congressional policy embodied in the structured settlement tax rules, I cannot stand by as this structured settlement factoring problem continues to mushroom across the country, leaving injured victims without financial means for the future and forcing the injured victims onto the social safety net—precisely the result that we were seeking to avoid when we enacted the structured settlement tax rules.

Accordingly, I am pleased to join with Senator CHAFEE in introducing the Structured Settlement Protection Act. The legislation would impose a substantial penalty tax on a factoring company that purchases structured settlement payments from an injured victim. There is ample precedent throughout the Internal Revenue Code, such as the tax-exempt organization area, for the use of penalties to discourage transactions that undermine existing provisions of the Code. I would stress that this is a penalty, not a tax increase—the factoring company only pays the penalty if it undertakes the factoring transaction that Congress is seeking to discourage because the

transaction thwarts a clear Congressional policy. Under the Act, the imposition of the penalty would be subject to an exception for court-approved hardship cases to protect the limited instances of true hardship of the victim.

I urge my colleagues that the time to act is now, to stem as quickly as possible these harsh consequences that structured settlement factoring transactions visit upon seriously-injured victims and their families.●

By Mr. REED:

S. 1046. A bill to amend title V of the Public Health Service Act to revise and extend certain programs under the authority of the Substance Abuse and Mental Health Service Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

WRAP AROUND SERVICES FOR DETAINED OR INCARCERATED YOUTH ACT OF 1999

Mr. REED. Mr. President, I rise today to introduce legislation that would help local communities coordinate services for juvenile offenders who are leaving the juvenile justice system and returning to their communities. This provision was included in the Robb amendment to S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, which was unfortunately tabled earlier this week.

The problem of mental illness plagues an alarming number of youth, who too often find themselves caught up in the juvenile justice system. While overall crime rates in this country have been in decline for the past few years, we have seen alarming increases in the number of serious and violent crimes committed by minors. Each year, more than two million youngsters under the age of 18 are arrested. What's more, statistics show that thirty percent of these young people will commit another crime within a year of their initial arrest.

Often, society views these young people, who have turned to crime at such an early age, as a ''lost cause'' or simply beyond hope of rehabilitation. The said fact that often gets overlooked is that many of these youngsters are battling with a serious emotional or mental disorder that winds up manifesting itself in criminal behavior. We cannot condone this behavior, yet, we as a society have failed to dedicate the resources necessary to bring these children back from the edge of self-destruction.

The legislation I am introducing today would help local agencies to coordinate the array of mental health, substance abuse, vocational, and education services a youngster may need to successfully transition back into the mainstream. Once a youth has been through the juvenile or criminal justice system, we need to do all we can to prevent a similar incident. If these children have been identified as having a mental or emotional disorder, they need to have access to appropriate treatment and services while they are incarcerated, but perhaps more imperatively when they leave incarceration. Turning these young people out on the street with no services to facilitate their transition does not help these children and does not help society as a whole.

Studies have found the rate of mental disorder is two to three times higher among the juvenile offender population than among youth in the general population. According to a 1994 Department of Justice study, 73 percent of juvenile offenders reported mental health problems and 57 percent reported past treatment for their condition. In addition, it is estimated that over 60 percent of youth in the juvenile justice system have substance abuse disorders, compared to 22 percent in the general population.

In an effort to bring desperately needed mental health services to this terribly underserved population, my legislation would authorize the Substance Abuse and Mental Health Services Administration (SAMHSA), in collaboration with the Departments of Justice and Education, to administer a competitive grant program that responds to the array of social and educational needs of children who are leaving the juvenile justice system.

These cooperative ''wrap-around services'' would enable juvenile justice agencies to work together with educational and health agencies to provide transitional services for youth who have had contact with the juvenile justice system, in order to decrease the likelihood that these young people will commit additional criminal offenses.

These services, which would be targeted toward youth offenders who have serious emotional disturbances or are at risk of developing such disturbances, could include diagnostic and evaluation services, substance abuse treatment, outpatient mental health care, medication management, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care.

I think it is important for my colleagues to note that this proposal is modeled after existing programs with a proven record of success. For instance, my home state of Rhode Island is one of four states (the others include California, Wisconsin, and Virginia) that has sought to target teens who have been diagnosed with a serious emotional disturbance and provide them with the services they need to get back on track.

The Rhode Island Department of Youth and Families last year initiated a statewide program called ''Project Hope'', for youth ages 12 to 18 with serious emotional disturbances who are in the process of transitioning from the Rhode Island Training School back into their communities. The goal of the partnership is to develop a single, community-based system of care for these children to reduce the likelihood that they will re-offend. The program brings a core set of services to these young people that includes health care, substance abuse treatment, educational/vocational services, domestic violence and abuse support groups, recreational programs, and day care services. A key component in the program's strategy is to engage young people and their families in the planning and implementation of these transition services.

A similar program that has been in operation in Milwaukee, Wisconsin since 1994 has reported a 40 percent decline in the number of felonies committed and a 30% decrease in misdemeanors after providing comprehensive services to children with serious emotional disorders for one year.

This legislation would provide states with the resources and flexibility to start filing a critical service gap for youngsters who are leaving the juvenile justice system and re-entering their communities. The provisions of adequate transitional and aftercare services to prevent recidivism is essential to reducing the societal costs associated with juvenile delinquency, promoting teen health, and fostering safe communities.

I am pleased to introduce this legislation today. The provisions outlined in this bill will help community agencies to coordinate services, which will prevent these troubled juveniles from committing additional crimes and falling into a life on the fringes of society. It is in our best interest to take responsibility for these teens instead of turning our backs on them at such a critical stage.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN) (by request):

S. 1047. A bill to provide for a more competitive electric power industry and for other purposes; to the Committee on Energy and Natural Resources.

S. 1048. A bill to provide for a more competitive electric power industry, and for other purposes, to the Committee on Finance.

COMPREHENSIVE ELECTRICITY COMPETITION AND TAX ACTS

Mr. MURKOWSKI. Mr. President, at the request of the Administration, Senator BINGAMAN and I are introducing the President's proposed electricity legislation. The Administration's legislation is being introduced as two separate bills because Title X of their proposed legislation amends the Internal Revenue Code. I will speak first with respect to the restructuring portion of the Administration's legislation, Titles I through IX.

Mr. President, I am not introducing the restructuring portion of the Administration's legislation because I support it—I do not. Some of its provisions I agree with, but many of its key provisions I am opposed to. Instead, I am introducing the Administration's legislation in order to initiate the debate in the hope that through the legislative process Congress can craft legislation that will enjoy bipartisan support and will benefit consumers.

At the outset, let me observe that our electric power industry isn't broken. We have the finest electric system in the world bar none. Our electric utilities have done an excellent job supplying electricity to the consumers of this Nation. As a result, today electricity is both reliable and reasonably-priced. But that isn't to say that improvements cannot, and should not, be made. I believe that consumers will benefit through enhanced competition. The key question we face is: Should we try to enhance competition through increased reliance on the free market, or through increased use of government regulation? I think the answer is self evident.

Although deregulation is our goal, some regulation will remain necessary to protect consumers. However, such regulation should not be made the exclusive jurisdiction of the Federal government, as some have suggested. The retail market has traditionally been the jurisdiction of the States, and it should remain that way. States are the closest to the people, and are best able to determine what is in their consumers' best interests. Let me speak now about some of the key provisions of the Administration's legislation.

There are several important components of the Administration's legislation that I strongly support. For example, it proposes to repeal the Public Utility Holding Company Act (PUHCA) and the Public Utility Regulatory Policies Act of 1978 (PURPA), two anti-competitive laws that cost consumers billions of dollars every year in above-market electric rates. If we do nothing else, repeal of PUHCA and PURPA would materially advance competition and reduce electric rates to consumers.

The Administration's legislation also shows a clear interest in addressing several contentious issues left out in their bill in the last Congress. For example, the Administration's legislation includes provisions that will begin the debate on what to do about the Federal utilities—the Federal power marketing administrations and the Tennessee Valley Authority. The Administration's legislation also takes a significant step forward by addressing the very difficult issue of creating a level playing field between municipal and private utilities—the tax-exempt municipal bond issue. This is an issue that must be dealt with. The Administration's bill also addresses reliability and it makes all wholesale transmission open access, two very important matters. Also of note is the Administration's recognition of the need to deal with the high cost of electricity in rural communities. Senator DASCHLE and I have introduced legislation to deal with this problem, and the Administration's legislation incorporates part of our bill.

There are, however, several provisions in the Administration's legislation that I am opposed to. First, I do not support its Federal retail competition mandate which overrides State law. I see no need for this. The States are moving aggressively to implement retail competition in a manner and a time frame that benefits consumers. According to the DOE's Energy Information Administration, twenty States have already enacted restructuring legislation or issued a comprehensive regulatory order. More than half the U.S. population live in these twenty States. Again according to DOE's Energy Information Administration, twenty-eight of the remaining thirty States are in the process of deciding what is in the best interests of its residents. Accordingly I ask: With States making such good progress on retail competition what need is there for a Federal mandate—assuming such a mandate is Constitutional? Moreover, because the Administration's proposed mandate would apply even to the twenty States that have already acted, I am concerned that such a Federal mandate would upset the progress these States have made. In this connection, I am not convinced that the Administration's ''opt-out'' provision will in fact protect consumers from the adverse consequences of Federally-mandated retail competition.

Second, the bill's so-called ''renewable portfolio mandate'' is also a significant problem. For reasons that I do not understand, the Administration has decided to exclude hydroelectric power from the definition of renewable energy, even though hydro is this Nation's most significant renewable energy source. Without hydroelectric power being counted, to meet this new Federal mandate ''renewable'' generation would have to increase to 7.5 percent by the year 2010. Clearly, an impossibility.

Third, I am also troubled with the Administration's so-called ''public benefits'' fund. It puts a Federal $3 billion per year tax on electric consumers, that a Federal board gets to spend for vaguely defined public purposes. It also appears to require a matching $3 billion per year State expenditure. At the very outset, this eats up a very large share of the claimed consumer savings resulting from enactment of the Administration's bill.

Finally, the Administration's bill also contains numerous new Federal oversight, regulatory and environmental programs, many of which give the Federal Energy Regulatory Commission major oversight—much of which comes at the expense of the States. There are far too many of these in the Administration's legislation to identify and discuss here. Some of these may be worthwhile, but clearly many are not. Each will have to be carefully scrutinized and will have to be justified on their own merits if it is to be included in a final bill. I will speak now about the tax provisions of the Administration's proposed legislation which I am introducing as a separate measure.

Mr. President, at the request of the Administration I am also introducing the portion of their electricity restructuring bill that deals with tax-exempt debt issued by municipal utilities. This is Title X of the Administration's proposed legislation. In addiition, the Administration's bill clarifies the tax rules regarding contributions to nuclear decommissioning costs.

Mr. President, if consumers and businesses are to maximize the full benefits of open competition in this industry it will be necessary for all electricity providers to interconnect their families into the entire electric grid. Unfortunately, this system efficiency is significantly impaired because of current tax law rules that effectively preclude public power entities—entities that financed their facilities with tax-exempt bonds—from participating in State open access restructuring plans, without jeopardizing the exempt status of their bonds.

No one wants to see bonds issued to finance public power become retroactively taxable because a municipality chooses to participate in a state open access plan. That would cause havoc in the financial markets and could undermine the financial stability of many municipalities. At the same time, public power should be obtain a competitive advantage in the open marketplace based on the federal subsidy that flows from the ability to issue tax-exempt debt.

The Administration's proposal attempts to resolve this issue by prohibiting public power facilities from issuing new tax-exempt bonds for generating facilities and transmission facilities. However, tax exempt debt could be issued for new distribution facilities. In addition, the Administration's proposal ensures that outstanding bonds would not lose their tax-exempt status if transmission facilities violate the private use rules because of a FERC order requiring non-discriminatory open access to such facilities. Outstanding debt for generation would not lose it's tax-exempt status if the private use rules were triggered simply because the entity entered into a contract in response to a marketplace based on competition.

Mr. President, I am not endorsing every concept in the tax portion of the

Administration's proposal. I believe it is a good starting point for discussion of how we transition from a regulated environment to a free market competitive landscape. It is my hope that the public power and the investor owned utilities will sit down and come to a reasonable compromise on how to resolve the tax issues affecting the industry. My door is always open to hear all sides on this issue and see whether we can fix the problems that exist in the tax code so that competition in the industry becomes a reality.

Mr. President, the introduction of the Administration's bill is just the beginning of a very long and arduous process. I hope to be able to work with the electric power industry, my Republican and Democratic colleagues to both the Finance Committee and the Energy and Natural Resources Committee, and DOE Secretary Richardson to craft legislation that will benefit consumers and our Nation.

Mr. President, I ask unanimous consent that the Administration's transmittal letter and section-by-section analysis be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, April 15, 1999.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation, the Comprehensive Electricity Competition Act (CECA), that will reduce electricity costs, benefit the economy, and improve the environment by promoting competition and consumer choice in the electricity industry.

The basic Federal regulatory framework for the electric power industry was established with the enactment in 1935 of the Public Utility Holding Company Act and Title II of the Federal Power Act. These statutes are premised upon State-regulated monopolies rather than competition. Now, however, economic forces are beginning to forge a new era in the electricity industry, one in which generation prices will be determined primarily by the market rather than by legislation and regulation. Consequently, Federal electricity laws need to be updated so that they stimulate, rather than stifle, competition.

In this new era of retail competition, consumers will choose their electricity supplier. The Administration estimates that consumers will save $20 billion a year. Competition will also spark innovation in the American economy and create new industries, jobs, products, and services, just as telecommunications reform spawned cellular phones and other new technologies.

Competition also will benefit the environment. The market will reward a generator that wrings as much energy as possible from every unit of fuel. More efficient fuel use means lower emissions. In addition, competition provides increased opportunities to sell energy efficiency services and green power. Moreover, CECA's renewable portfolio standard and enhanced public benefit funding will lead to substantial environmental benefits.

The following are key provisions of CECA:

All electric consumers would be able to choose their electricity supplier by January 1, 2003, but a State or unregulated cooperative or municipal utility may opt out of retail competition if it believes its consumers would be better off under the status quo or an alternative retail competition plan.

States would be encouraged to allow the recovery of prudently incurred, legitimate, and verifiable retail stranded costs that cannot be reasonably mitigated.

The regions served by the Tennessee Valley Authority and the Federal Power Marketing Administrations would have greater access to alternative sources of power.

All consumers would have the opportunity to reap the full benefits of competition, because CECA would require retail suppliers to provide information regarding the service being offered; provide the Federal Trade Commission with the authority to prevent "slamming" and "cramming;" require States to consider implementing anti-redlining requirements; allow for aggregation; authorize the establishment of an electricity consumer database to help consumers compare various offers, and establish a Model Retail Supplier Code for States.

All users of the interstate transmission grid would be subject to mandatory reliability standards. The Federal Energy Regulatory Commission (FERC) would approve and oversee an organization that would develop and enforce these standards.

FERC would have the authority to require utilities to turn over operational control of transmission facilities to an independent regional system operator.

A Renewable Portfolio Standard would be established to ensure that by 2010 at least 7.5 percent of all electricity sales consist of generation from non-hydroelectric renewable energy sources.

A Public Benefits Fund would be established to provide matching funds of up to $3 billion per year to States and Indian tribes for low-income energy assistance, energy-efficiency programs, consumer information, and the development and demonstration of emerging technologies, particularly renewable energy technologies. A rural safety net would be created if significant adverse economic effects on rural areas have occurred or will occur as a result of electric industry restructuring.

Indian tribes would receive additional support through the creation of a grant's program, the establishment of an Energy Policy and Programs Office of the Department of Energy, and special incentives for renewable energy production on Indian lands.

Barriers would be removed in order to encourage combined heat and power and distributed power technologies.

The Environmental Protection Agency would be given authority for interstate nitrogen oxides trading to facilitate attainment of the ambient air quality standard for ozone in the eastern United States.

Federal electricity laws would be modernized to achieve the right balance of competition without market abuse by repealing outdated laws including the Public Utility Holding Company Act of 1935 and the "must buy" provision of the Public Utility Regulatory Policies Act of 1978 and by giving FERC enhanced authority to address market power.

A separate bill being transmitted today would change Federal tax law to address certain tax-exempt bonds, nuclear decommissioning costs, class life for distributed power facilities, and to provide a temporary tax credit for combined heat and power facilities.

We urge the prompt enactment of CECA to provide lower prices, a cleaner environment, and increased technical innovation and efficiency.

The Omnibus Budget Reconciliation Act requires that all revenue and direct spending legislation meet a pay-as-you-go (PAYGO) requirement. That is, no such bill should result in net budget costs: and if it does, it could contribute to a sequester if it is not fully offset. This proposal affects direct spending and receipts; therefore, it is subject to the PAYGO requirement. The net PAYGO effect of this bill is currently estimated to be a net cost of $60 million in FY 2000 and a net savings of $274 million from FY 2000 to FY 2004.

The proposals to provide an investment tax credit for combined heat and power and to deny tax-exempt status for new electric utility bonds except for distribution related expenses, are included in the President's FY 2000 Budget. The Budget contains proposals for mandatory spending reductions and increases in receipts that are sufficient to finance these proposals.

This estimate is preliminary and subject to change.

The pay-as-you-go effect of this draft bill is:

FISCAL YEAR
[In millions of dollars]

	1999	2000	2001	2002	2003	2004
Tax Provisions:						
Revenue Effect[1]	−1	−60	−88	−90	−22	34
Renewable Portfolio Standards:						
Offsetting receipts		−5	−9	−9	−9	−9
Outlays		5	9	9	9	9
Net Cost						
Public Benefits Fund and Electricity Reliability Organization:						
Offsetting receipts			−3,005	−3,005	−3,005	−3,005
Outlays			2,505	3,005	3,005	3,005
Net Cost			−500			
Total Net Cost	1	60	−412	90	22	−34

[1] For tax provisions, a "+" is a revenue gain; a "−" is a revenue loss. These proposals have been fully offset in the President's budget.

The Office of Management and Budget advises that there is no objection to the presentation of this legislation to the Congress and that its enactment would be in accord with the program of the President.

If you require any additional information, please call me or have a member of your staff contact Mr. John C. Angell, Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586–5450.

Yours sincerely,

BILL RICHARDSON.

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE ELECTRICITY COMPETITION ACT

TITLE I. RETAIL ELECTRIC SERVICE

Section 101. Retail competition

This provision would amend the Public Utility Regulatory Policies Act of 1978 (PURPA) to require each distribution utility to permit all of its retail customers to purchase power from the supplier of their choice by January 1, 2003, but would permit a State regulatory authority (with respect to a distribution utility for which it has ratemaking authority) or a non-regulated utility to opt out if it finds, on the basis of a public proceeding, that consumers of the utility would be served better by the current monopoly system or an alternative retail competition plan.

The section also would enunciate a Federal policy that utilities should be able to recover prudently incurred, legitimate, and

verifiable retail stranded costs that cannot be mitigated reasonably, but States and non-regulated utilities would continue to determine whether to provide for retail stranded costs recovery. If States and non-regulated utilities are considering implementation of retail competition, they would also be required to consider providing assistance for electric utility workers who may become or have become unemployed as a result of the implementation of retail competition. If a State or non-regulated utility decides to impose a stranded cost charge, it would be required to consider reducing that charge if the charge results from the use of on-site efficient or renewable generation. This section does not retrocede to States authority over Federal enclaves.

Section 102. Authority to impose reciprocity requirements

This section would amend PURPA to permit a State that has filed a notice indicating it is implementing retail competition to prohibit a distribution utility that is not under the ratemaking authority of the State and that has not implemented retail competition from directly or indirectly selling electricity to the consumers covered by the State's notice. This section also would permit a non-regulated utility that has filed a notice of retail competition to prohibit any other utility that has not implemented retail competition from directly or indirectly selling electricity to the consumers covered by the non-regulated utility's notice.

Section 103. Aggregation for purchase of retail electric energy

This section would amend PURPA to ensure that electricity customers and entities acting on their behalf, subject to legitimate and non-discriminatory State requirements, would be allowed to acquire retail electric energy on an aggregate basis if they are served by one or more distribution utilities for which a notice of retail competition has been filed.

TITLE II. CONSUMER PROTECTION

Section 201. Consumer information

This section would amend PURPA to permit the Secretary of Energy to require all suppliers of electricity to disclose information on price, terms, and conditions; the type of energy resource used to generate the electric energy; and the environmental attributes of the generation, including air emissions characteristics. This requirement would be enforceable by the Federal Trade Commission and by individual States.

Section 202. Access to electric service for low-income consumers

This section would amend PURPA to require a State regulatory authority or non-regulated distribution utility that files a notice of retail competition to consider assuring that its low-income residential consumers have service comparable to its other residential consumers and that all retail electric suppliers in the State share equitably any costs necessary to provide such service.

Section 203. Unfair trade practices

This section would amend the Federal Trade Commission Act to establish slamming and cramming in supplying electricity as unfair trade practices punishable by the Federal Trade Commission (FTC). Under this section, a person may not submit or change, in violation of procedures established by the FTC, a retail electric customer's selection of a retail electric supplier. Also, a person may not charge a retail electric customer for a particular service, except in accordance with procedures established by the FTC.

Section 204. Residential electricity consumer database

This section would amend PURPA to authorize the Secretary of Energy to establish a database containing information to help residential electric consumers compare the offers of various retail electric suppliers.

Section 205. Model retail supplier code

This section would amend PURPA to authorize the Secretary of Energy to develop for State use a model code for the regulation of retail electricity suppliers for the protection of electric consumers.

Section 206. Model electric utility worker code

This section would amend PURPA to authorize the Secretary of Energy to develop for State use a model code setting standards for electric utility workers to ensure that electric utilities are operated safely and reliably.

TITLE III—FACILITATING STATE AND REGIONAL REGULATION

Section 301. Clarification of State and Federal authority over retail transmission services

Subsection (a) would clarify that the Federal Power Act (FPA) does not prevent States and nonregulated distribution utilities from ordering retail competition or imposing conditions, such as a fee, on the receipt of electric energy by an ultimate customer within the State. This section also would clarify the Federal Energy Regulatory Commission's (FERC) authority over unbundled retail transmission.

Subsection (b) would reinforce FERC's authority to require public utilities to provide open access transmission services and permit recovery of stranded costs. This section also would provide retroactive effect to Commission Order No. 888 and clarify FERC's authority to order retail transmission service to complete an authorized retail sale.

Subsection (c) would extend FERC's jurisdiction over transmission services to municipal and other publicly-owned utilities and cooperatives.

Subsection (d) would give the Secretary of Agriculture intervention rights in FERC rulemakings that directly affect a cooperative with loans made or guaranteed under the Rural Electrification Act of 1936.

Section 302. Interstate compacts on regional transmission planning

This section would amend the FPA to permit FERC to approve interstate compacts that establish regional transmission planning agencies if the agencies meet certain criteria relating to their governance.

Section 303. Backup authority to impose a charge on an ultimate consumer's receipt of electric energy

This section would amend the FPA to reinforce FERC's authority to provide a back-up for the recovery of retail stranded costs if a State or a non-regulated utility has filed a retail competition notice and concludes that such charges are appropriate but lacks authority to impose a charge on the consumer's receipt of electric energy.

Section 304. Authority to establish and require independent regional system operation

This section would amend section 202 of the FPA by permitting FERC to establish an entity for independent operation, planning, and control of interconnected transmission facilities and to require a utility to relinquish control over operation of its transmission facilities to an independent regional system operator.

TITLE IV—PUBLIC BENEFITS

Section 401. Public benefits fund

This section would amend PURPA by establishing a Public Benefits Fund administered by a Joint Board that would disburse matching funds to participating States and tribal governments to carry out programs that support affordable electricity service to low-income customers; implement energy conservation and energy efficiency measures and energy management practices; provide consumer education; and develop emerging electricity generation technologies. Funds for the Federal share would be collected from generators, which, as a condition of interconnection with facilities of any transmitting utility, would pay to the transmitting utility a charge, not to exceed one mill per kilowatt-hour. The transmitting utility then would pay the collected amounts to a fiscal agent for the Fund. States and tribal governments would have the flexibility to decide whether to seek funds and how to allocate funds among public purposes. In addition, a rural safety net would be created if the Secretary of Energy determines, in consultation with the Secretary of Agriculture, that significant adverse economic effects on rural areas have occurred or will occur as a result of electric restructuring.

Section 402. Federal renewable portfolio standard

This section would amend PURPA to establish a Federal Renewable Portfolio Standard (RPS) to guarantee that a minimum level of renewable generation is developed in the United States. The RPS would require electricity sellers to have renewable credits based on a percentage of their electricity sales. The seller would receive credits by generating power from non-hydroelectric renewable technologies, such as wind, solar, biomass, or geothermal generation; purchasing credits from renewable generators; or a combination of these, but would receive twice the number of credits if the power was generated on Indian lands. The RPS requirement for 2000–2004 would be set at the current ratio of RPS-eligible generation to retail electricity sales. Between 2005–2009, the Secretary of Energy would determine the required annual percentage, which would be greater than the baseline percentage but less than 7.5%. In 2010–2015, the percentage would be 7.5%. The RPS credits would be subject to a cost cap of 1.5 cents per kilowatt hour, adjusted for inflation.

Section 403. Net metering

This section would amend PURPA by requiring all retail electric suppliers to make available to consumers ''net metering service,'' through which a consumer would offset purchases of electric energy from the supplier with electric energy generated by the consumer at a small on-site renewable generating facility and delivered to the distribution system. This section also would clarify that States are not preempted under Federal law from requiring a retail electric supplier to make available net metering service.

Section 404. Reform of section 210 of PURPA

This section would repeal prospectively the ''must buy'' provision of section 210 of PURPA. Existing contracts would be preserved, and the other provisions of section 210 would continue to apply.

Section 405. Interconnections for certain facilities

This section would amend PURPA to require a distribution utility to allow a combined heat and power or a distributed power facility to interconnect with it if the facility is located in the distribution utility's service territory and complies with rules issued by the Secretary of Energy and related safety and power quality standards.

Section 406. Rural and remote communities electrification grants

This section would amend the Rural Electrification Act of 1936 to authorize the Secretary of Agriculture, in consultation with the Secretary of Energy, to provide grants for the purpose of increasing energy efficiency, lowering or stabilizing electric rates to end users, or providing or modernizing electric facilities for rural and remote communities and Indian tribes.

Section 407. Indian tribe assistance

This section would amend the Energy Policy Act of 1992 to require the Secretary of Energy to establish a grant and technical assistance program to assist Indian tribes to meet their electricity needs. Among other things, the program could provide assistance in planning and constructing electricity generation, transmission, and distribution facilities.

Section 408. Office of Indian Energy Policy and Programs

This section would authorize the Secretary of Energy to establish an office within the Department of Energy to coordinate and implement energy, energy management, and energy conservation programs for Indian tribes.

Section 409. Southeast Alaska electrical power

This section would authorize appropriations as necessary to ensure the availability of adequate electric power to the greater Ketchikan area in southeast Alaska, including an intertie.

TITLE V—REGULATION OF MERGERS AND CORPORATE STRUCTURE

Section 501. Reform of holding company regulation under PUHCA

This section would repeal the Public Utility Holding Company Act of 1935 (PUHCA). In addition, FERC and State regulatory commissions would be given greater access to the books and records of holding companies and affiliates.

Section 502. Electric company mergers

This section would amend the FPA by conferring on FERC jurisdiction over the merger or consolidation of electric utility holding companies and generation-only companies. This section also would streamline FERC's review of mergers. In addition, this section would require that FERC consider the effect a merger could have on wholesale and retail electric generation markets.

Section 503. Remedial measures for market power

This section would amend the FPA to authorize FERC to remedy market power in wholesale markets. This section also would authorize FERC, upon petition from a State, to remedy market power in retail markets.

TITLE VI—ELECTRICITY RELIABILITY

Section 601. Electric reliability organization and oversight

This section would amend the FPA to give FERC authority to approve and oversee an Electric Reliability Organization to prescribe and enforce mandatory reliability standards. Membership in the organization would be open to all entities that use the bulk-power system and would be required for all entities critical to system reliability. The Electric Reliability Organization would be authorized to delegate authority to one or more Affiliated Regional Reliability Entities, which could implement and enforce the standards within a region.

Section 602. Electricity outage investigation

This section would amend the Department of Energy Organization Act to establish in the Department of Energy a board to investigate and determine the causes of a major bulk-power system failure in the United States.

Section 603. Additional transmission capacity

This section would amend PURPA to give the Secretary of Energy authority to call and chair a meeting of representatives of States in a region in order to discuss provision of additional transmission capacity and related concerns.

TITLE VII—ENVIRONMENTAL PROTECTION

Section 701. Nitrogen oxides cap and trade program

This section would clarify Environmental Protection Agency authority to require a cost-effective interstate trading system for nitrogen oxide pollutant reductions addressing the regional transport contributions needed to attain and maintain the National Ambient Air Quality Standards for ozone.

TITLE VIII—FEDERAL POWER SYSTEMS

Subtitle A—Tennessee Valley Authority (TVA)

Section 801. Definition

Section 802. Application of Federal Power Act

This section would subject TVA to relevant provisions of the FPA for purposes of TVA's transmission system, but would provide that any determination of the Commission would be subject to any other laws applicable to TVA, including the requirement that TVA recover its costs.

Section 803. Antitrust coverage

This section would subject TVA to the antitrust laws effective January 1, 2003, except that TVA would not be liable for civil damages or attorney's fees.

Section 804. TVA power sales

This section would permit TVA, effective January 1, 2003, to sell electric power at wholesale to any person. With regard to sales at retail, this section would permit TVA to sell (1) to existing customers or (2) to customers of an existing wholesale customer of TVA, if the distributor has firm power purchases from TVA of 50 percent or less of its total retail sales, or if the distributor agrees that TVA can sell power to the customer.

Section 805. Renegotiation of long-term power contracts

This section would require TVA to renegotiate its long-term power contracts with respect to the remaining term; the length of the termination notice; the amount of power a distributor may purchase from a supplier other than TVA beginning January 1, 2003, and access to the TVA transmission system for that power; and stranded cost recovery. This section would require that, if the parties are unable to reach agreement within the one year, they would submit the issues in dispute to the Federal Regulatory Commission for final resolution.

Section 806. Stranded cost recovery

This section would provide the Commission with the authority to provide TVA with stranded cost recovery

Section 807. Conforming amendments

This section would make conforming amendments to the Tennessee Valley Authority Act.

Subtitle B—Bonneville Power Administration

Section 811. Definitions

Section 812. Application of Federal Power Act

This section would subject Bonneville to relevant provisions of the FPA for purposes of Bonneville's transmission system, but would provide that any determination of the Commission would be subject to a list of conditions, including a requirement that the rates and charges are sufficient to recover existing and future Federal investment in the Bonneville Transmission System.

Section 813. Surcharge on transmission rates to recover otherwise nonrecoverable costs

This section would require the Commission to establish a mechanism that would enable the Administrator to place a surcharge on rates or charges for transmission services over the Bonneville Transmission System under limited circumstances in order to recover power costs unable to be recovered through power revenues in time to meet Bonneville's cost recovery requirements.

Section 814. Complaints

This section would clarify that the PMAs may file complaints with the Commission.

Section 815. Review of Commission orders

This section would clarify that the PMAs may file a rehearing request or may appeal a Commission order.

Section 816. Conforming amendments

This section would make conforming amendments to the FPA, the Federal Columbia River Transmission System Act, the Pacific Northwest Regional Preference Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the Bonneville Project Act.

Subtitle C—Western Area Power Administration (WAPA) and Southwestern Power Administration (SWPA)

Section 821. Definitions

Section 822. Application of Federal Power Act

This section would subject SWPA and WAPA to relevant provisions of the FPA for purposes of the transmission systems of SWPA and WAPA, but would provide that any determination of the Commission would be subject to a list of conditions, including a requirement that the rates and charges are sufficient to recover existing and future Federal investment in the transmission systems.

Section 823. Surcharge on transmission rates to recover otherwise nonrecoverable costs

This section would require the Commission to establish a mechanism that would enable the Administrator to place a surcharge on rates or charges for transmission services over the SWPA or WAPA Transmission System when necessary in order to recover power costs unable to be recovered through power revenues in time to meet SWPA's or WAPA's cost recovery requirements.

Section 824. Conforming amendments

This section would make conforming amendments to the Department of Energy Organization Act and the Reclamation Reform Act of 1982.

TITLE IX—OTHER PROVISIONS

Section 901. Treatment of nuclear decommissioning costs in bankruptcy

This section would amend the Bankruptcy Act to provide that decommissioning costs be a nondischargeable priority claim.

Section 902. Energy Information Administration study of impacts of competition in electricity markets

This section would amend the Department of Energy Organization Act to direct the Energy Information Administration to collect and publish information on the impacts of wholesale and retail competition.

Section 903. Antitrust savings clause

This section would provide that nothing in this Act would supersede the operation of the antitrust laws.

Section 904. Elimination of antitrust review by the Nuclear Regulatory Commission

This section would eliminate Nuclear Regulatory Commission antitrust review of an application for a license to construct or operate a commercial utilization or production facility.

Section 905. Environmental law savings clause

This section would provide that nothing in this Act would alter environmental requirements of Federal or State law.

Section 906. Generating plant efficiency study

This section would amend the Department of Energy Organization Act to require the Secretary of Energy to issue a report on the efficiency of new and existing electric generating facilities before and after electric competition is in effect.

Section 907. Conforming amendments

TITLE X—AMENDMENTS TO INTERNAL REVENUE CODE

Section 1001. Treatment of bonds issued to finance output facilities

This section would amend the Internal Revenue Code to clarify the status of tax-exempt bonds used to finance utility facilities owned by municipalities. The section would grandfather current tax treatment for bonds that exist already, continue to permit public utilities to issue tax-exempt bonds in the future for new electricity distribution facilities, and eliminate their ability in the future to issue tax-exempt bonds for new transmission and generation facilities.

Section 1002. Nuclear decommissioning costs

This section would amend the Internal Revenue Code to clarify that an investor-owned utility could take a tax deduction for the amount paid into a qualified nuclear decommissioning fund for any taxable year, notwithstanding the elimination of ''cost of service'' ratemaking.

Section 1003. Depreciation treatment of distributed power property

This section would amend the Internal Revenue Code of 1986 to clarify that distributed power facilities have a tax life of 15 years.

Section 1004. Tax credit for combined heat and power system property

This section would amend the Internal Revenue Code to provide an 8 percent investment credit for qualified combined heat and power (CHP) systems placed in service in calendar years 2000 through 2002. The measure would apply to large CHP systems that have a total energy efficiency exceeding 70 percent and to smaller systems that have a total energy efficiency exceeding 60 percent.

● Mr. BINGAMAN. Mr. President, at the request of the administration, I am today joining with my good friend Senator MURKOWSKI, the Chairman of the Energy and Natural Resources Committee, to introduce the president's electricity restructuring legislation.

The administration has presented Congress a fully comprehensive set of legislative proposals. For the first time we have detailed provisions on every major issue affecting the electricity industry as it moves into the new world of competition. Significantly, the president's comprehensive proposals include a framework for the transition of the Bonneville Power Administration and the Tennessee Valley Authority into the new competitive arena.

In considering the administration's proposals, Congress should look to areas that complement the states' ongoing restructuring activities, while leaving the key decisions on retail competition to state and local authorities. Let me mention three areas for federal concern. First, I believe Congress should remove federal impediments to states that chose to implement retail competition. Second, we should take steps to improve the regulation of interstate transmission and assure the continued security and reliability of the nation's grid. And third, Congress should ensure that fair competition can operate at both the wholesale and retail levels. These are the issues that only Congress can address.

Mr. President, Congress should not dwell any longer on whether retail competition is good or bad, or whether or not it will benefit all consumers—the states are already making these decisions. It should be clear to all senators that retail competition for electric power generation is quickly becoming a reality. Nearly half of the states have now enacted restructuring legislation. Last month, New Mexico enacted restructuring legislation that will soon bring retail competition in electricity to my state.

The consensus is growing on the need for federal legislation focused narrowly on wholesale transactions, interstate transmission, and reliability. Mr. President, this is not a simple question of ''de-regulation'' versus ''re-regulation;'' this is about keeping America's high-tension grid system secure, reliable, and economical. The federal role in regulating interstate commerce in electric power is clear. I hope we will move forward soon to resolve, at a minimum, the critical federal issues.

Rather than commenting here on the pros and cons of any particular provision in the president's bill, I will wait until the administration has a fair opportunity to explain the bill to the Energy Committee in a legislative hearing. I know the committee already has a very full plate, but I hope the Chairman will find time to hold a hearing soon on this important topic.

Mr. President, Congress still has time to pass vital federal electricity legislation, but we've got to get the process underway promptly. I hope the administration's proposals will help fuel interest in the Senate. Today America has the world's best electric power system. Let's not wait until serious problems develop to begin making the needed changes in federal regulation. Electricity is too important to the nation to leave critical federal issues unresolved.●

By Mr. MURKOWSKI:

S. 1049. A bill to improve the administration of oil and gas leases on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL OIL AND GAS LEASE MANAGEMENT IMPROVEMENT ACT OF 1999

By Mr. MURKOWSKI:

S. 1050. A bill to amend the Internal Revenue Code of 1986 to provide incentives for gas and oil producers, and for other purposes; to the Committee on Finance.

ENERGY SECURITY TAX POLICY ACT OF 1999

Mr. MURKOWSKI. Mr. President, the production of oil and gas in the United States is fast becoming a thing of the past. I am introducing two bills today to halt, and if possible, reverse that trend.

The economic consequences of the 1973 oil embargo were severe and long lasting. Whole sectors of our economy underwent significant changes and dislocations. Parts of the United States were plunged into recession which remained for a decade as they adjusted to the fluctuations and insecurity of energy supplies in the 1970's. At the time of the embargo, imports made up 36% of our oil consumption.

Our foreign policy was modified to reflect our growing dependence and protecting oil-producing regions of the world took on a new importance. By the time of the Gulf War of 1990–91, oil imports were roughly 50%.

Today, the United States depends upon foreign sources for some 56% of our supply. This is despite Corporate Average Fuel Efficiency (CAFE) standards for cars which have almost doubled gas mileage. This is despite the creation of the Department of Energy. This is despite the untold billions of dollars which have been invested by U.S. industry in energy-saving equipment and processes in order to remain competitive in a world economy.

If no changes are made in federal policy to protect our domestic oil and gas industry—the ''pilot light'' of our nation's economy and security upon which all productive enterprise depends—our future indeed may be bleak. The Department of Energy predicts 68% dependency on foreign oil by the year 2010. This is just shy of a doubling of our oil imports since the embargo of 1973.

In two recent hearings the Senate Energy & Natural Resources Committee examined the state of the domestic oil and gas industries and their future. What we learned has been the impetus for my introduction of these bills today.

During the past 18 months, 136,000 U.S. oil wells and 57,000 gas wells have been shut in. 50,000 men and women throughout the United States have lost their jobs in these industries—15% of all employees. With operating oil rigs at an all-time low and new investment in the U.S. drying up, the future for domestic production of oil and gas is grim.

While the consumption of natural gas is favored by the Administration as a

means to reduce emissions, unless changes are made now in federal policy to make production and delivery of natural gas easier, the projected 50% increase in the need for natural gas by the year 2010 will not be met without severe price shocks for American citizens.

The price of oil today is high enough for investment in the U.S. by those who will or can still invest in our domestic oil and gas economy. However, the fact is that the fundamentals for investment in America are not good. Access to prospective areas is severely restricted, environmental costs are extremely high and production rates from U.S. wells are liable to be quite low, in comparison to other areas in the world.

The U.S. is a mature and high cost oil producing region of the world. In response to a changing world oil market, other producing countries are undertaking changes in their government policies to attract and retain economic investment in what they properly consider to be an important national industry.

For example, the United Kingdom has undertaken a significant regulatory reform effort to speed, simplify and provide certainty to investments in their energy industry. They are actively reviewing their tax and royalty systems to adjust them to the new realities of the world energy markets. Colombia, likewise, is undertaking major reductions in royalties to attract and retain investment. These nations and others have determined that they must compete with the rest of the world for investment capital, and are thus moving to make their nations more attractive to such investment. The U.S. lags far behind.

The first of the bills I am introducing is identical to a measure being introduced in the U.S. House of Representatives by Congresswoman BARBARA CUBIN, Chairman of the Subcommittee on Energy and Mineral Resources. It makes significant changes in the oil and gas leasing policies of the United States, by simplifying procedures and granting more certainty for those who choose to invest in our domestic energy business.

This legislation grants States the option of assuming federal regulation of oil and gas leases within their borders, after a federal decision to lease is made. States already perform identical functions on their lands, and this would standardize regulatory functions within a State's borders. The States are closer than the federal government to oil and gas leasing activities within their borders, and are best positioned to make timely and responsible regulatory decisions. In return for opting to assume the specified federal responsibilities for these activities, the States would receive payment of up to 50% of the costs currently assessed them by the federal government for these functions. Federal ownership of the lands would continue.

An important part of this legislation clarifies that the federal government can no longer charge States via the existing ''net receipts sharing'' program for the costs of programmatic planning activities on federal lands unrelated to mineral leasing activities. This would stop creative legal interpretations by the Department of Interior like that which charged Utah for the government's secret planning which resulted in the creation of an enormous National Monument in that State. This type of creative accounting undermines the respect of the citizenry in their governmental institutions, and with this bill, we will plug this leak in the public trust.

The legislation also assists States by dropping the requirement that their share of mineral leasing on federal lands within their borders be reduced by the government's costs of administering mineral leasing if a State opts to assume the federal government's responsibility for regulation of oil and gas activities.

In order to speed development of secure sources of domestic oil and gas by making federal practices more competitive with the rest of the world, I have included in the bill certain provisions which are intended to correct federal practices which are hastening the flight of oil and gas development capital to foreign shores.

One recurring criticism from those who would like to invest in America's domestic energy development is the uncertainty they encounter when they do business with their own federal government. In order to make investment decisions, they must have some certainty about when they might reasonably be expected to be able to actually take possession of, and invest capital in, a federal lease. Moreover, the government is increasingly charging potential lessees for governmental activities before they have any reasonable expectation of being granted a lease. This is akin to charging customers just to stand in line to buy a lottery ticket for a drawing which may never be held. This is absurd, and is a clear signal to potential investors that the U.S. cares little about whether the investment is made here or abroad. This legislation will reverse that signal and provide the certainty that investors need.

Additionally, my legislation would establish reasonable and responsible time frames for the government to respond to requests for permits. If legally-required analyses could not be undertaken by the government within a reasonable time, the applicant could be offered the opportunity to contract for such analyses by an independent party for the government's use. My bill would allow the applicant to receive a credit against royalties due from eventual production in the area for such costs, in recognition of the fact that the more rapidly lands are leased and put into oil or gas production, the more revenues the government will receive and the quicker it will receive it.

My legislation also sets fair but rigid performance deadlines for the completion of federal lease decision-making. One of the most frequent concerns I hear from small companies throughout the country in the oil and gas producing business is the snail-like pace of federal decision-making. Customers of government services deserve a ''yes'' or ''no'', instead of the endless series of ''maybes'' to which they have become accustomed. They deserve no less, and I seek to correct that deficiency before *all* oil and gas investment flees our shores.

Coordination among federal land management agencies over leasing policies is also long overdue. The bill requires the Secretaries of the Interior and Agriculture to report to Congress with recommendations explaining the most efficient means of eliminating duplication of effort and inconsistent policy between the Bureau of Land Management and the Forest Service with respect to the treatment of oil and gas leases.

The U.S. government and the public deserve to have the best knowledge possible about our domestic supplies of energy. The legislation I am introducing today initiates a modern, science-based energy inventory process to be undertaken by the Secretary of Interior and the Director of the U.S. Geological Survey. Technology for determining oil and gas availability has revolutionized the private sector; it is time for this quantum leap information to be used by the government.

I am particularly happy to include as Title 4 of the bill a provision that Senator DON NICKLES recently introduced as S. 924, concerning federal royalty certainty. This would put an end to the seemingly intractable problem that has sprung up between lessees and the Department of Interior over the issue of where oil is to be valued for royalty purposes. While other nations around the world are taking steps to become more competitive for energy investments by changing laws to encourage investment and provide certainty to possible investors, this recent backdoor royalty increase by the Administration has sent a strong signal to domestic producers that they are no longer welcome here. Title 4 merely clarifies what congress has been saying all along—that oil should be valued for royalty purposes at or near the lease. This clarification is absolutely essential if consumers are to receive the 30 trillion cubic feet of gas the Administration says they will demand in a decade at a cost they can afford.

The final title of the legislation will serve as a strong signal to our domestic industry that we value the jobs

they provide for our neighbors and the investment they make right here at home. It recognizes that when world oil prices make investments in American energy production uncompetitive with foreign investments, the U.S. will adjust our take from the current direct royalty to a system which promotes jobs and investment in down times and increases royalty and U.S. production later. Specifically, it calls for a 20% credit against royalties due the federal government against capital expenditures during times of lowered oil and gas prices. If a landlord discovered that his rental units were vacant because they were overpriced compared to the competition, he would drop the price to attract renters. The federal government should do the same.

The legislation would also adjust the definition of what constitutes a ''marginal'' oil well, and allow for suspensions of leases at the lessee's option when oil prices dip precipitously.

This bill is a comprehensive attempt to bring some of our mineral leasing laws and regulations up-to-date with the realities of today's world energy markets. Our domestic industry is dying on the vine because of a combination of governmental actions and inactions, complex regulation and outdated governmental approaches to this important part of our national economy. We need to take steps to make sure that the ''pilot light'' of our economy does not go out, and it is my belief that this legislation will go a long way to ensuring its continuing contributions to our nation's strength.

Mr. President, the second measure that I am introducing today will redress some of the unfair tax penalties that hinder the continued development and modernization of a domestic oil and gas industry. In particular the legislation focuses on aspects of the alternative minimum tax (AMT) that have a perverse effect on the industry, especially when energy prices are low.

Mr. President, in adopting the AMT in 1986, Congress stated that its purpose was to ''serve one overriding objective: to ensure that no taxpayer with substantial economic income can avoid significant tax liability by using exclusions, deductions and credits.'' Yet the unintended consequence of the AMT is that companies with high fixed costs, such as the oil and gas industry, can face higher effective AMT tax rates when the price of oil is low than when the price is high. In other words, when oil and gas companies are struggling to cope with low world prices, the AMT serves to impose a tax penalty simply because prices are low.

Let me give you an example of the perverse effect of the AMT. If the price of oil is $10 a barrel and an oil and gas company sells 100,000 barrels of oil, the company's revenues would be $1 million. If its production costs were $500,000, its gross profits would be $500,000. If the company took advantage of percentage depletion and other oil and gas incentives, it could reduce it's taxable income to $100,000 and owe $35,000 in taxes. However, because the AMT takes back many of these oil and gas incentives, the same company would be subject to a $90,000 AMT. That is a 90 percent tax rate.

By contrast, assuming the same fixed costs and incentives, if the price of oil was $20 a barrel and the company had $1.1 million in taxable income, its regular tax rate would only be 35 percent and it's AMT liability would be only 26.4 percent. Mr. President, that is not the way the AMT was designed to work.

My bill tackles this problem head-on. It eliminates the AMT preferences for intangible drilling costs, percentage depletion, and the depreciation adjustment for oil and gas assets. In addition, it eliminates the impact of intangible drilling costs, depletion and depreciation on oil and gas assets from the adjusted current earnings adjustment. Finally, the proposal allows the enhanced oil recovery credit and the Section 29 credit to be used to offset the AMT.

In addition to trying to resolve the AMT problems that face the industry, I have adopted a portion of a bill introduced by Senator Kay Bailey Hutchison that attempts to maintain viable independent producers and ensure that marginal wells stay in operation. Marginal wells are those that produce less than 15 barrels a day. In reality they produce on average about 2.2 barrels of oil a day. While individually these wells may not seem like important components of our domestic energy supply, together they produce as much oil as the United States imports from Saudia Arabia. To maintain these marginal wells, the legislation includes a marginal well tax credit of $3.00 per barrel in order to prolong marginal domestic oil and gas well production.

Mr. President, in an effort to stimulate enhanced recovery of oil and thereby increase U.S. production, my legislation enlarges the definition of enhanced oil recovery by including horizontal drilling in areas of Alaska where the only feasible method of recovering some oil is to use such methods. In Alaska, it is just not economically feasible to search for oil by moving drilling platforms from area to area. Instead, the oil companies attempt to locate oil by using a single drilling platform and employing horizontal drilling techniques to search for oil. My legislation recognizes these economic realities and encourages further development of horizontal drilling techniques so that we can recover oil more feasibly.

Finally, Mr. President, this second measure addresses a problem that has recently arisen with natural gas gathering lines. These lines are used to transport natural gas from the wellhead to a central processing facility for processing before it can be transported via trunk lines to an end user such as a distribution facility. The Federal Energy Regulatory Commission (FERC) exempts gas processor gather lines from FERC jurisdiction because they are classified as gas gathering equipment that is part of the production facility, not pipeline transportation under FERC rules.

IRS has taken the position that these lines should be depreciated over a 15 year period if they are owned and operated by an entity that does not produce oil or gas transported in the line. However, if gas transported in the line is owned by the producer, the line can be depreciated over 7 years.

Mr. President, this rule does not make sense. The depreciable life of an asset should depend on the use of the asset and not who owns the asset. For that reason, my legislation clarifies that these gathering lines are depreciable over 7 years no matter who the owner of the pipeline is.

Mr. President, there are many other tax changes that have been proposed to assist the oil and gas industry. It is my view that the proposals I have offered will, over the long term, improve the health of the industry in the most cost-effective manner.

I ask unanimous consent that the text of the two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Oil and Gas Lease Management Improvement Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. No property right.

TITLE I—STATE OPTION TO REGULATE OIL AND GAS LEASE OPERATIONS ON FEDERAL LAND

Sec. 101. Transfer of authority.
Sec. 102. Activity following transfer of authority.

TITLE II—USE OF COST SAVINGS FROM STATE REGULATION

Sec. 201. Compensation for costs.
Sec. 202. Exclusion of costs of preparing planning documents and analyses.
Sec. 203. Receipt sharing.

TITLE III—STREAMLINING AND COST REDUCTION

Sec. 301. Applications.
Sec. 302. Timely issuance of decisions.
Sec. 303. Elimination of unwarranted denials and stays.
Sec. 304. Reports.
Sec. 305. Scientific inventory of oil and gas reserves.

TITLE IV—FEDERAL ROYALTY CERTAINTY
Sec. 401. Definitions.
Sec. 402. Amendment of Outer Continental Shelf Lands Act.
Sec. 403. Amendment of Mineral Leasing Act.
Sec. 404. Indian land.
TITLE V—ROYALTY REINVESTMENT IN AMERICA
Sec. 501. Royalty incentive program.
Sec. 502. Marginal well production incentives.
Sec. 503. Suspension of production on oil and gas operations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) State governments have a long and successful history of regulation of operations to explore for and produce oil and gas; the special role of the States was recognized by Congress in 1935 through its ratification under the Constitution of the Interstate Compact to Conserve Oil and Gas;

(2) under the guidance of the Interstate Oil and Gas Compact Commission, States have established effective regulation of the oil and natural gas industry and subject their programs to periodic peer review through the Commission;

(3) it is significantly less expensive for State governments than for the Federal Government to regulate oil and gas lease operations on Federal land;

(4) significant cost savings could be achieved, with no reduction in environmental protection or in the conservation of oil and gas resources, by having the Federal Government defer to State regulation of oil and gas lease operations on Federal land;

(5) State governments carry out regulatory oversight on Federal, State, and private land; oil and gas companies operating on Federal land are burdened with the additional cost and time of duplicative oversight by both Federal and State conservation authorities; additional cost savings could be achieved within the private sector by having the Secretary defer to State regulation;

(6) the Federal Government is presently cast in opposing roles as a mineral owner and regulator; State regulation of oil and gas operations on Federal land would eliminate this conflict of interest;

(7) it remains the responsibility of the Secretary of the Interior to carry out the Federal policy set forth in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) to foster and encourage private sector enterprise in the development of economically sound and stable domestic mineral industries, and the orderly and economic development of domestic mineral resources and reserves, including oil and gas resources; and

(8) resource management analyses and surveys conducted under the conservation laws of the United States benefit the public at large and are an expense properly borne by the Federal Government.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer from the Secretary to each State in which Federal land is present authority to regulate oil and gas operations on leased tracts and related operations as fully as if the operations were occurring on privately owned land;

(2) to share the costs saved through more efficient State enforcement among State governments and the Federal treasury;

(3) to prevent the imposition of unwarranted delays and recoupments of Federal administrative costs on Federal oil and gas lessees;

(4) to effect no change in the administration of Indian land; and

(5) to ensure that funds deducted from the States' net receipt share are directly tied to administrative costs related to mineral leasing on Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICATION FOR A PERMIT TO DRILL.—The term ''application for a permit to drill'' means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate.

(B) EXCLUSION.—The term ''Federal land'' does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(3) OIL AND GAS CONSERVATION AUTHORITY.—The term ''oil and gas conservation authority'' means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(4) PROJECT.—The term ''project'' means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(5) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(6) SURFACE USE PLAN OF OPERATIONS.—The term ''surface use plan of operations'' means a plan for surface use, disturbance, and reclamation.

SEC. 4. NO PROPERTY RIGHT.

Nothing in this Act gives a State a property right or interest in any Federal lease or land.

TITLE I—STATE OPTION TO REGULATE OIL AND GAS LEASE OPERATIONS ON FEDERAL LAND

SEC. 101. TRANSFER OF AUTHORITY.

(a) NOTIFICATION.—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) TRANSFER OF AUTHORITY.—

(1) IN GENERAL.—Effective 180 days after the Secretary receives the State's notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) AUTHORITY INCLUDED.—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) communization;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) RETAINED AUTHORITY.—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

SEC. 102. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) FEDERAL AGENCIES.—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) APPEALS.—Following a transfer of authority under section 101, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) PENDING ENFORCEMENT ACTIONS.—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 101 until those proceedings are concluded.

(d) PENDING APPLICATIONS.—

(1) TRANSFER TO STATE.—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 101 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) ACTION BY THE STATE.—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

TITLE II—USE OF COST SAVINGS FROM STATE REGULATION

SEC. 201. COMPENSATION FOR COSTS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 101.

(b) PAYMENT SCHEDULE.—Payments shall be made not less frequently than every quarter.

(c) COST BREAKDOWN REPORT.—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

(d) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—Compensation to a State may not exceed 50 percent of the Secretary's

allocated cost for oil and gas leasing activities under section 35(b) of the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 191(b)) for the State for fiscal year 1997.

(2) ADJUSTMENT.—The Secretary shall adjust the maximum level of cost compensation at least once every 2 years to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor, using 1997 as the baseline year.

SEC. 202. EXCLUSION OF COSTS OF PREPARING PLANNING DOCUMENTS AND ANALYSES.

Section 35 of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by adding at the end the following:

''(6) The Secretary shall not include, for the purpose of calculating the deduction under paragraph (1), costs of preparing resource management planning documents and analyses for areas in which mineral leasing is excluded or areas in which the primary activity under review is not mineral leasing and development.''.

SEC. 203. RECEIPT SHARING.

Section 35(b) of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by striking ''paid to States'' and inserting ''paid to States (other than States that accept a transfer of authority under section 101 of the Federal Oil and Gas Lease Management Act of 1999)''.

TITLE III—STREAMLINING AND COST REDUCTION

SEC. 301. APPLICATIONS.

(a) LIMITATION ON COST RECOVERY.—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.—

(1) IN GENERAL.—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) PREPARATION BY APPLICANT OR LESSEE.—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

SEC. 302. TIMELY ISSUANCE OF DECISIONS.

(a) IN GENERAL.—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) OFFER TO LEASE.—

(1) DEADLINE.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) APPLICATION FOR PERMIT TO DRILL.—

(1) DEADLINE.—The Secretary and a State that has accepted a transfer of authority under section 101 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) FAILURE TO MEET DEADLINE.—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) SURFACE USE PLAN OF OPERATIONS.—The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) ADMINISTRATIVE APPEALS.—

(1) DEADLINE.—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) FAILURE TO MEET DEADLINE.—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

SEC. 303. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) LAND DESIGNATED FOR MULTIPLE USE.—

(1) IN GENERAL.—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the decision approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) APPEAL.—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease land available for leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) EFFECTIVENESS OF DECISION.—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

SEC. 304. REPORTS.

(a) IN GENERAL.—Not later than March 31, 2000, the Secretaries shall jointly submit to the President of the Senate and the Speaker of the House of Representatives a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) RECOMMENDATIONS.—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

SEC. 305. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—Not later than March 31, 2000, the Secretary of the Interior, in consultation with the Director of the United States Geological Survey, shall publish, through notice in the Federal Register, a science-based national inventory of the oil and gas reserves and potential resources underlying Federal land and the outer Continental Shelf.

(b) CONTENTS.—The inventory shall—

(1) indicate what percentage of the oil and gas reserves and resources is currently available for leasing and development; and

(2) specify the percentages of the reserves and resources that are on—

(A) land that is open for leasing as of the date of enactment of this Act that has never been leased;

(B) land that is open for leasing or development subject to no surface occupancy stipulations; and

(C) land that is open for leasing or development subject to other lease stipulations that have significantly impeded or prevented, or are likely to significantly impede or prevent, development; and

(3) indicate the percentage of oil and gas resources that are not available for leasing or are withdrawn from leasing.

(c) PUBLIC COMMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall invite public comment on the inventory to be filed not later than September 30, 2000.

(2) RESOURCE MANAGEMENT DECISIONS.—Specifically, the Secretary of the Interior shall invite public comment on the effect of Federal resource management decisions on past and future oil and gas development.

(d) REPORT.—

(1) IN GENERAL.—Not later than March 31, 2001, the Secretary of the Interior shall submit to the President of the Senate and the Speaker of the House of Representatives a report comprised of the revised inventory and responses to the public comments.

(2) CONTENTS.—The report shall specifically indicate what steps the Secretaries believe are necessary to increase the percentage of land open for development of oil and gas resources.

TITLE IV—FEDERAL ROYALTY CERTAINTY

SEC. 401. DEFINITIONS.

In this title:

(1) MARKETABLE CONDITION.—The term ''marketable condition'' means lease production that is sufficiently free from impurities and otherwise in a condition that the production will be accepted by a purchaser under a sales contract typical for the field or area.

(2) REASONABLE COMMERCIAL RATE.—

(A) IN GENERAL.—The term ''reasonable commercial rate'' means—

(i) in the case of an arm's-length contract, the actual cost incurred by the lessee; or

(ii) in the case of a non-arm's-length contract—

(I) the rate charged in a contract for similar services in the same area between parties with opposing economic interests; or

(II) if there are no arm's-length contracts for similar services in the same area, the just and reasonable rate for the transportation service rendered by the lessee or lessee's affiliate.

(B) DISPUTES.—Disputes between the Secretary and a lessee over what constitutes a just and reasonable rate for such service shall be resolved by the Federal Energy Regulatory Commission.

SEC. 402. AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(b)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(3)) is amended by striking the semicolon at the end and adding the following:

''*Provided*: That if the payment is in value or amount, the royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease; if the payment in value or amount is calculated from a point away from the lease, the payment shall be adjusted for quality and location differentials, and the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;''.

SEC. 403. AMENDMENT OF MINERAL LEASING ACT.

Section 17(c) of the Act of February 25, 1920 (30 U.S.C. 226(c)) (commonly known as the ''Mineral Leasing Act''), is amended by adding at the end the following:

''(3) ROYALTY DUE IN VALUE.—

''(A) IN GENERAL.—Royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease.

''(B) CALCULATION OF VALUE OR AMOUNT FROM A POINT AWAY FROM A LEASE.—If the payment in value or amount is calculated from a point away from the lease—

''(i) the payment shall be adjusted for quality and location differentials; and

''(ii) the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;''.

SEC. 404. INDIAN LAND.

This title shall not apply with respect to Indian land.

TITLE V—ROYALTY REINVESTMENT IN AMERICA

SEC. 501. ROYALTY INCENTIVE PROGRAM.

(a) IN GENERAL.—To encourage exploration and development expenditures on Federal land and the outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.—In no case shall such capital expenditures made on Outer Continental Shelf leases be credited against onshore Federal royalty obligations.

SEC. 502. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices are delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil well producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 503. SUSPENSION OF PRODUCTION ON OIL AND GAS OPERATIONS.

(a) IN GENERAL.—Any person operating an oil well under a lease issued under the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) may submit a notice to the Secretary of the Interior of suspension of operation and production at the well.

(b) PRODUCTION QUANTITIES NOT A FACTOR.—A notice under subsection (a) may be submitted without regard to per day production quantities at the well and without regard to the requirements of subsection (a) of section 3103.4–4 of title 43 of the Code of Federal Regulations (or any successor regulation) respecting the granting of such relief, except that the notice shall be submitted to an office in the Department of the Interior designated by the Secretary of the Interior.

(c) PERIOD OF RELIEF.—On submission of a notice under subsection (a) for an oil well, the operator of the well may suspend operation and production at the well for a period beginning on the date of submission of the notice and ending on the later of—

(1) the date that is 2 years after the date on which the suspension of operation and production commences; or

(2) the date on which the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is greater than $15 per barrel for 90 consecutive pricing days.

S. 1050

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 ''Energy Security Tax Policy Act of 1999''.

SEC. 2. ELIMINATION OF CERTAIN AMT PREFERENCES FOR OIL AND GAS ASSETS.

(a) DEPLETION.—Section 57(a)(1) of the Internal Revenue Code of 1986 (relating to depletion) is amended by striking the second sentence and inserting the following: ''This paragraph shall not apply to any deduction for depletion computed in accordance with section 613A.''

(b) INTANGIBLE DRILLING COSTS.—Section 57(a)(2)(E) of the Internal Revenue Code of 1986 (relating to exception for independent producers) is amended to read as follows:

''(E) TERMINATION OF APPLICATION TO OIL AND GAS PROPERTIES.—In the case of any taxable year beginning after December 31, 1998, this paragraph shall not apply in the case of any oil or gas property.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 3. DEPRECIATION ADJUSTMENT NOT TO APPLY TO OIL AND GAS ASSETS.

(a) IN GENERAL.—Subparagraph (B) of section 56(a)(1) of the Internal Revenue Code of 1986 (relating to depreciation adjustments) is amended to read as follows:

''(B) EXCEPTIONS.—This paragraph shall not apply to—

''(i) property described in paragraph (1), (2), (3), or (4) of section 168(f), or

''(ii) property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas.''

(b) DEPRECIATION ADJUSTMENT FOR PURPOSES OF ADJUSTED CURRENT EARNINGS.—Paragraph (4)(A) of section 56(g) of such Code (relating to adjustments based on adjusted current earnings) is amended by adding at the end the following new clause:

''(vi) OIL AND GAS PROPERTY.—In the case of property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas, the amount allowable as depreciation or amortization with respect to such property shall be determined in the same manner as for purposes of computing the regular tax.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 4. REPEAL CERTAIN ADJUSTMENTS BASED ON ADJUSTED CURRENT EARNINGS RELATING TO OIL AND GAS ASSETS.

(a) INTANGIBLE DRILLING COSTS.—Clause (i) of section 56(g)(4)(D) of the Internal Revenue Code of 1986 (relating to certain other earnings and profits adjustments) is amended by striking the second sentence and inserting the following: ''In the case of any oil or gas well, this clause shall not apply to amounts paid or incurred in taxable years beginning after December 31, 1998.''

(b) DEPLETION.—Clause (ii) of section 56(g)(4)(F) of the Internal Revenue Code of 1986 (relating to depletion) is amended to read as follows:

''(ii) EXCEPTION FOR OIL AND GAS WELLS.—In the case of any taxable year beginning after December 31, 1998, clause (i) (and subparagraph (C)(i)) shall not apply to any deduction for depletion computed in accordance with section 613A.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 5. ENHANCED OIL RECOVERY CREDIT AND CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE ALLOWED AGAINST MINIMUM TAX.

(a) ENHANCED OIL RECOVERY CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) ALLOWING CREDIT AGAINST MINIMUM TAX.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR ENHANCED OIL RECOVERY CREDIT.—

''(A) IN GENERAL.—In the case of the enhanced oil recovery credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the enhanced oil recovery credit).

''(B) ENHANCED OIL RECOVERY CREDIT.—For purposes of this subsection, the term 'enhanced oil recovery credit' means the credit allowable under subsection (a) by reason of section 43(a).''.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting ''or the enhanced oil recovery credit'' after ''employment credit''.

(b) CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

(1) ALLOWING CREDIT AGAINST MINIMUM TAX.—Section 29(b)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

''(6) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed—

''(A) the regular tax for the taxable year and the tax imposed by section 55, reduced by

''(B) the sum of the credits allowable under subpart A and section 27.''

(2) CONFORMING AMENDMENTS.—

(A) Section 53(d)(1)(B)(iii) of such Code is amended by inserting ''as in effect on the date of the enactment of the Energy Security Tax Policy Act of 1999,'' after ''29(b)(6)(B),''.

(B) Section 55(c)(2) of such Code is amended by striking ''29(b)(6),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 6. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

''(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

''(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

''(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

''(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

''(B) PROPORTIONATE REDUCTIONS.—

''(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

''(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

''(3) DEFINITIONS.—

''(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

''(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

''(ii) which, during the taxable year—

''(I) has average daily production of not more than 25 barrel equivalents, and

''(II) produces water at a rate not less than 95 percent of total well effluent.

''(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

''(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

''(d) OTHER RULES.—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

''(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

''(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.''

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following new paragraph:

''(13) the marginal oil and gas well production credit determined under section 45D(a).''.

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax), as amended by section 5(a)(1), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

''(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

''(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).''.

(2) CONFORMING AMENDMENTS.—

(A) Subclause (II) of section 38(c)(2)(A)(ii) of such Code, as amended by section 5(a)(2), is amended by striking ''or the enhanced oil

recovery credit'' and inserting ''the enhanced oil recovery credit, or the marginal oil and gas well production credit''.

(B) Subclause (II) of section 38(c)(3)(A)(ii) of such Code, as added by section 5(a)(1), is amended by inserting ''or the marginal oil and gas well production credit'' after ''recovery credit''.

(d) COORDINATION WITH SECTION 29.—Section 29(d) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(9) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) with respect to production from any marginal well (as defined in section 45D(c)(3)(A)) if the taxpayer elects to not have this section apply to such well.''

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''45D. Credit for producing oil and gas from marginal wells.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years ending after the date of the enactment of this Act.

SEC. 7. ALLOWANCE OF ADDITIONAL ENHANCED OIL RECOVERY METHOD.

(a) IN GENERAL.—Clause (i) of section 43(c)(2)(A) of the Internal Revenue Code of 1986 (defining qualified enhanced oil recovery project) is amended to read as follows:

''(i) which involves the application (in accordance with sound engineering principles) of—

''(I) one or more tertiary recovery methods (as defined in section 193(b)(3)) which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered, or

''(II) a qualified horizontal drilling method which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered or lead to the discovery or delineation of previously undeveloped accumulations of crude oil,''

(b) QUALIFIED HORIZONTAL DRILLING METHOD.—Section 43(c)(2) of the Internal Revenue Code of 1986 (relating to qualified enhanced oil recovery project) is amended by adding at the end the following new subparagraph:

''(C) QUALIFIED HORIZONTAL DRILLING METHOD.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified horizontal drilling method' means the drilling of a horizontal well in order to penetrate hydrocarbon bearing formations located north of latitude 54 degrees North.

''(ii) HORIZONTAL WELL.—The term 'horizontal well' means a well which is drilled—

''(I) at an inclination of at least 70 degrees off the vertical, and

''(II) for a distance in excess of 1,000 feet.''

(c) CONFORMING AMENDMENT.—Clause (iii) of section 43(c)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(iii) with respect to which—

''(I) in the case of a tertiary recovery method, the first injection of liquids, gases, or other matter commences after December 31, 1990, and

''(II) in the case of a qualified horizontal drilling method, the implementation of the method begins after December 31, 1998.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1998.

SEC. 8. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

''(ii) any natural gas gathering line, and''.

(b) NATURAL GAS GATHERING LINE.—Subsection (i) of section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(15) NATURAL GAS GATHERING LINE.—The term 'natural gas gathering line' means the pipe, equipment, and appurtenances used to deliver natural gas from the wellhead to the point at which such gas first reaches—

''(A) a gas processing plant,

''(B) an interconnection with an interstate natural-gas company (as defined in section 2(6) of the Natural Gas Act (15 U.S.C. 717a(6))), or

''(C) an interconnection with an intrastate transmission pipeline.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service before, on, or after the date of the enactment of this Act.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN (by request)):

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. MURKOWSKI. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Department of Energy, I introduce a bill cited as the ''Energy Policy and Conservation Act Amendments.'' The bill would amend and extend certain authorities in the Energy and Policy Conservation Act which either have expired or will expire September 30, 1999. I would like to submit a copy of the transmittal letter and the text of the bill and ask that it be printed in the RECORD. I do this on behalf of myself and Senator BINGAMAN.

The Act was passed in 1975. Title I of the Act authorized the creation and maintenance of the Strategic Petroleum Reserve that would be used to mitigate shortages during an oil supply disruption. Title II contains authorities essential for meeting key United States obligations to the International Energy Agency.

The proposed legislation would extend the Strategic Petroleum Reserve and International Energy Program authorities to September 30, 2003. It would also delete or amend certain provisions which are outdated or unnecessary.

I ask unanimous consent that the bill and the executive communication which accompanied the proposal be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the ''Energy Policy and Conservation Act Amendments''.

SEC. 2. Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(a) in paragraph (1) by striking ''standby'' and '', subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and''; and

(b) by striking paragraphs (3) and (6).

SEC. 3. Section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202) is amended in paragraph (8) by inserting ''or international'' before ''energy supply shortage''.

SEC. 4. Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking section 102 (42 U.S.C. 6211) and its heading;

(b) by striking section 104(b)(1);

(c) in section 105 (42 U.S.C. 6213)—

(1) by amending subsection (e) to read as follows—

''On or after December 31, 2000, the Secretary shall establish a program for setting the terms of joint bidding by any person for the right to explore for and develop crude oil, natural gas, natural gas liquids, sulphur, and other minerals located on Outer Continental Shelf lands. The program shall consider the goals of ensuring a fair return, encouraging timely and efficient resource development, and other goals as the Secretary deems appropriate. Conditions under which joint bidding will be permitted or restricted will be established through regulation.'';

(2) by adding subsection (f) to read as follows—

''(f) Subsections (a) though (d) of this section shall expire on the effective date of the program established by the Secretary pursuant to subsection (e).''.

(d) by striking section 106 (42 U.S.C. 6214) and its heading;

(e) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

''(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.'';

(f) in section 152 (42 U.S.C. 6232)—

(1) by striking paragraphs (1), (3) and (7), and

(2) in paragraph (11) by striking '';such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve''.

(g) by striking section 153 (42 U.S.C. 6233) and its heading;

(h) in section 154 (42 U.S.C. 6234)—

(1) by amending subsection (a) to read as follows:

''(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.'';

(2) by amending subsection (b) to read as follows:

''(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.''; and

(3) by striking subsections (c), (d), and (e);

(i) by striking section 155 (42 U.S.C. 6235) and its heading;

(j) by striking section 156 (42 U.S.C. 6236) and its heading;

(k) by striking section 157 (42 U.S.C. 6237) and its heading;

(l) by striking section 158 (42 U.S.C. 6238) and its heading;

(m) by amending the heading for section 159 (42 U.S.C. 6239) to read, ''Development, Operation, and Maintenance of the Reserve'';

(n) in section 159 (42 U.S.C. 6239)—

(1) by striking subsections (a), (b), (c), (d), and (e);

(2) by striking subsections (f), to read as follows:

''(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may:

''(1) issue rules, regulations, or orders;

''(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

''(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

''(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

''(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

''(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

''(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

''(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land''; and

(3) in subsection (g)—

(A) by striking ''implementation'' and inserting ''development''; and

(B) by striking ''Plan'';

(4) by striking subsections (h) and (i);

(5) by amending subsection (j) to read as follows:

''(j) If the Secretary determines expansion beyond 680,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress.''; and

(6) by amending subsection (l) to read as follows:

''(l) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).'';

(o) in section 160 (42 U.S.C. 6240)—

(1) in subsection (a), by striking all before the dash and inserting the following—

''(a) The Secretary may acquire, place in storage, transport, or exchange'';

(2) in subsection (a)(1) by striking all after ''Federal lands'';

(3) in subsection (b), by striking, ''including the Early Storage Reserve and the Regional Petroleum Reserve'' and by striking paragraph (2); and

(4) by striking subsections (c), (d), (e) and (g);

(p) in section 161 (42 U.S.C. 6241)—

(1) by striking ''Distribution of the Reserve'' in the title of this section and inserting ''Sale of Petroleum Products'';

(2) in subsection (a), by striking ''drawdown and distribute'' and inserting ''draw down and sell petroleum products in'';

(3) by striking subsections (b), (c), and (f);

(4) by amending subsection (d)(1) to read as follows:

''(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.'';

(5) by amending subsection (e) to read as follows:

''(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

''(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this Section.''; and

(6) in subsection (g)—

(A) by amending paragraph (1) to read as follows—

''(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.'';

(B) by striking paragraphs (2) and (6A), striking the subparagraph designator ''(B)'' in paragraph (6), and by deleting the last sentence of paragraph (6);

(C) in paragraph (4), by striking ''90'' and inserting ''95'';

(D) in paragraph (5), by striking ''drawdown and distribution'' and inserting ''test''; and

(E) in paragraph (8), by striking ''drawdown and distribution'' and inserting ''test'';

(7) insubsection (h)—

(A) in paragraph (1) by striking ''distribute'' and inserting ''sell petroleum products from'';

(B) in paragraph (2) by striking ''In no case may the Reserve'' and inserting ''Petroleum products from the Reserve may not''; and

(C) in paragraph (3) by striking ''distribution'' each time it appears and inserting ''sale'';

(q) by striking section 164 (42 U.S.C. 6244) and its heading;

(r) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows

''ANNUAL REPORT

''Sec. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

''(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

''(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

''(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

''(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

''(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

''(6) A summary of the actions taken to develop, operate, and maintain the Reserve;

''(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year.

''(8) a summary of expenses for the year, and the number of Federal and contractor employees;

''(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

''(10) a summary of foreign oil storage agreements and their implementation status;

''(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.'';

(s) in section 166 (42 U.S.C. 6246) by striking ''for fiscal year 1997.'';

(t) in section 167 (42 U.S.C. 6247)—

(1) in subsection (b)—

(A) by inserting ''for test sales of petroleum products from the Reserve,'' after ''Strategic Petroleum Reserve,'', and by inserting ''for'' before ''the drawdown'' and inserting '', sale,'' after ''drawdown'';

(B) by striking paragraph (1); and

(C) in paragraph (2), by striking ''after fiscal year 1982''; and

(2) by striking subsection (e);

(u) in section 171 (42 U.S.C. 6249)—

(1) by amending subsection (b)(2)(B) to read as follows:

''(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.'';

(2) in subsection (b)(3), by striking ''distribution of'' and inserting ''sale of petroleum products from'';

(v) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(w) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(x) in section 181 (42 U.S.C. 6251), by striking ''September 30, 1999'' each time it appears and inserting ''September 30, 2003''.

SEC. 5. Title II of the energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking Part A (42 U.S.C. 6261 through 6264) and its heading;

(b) by adding at the end of section 256(h), ''There are authorized to be appropriated for fiscal years 1999 through 2003, such sums as may be necessary.''

(c) by striking Part C (42 U.S.C. 6281 through 6282) and its heading; and

(d) in section 281 (42 U.S.C. 6285), by striking ''September 30, 1999'' each time it appears and inserting ''September 30, 2003''.

SEC. 6. The Table of Contents for the Energy Policy and Conservation Act is amended—

(a) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(b) by amending the item relating to section 159 to read as follows: ''Development, Operation, and maintenance of the Reserve.'';

(c) by amending the item relating to section 161 to read as follows: ''Drawdown and Sale of Petroleum Products''

(d) by amending the item relating to section 165 to read as follows: ''Annual Report''

THE SECRETARY OF ENERGY,
Washington, DC, March 15, 1999.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a legislative proposal cited as the ''Energy Policy and Conservation Act Amendments.'' This proposal would amend and extend certain authorities in the Energy Policy and Conservation Act (Act) which either have expired or will expire September 30, 1999. Not all sections of the current act are proposed for extension.

The Act was passed in 1975. Title I authorized the creation and maintenance of the Strategic Petroleum Reserve that would mitigate shortages during an oil supply disruption. Title II contains authorities essential for meeting key United States obligations to the International Energy Agency. This is our method of coordinating energy emergency response programs with other countries. These programs are currently authorized until September 30, 1999.

The proposed legislation would extend the Strategic Petroleum Reserve and International Energy Program authorities to September 30, 2003. It would also amend or delete certain provisions which are outdated or unnecessary.

The proposed legislation and a sectional analysis are enclosed.

The Office of Management and Budget advises that enactment of this proposal would be in accord with the program of the President. We look forward to working with the Congress toward enactment of this legislation.

Sincerely,

BILL RICHARDSON.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BINGAMAN):

S. 1052. A bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

• Mr. MURKOWSKI. Mr. President, today I am introducing a modified version of legislation that the Committee on Energy and Natural Resources reported to the Senate last Congress to address various problems that have arisen in the Commonwealth of the Northern Mariana Islands. As reported by the Committee last Congress, the legislation would have created an industry committee to establish minimum wage levels similar to committees that had been created for other territories and that still exist for American Samoa. The legislation would also have established a mechanism for the extension of federal immigration laws if the government of the Northern Marianas proved unable or unwilling to adopt and enforce an effective immigration system. The legislation that I am introducing today does not include any provisions dealing with wages. I continue to believe that an industry committee is preferable to outright extension of federal wage rates, but the Northern Marianas, the Administration, and some of my cosponsors would prefer to have that debate on another vehicle.

Immigration, however, is at the heart of the problems facing the Northern Marianas. This legislation reflects the recommendation of the Committee on Energy and Natural Resources last Congress. What appears on the surface to be a prosperous diversified economy in the Northern Marianas, is in fact a far more fragile economy that is becoming ever more dependent on a system of imported labor. Unemployment among US residents remains high and the public sector is rapidly becoming the only source of employment for US citizens residing in the Marianas. The public sector workforce has doubled over the past several years and payroll is the largest expense of the government. The recent downturn in tourism as a result of economic problems in Asia has only served to aggravate the situation in the Marianas, increase the pressures on public sector employment, and tighten the dependence of the Marianas on imported labor for the private sector, mainly garment manufacturing.

The Commonwealth of the Northern Mariana Islands (CNMI) is a three hundred mile archipelago consisting of fourteen islands stretching north of Guam. The largest inhabited islands are Saipan, Rota, and Tinian. Magellan landed at Saipan in 1521 and the area was controlled by Spain until the end of the Spanish American War. Guam, the southernmost of the Marianas, was ceded to the United States following the Spanish-American War and the balance sold to Germany together with the remainder of Spain's possessions in the Caroline and Marshall Islands.

Japan seized the area during World War I and became the mandatory power under a League of Nations Mandate for Germany's possessions north of the equator on December 17, 1920. By the 1930's Japan had developed major portions of the area and begun to fortify the islands. Guam was invaded by Japanese forces from Saipan in 1941. The Marianas were secured after heavy fighting in 1944 and the bases on Tinian were used for the invasion of Okinawa and for raids on Japan, including the nuclear missions on Hiroshima and Nagasaki. In 1947, the Mandated islands were placed under the United Nations trusteeship system as the Trust Territory of the Pacific Islands (TTPI) and the United States was appointed as the Administering Authority. The area was divided into six administrative districts with the headquarters located in Hawaii and then in Guam. The TTPI was the only ''strategic'' trusteeship with review by the Security Council rather than the General Assembly of the United Nations. The Navy administered the Trusteeship, together with Guam, until 1951, when administrative jurisdiction was transferred to the Department of the Interior. The Northern Marianas, however, were returned to Navy jurisdiction from 1952–1962. In 1963, administrative headquarters were moved to Saipan.

With the establishment of the Congress of Micronesia in 1965, efforts to reach an agreement on the future political status of the area began. Attempts to maintain a political unity within the TTPI were unsuccessful, and each of the administrative districts (Kosrae eventually separated from Pohnpei District in the Carolines) sought to retain its separate identity. Four of the districts became the Federated States of Micronesia, the Marshalls became the Republic of the Marshall Islands, and Palau became the Republic of Palau, all sovereign countries in free association with the United States under Compacts of Free Association. The Marianas had sought reunification with Guam and US territorial status from the beginning of the Trusteeship. Separate negotiations with the Marianas began in December, 1972 and concluded in 1975.

In 1976, Congress approved a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (PL 94–241). The Covenant had been approved in a United Nations observed plebescite in the Northern Mariana Islands and formed the basis for the termination of the United Nations Trusteeship with respect to the Northern Mariana Islands in 1986 together with the Republic of the Marshall Islands and the Federated States of Micronesia. Prior to termination, those provisions of the Covenant that were not inconsistent with the status of the area (such as extension of US sovereignty) were made applicable by the US as Administering Authority. Upon termination of the Trusteeship, the CNMI became a territory of the United States and its residents became United States citizens. Under the terms of the Covenant certain federal laws would be inapplicable in the CNMI, including minimum wage to take into consideration the relative economic situation of the islands and their relation to other east Asian countries.

Although the population of the CNMI was only 15,000 people in 1976 when the Covenant went into effect, the population now exceeds 60,000 and US citizens are a minority. The resident population is probably about 24,000 with

about 28,000 alien workers and estimates of at least 10,000 illegal aliens. Permits for non-resident workers were reported at 22,500 for 1994, the largest category being for manufacturing. Tourism has climbed from about 230,000 visitors in 1987 to almost 600,000 in 1994. Total revenues for the CNMI for 1993 were estimated at $157 million.

The 1995 census statistics from the Commonwealth list unemployment at 7.1%, with CNMI born at 14.2% and Asia born at 4.5%. Since no guest workers should be on island without jobs, the 4.5% suggests a serious problem in the CNMI. The 14.2% local unemployment suggests that either guest workers are taking jobs from local residents, or the wage rates or types of occupation are not adequate to attract local workers.

The Covenant established a unique system in the CNMI under which the local government controlled immigration and minimum wage levels and also had the benefit of duty and quota free entry of manufactured goods under the provisions of General Note 3(a) of the Harmonized Tariff Schedules. The Section by Section analysis of the Committee Report on the Covenant provides in part:

Section 503.—This section deals with certain laws of the United States which are not now applicable to the Northern Mariana Islands and provides that they will remain inapplicable except in the manner and to the extent that they are made applicable by specific legislation enacted after the termination of the Trusteeship. These laws are:

The Immigration and Naturalization Laws (subsection (a)). The reason this provision is included is to cope with the problems which unrestricted immigration may impose upon small island communities. Congress is aware of those problems. . . . It may well be that these problems will have been solved by the time of the termination of the Trusteeship Agreement and that the Immigration and Nationality Act containing adequate protective provisions can then be introduced to the Northern Mariana Islands. . . .

The same consideration applies to the introduction of the Minimum Wage Laws. (Subsection (c)). Congress realizes that the special conditions prevailing in the various territories require different treatment. . . . In these circumstances, it would be inappropriate to introduce the Act to the Northern Mariana Islands without preliminary studies. There is nothing which would prevent the Northern Mariana Islands from enacting their own Minimum Wage Legislation. Moreover, as set forth in section 502(b), the activities of the United States and its contractors in the Northern Mariana Islands will be subject to existing pertinent Federal Wages and Hours Legislation. (S. Rept. 94–433, pp. 77–78)

The Committee anticipated that by the termination of the Trusteeship, the federal government would have found some way of preventing a large influx of persons into the Marianas, recognizing the Constitutional limitations on restrictions on travel. In part, the Covenant attempted to deal with that possibility by enacting a restraint on land alienation for twenty-five years, subject to extension by the CNMI. The minimum wage issue was more difficult, especially in light of the Committee's experience in the Pacific. The extension of minimum wage to Kwajalein was a proximate cause of the overcrowding at Ebeye in the Kwajalein Atoll as hundreds of Marshallese moved to the small island in hope of obtaining a job at the Missile Range. The CNMI, at the time the Covenant was negotiated, had a limited private sector economy and was under the overall Trust Territory minimum wage, which was considerably lower than the federal minimum wage. The Marianas also had been a closed security area until the early 1960's, further limiting development. Congress fully expected that the Marianas would establish its own schedule and would, within a reasonable time frame, raise minimum wages as the local economy grew. At the time of the Covenant, Guam's local minimum wage exceeded the federal levels, and the Committee anticipated that the Northern Marianas would mirror the history of Guam.

Shortly after the Covenant went into effect, the CNMI began to experience a growth in tourism and a need for workers in both the tourist and construction industries. Interest also began to grow in the possibility of textile production. Initial interest was in production of sweaters made of cotton, wool and synthetic fibers. The CNMI, like the other territories, except for Puerto Rico, is outside the U.S. customs territory but can import products manufactured in the territory duty free provided that the products meet a certain value added amount under General Note 3(a) of the Tariff Schedules (then called Headnote 3(a)). The first company began operation in October, 1983 and within a year was joined by two other companies. Total employment for the three firms was 250 of which 100 were local residents. At the time, Guam had a single firm, Sigallo-Pac, also engaged in sweater manufacture with 275 workers, all of whom, however, were U.S. citizens.

Attempts by territories to develop textile or apparel industries have traditionally met resistence from Stateside industries. The use of alien labor in the CNMI intensified that concern, and efforts began in 1984 to sharply cut back or eliminate the availability of duty free treatment for the territories. The concerns also complicated Senate consideration of the Compacts of Free Association in 1985 and led to a delay of several months in floor consideration when some Members sought to attach textile legislation to the Compact legislation. By 1986, conditions led the Assistant Secretary, Territorial and International Affairs of the Department of the Interior to write the Governor on the situation and that ''[w]ithout timely and effective action to reverse the current situation, I must consider proposing Congressional enactment of U.S. Immigration and Naturalization requirements for the NMI''.

By 1990, the population of the CNMI was estimated at 43,345 of whom only 16,752 had been born in the CNMI. Of the 26,593 born elsewhere, 2,491 had entered from 1980–1984, 2,591 had entered in 1985 or 1986, 6,438 had entered in 1987 or 1988, and 12,955 had entered in 1989 or 1990. Of the population in 1990, 21,332 were classified as Asian. The labor force (all persons 16+ years including temporary alien labor) grew from 9,599 in 1980 to 32,522 in 1990. Manufacturing grew from 1.9% of the workforce in 1980 to 21.9% in 1990, only slightly behind construction which grew from 16.8% to 22.2% in the same time frame. The construction numbers track a major increase in hotel construction. At the same time, increases in the minimum wage were halted although wages paid to U.S. citizens (mainly public sector and management) exceeded federal levels.

In 1993, in response to Congressional concerns, the CNMI stated that it proposed to enact legislation to raise the wage rates from $2.15 to federal levels by stages and that legislation would be enacted to prevent any abuse of workers.

Repeated allegations of violations of applicable federal laws relating to worker health and safety, concerns with respect to immigration problems, including the admission of undesirable aliens, and reports of worker abuse, especially in the domestic and garment worker sectors, led to the inclusion of a $7 million set aside in appropriations in 1994 to support federal agency presence in the CNMI. The Administration was not prepared to commit agency resources to the CNMI absent the funding, but with an agreement for reimbursement, the Department of the Interior reported to the Committee on April 24, 1995 that:

1) $3 million would be used by the CNMI for a computerized immigration identification and tracking system and for local projects;

2) $2.2 million would be used by the Department of Justice to strengthen law enforcement, including the hiring of an additional FBI agent and Assistant US Attorney;

3) $1.6 million would be used by Labor for two senior investigators as well as for training; and

4) $200,000 would be used by Treasury for assistance in investigating violations of federal law with respect to firearms, organized crime, and counterfeiting.

In addition, the report recommended that federal law be enacted to phase in the current CNMI minimum wage rates to the federal minimum wage level in 30 cent increments (as then provided by CNMI legislation), end mandatory assistance to the CNMI when the current agreement was fulfilled, continue annual support of federal agencies at a $3

million/year level (which would include funding for a detention facility that meets federal standards), and possible extension of federal immigration laws.

During the 104th Congress, the Senate passed S. 638, legislation supported by the Administration, that in part would have enacted the phase in of the CNMI minimum wage rate to US levels in 30 cent increments. No action was taken by the House, and, in the interim, the CNMI delayed the scheduled increases and then instituted a limited increase of 30 cents/hour except for the garment and construction industries where the increase was limited to 15 cents/hour. The legislation also required the Commonwealth ''to cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.'' (Section 4 of S. 638) At the same time that Congress began to consider legislation on minimum wage and immigration issues, concern over the commitment of federal agencies to administer and enforce those federal laws already applicable to the CNMI led the Committee to include a provision in S. 638 that the annual report on the law enforcement initiative also include: ''(6) the reasons why Federal agencies are unable or unwilling to fully and effectively enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior.'' (Section 3 of S. 638)

In February, 1996, I led a Committee trip to the CNMI. We met with local and federal officials as well as inspecting a garment factory and meeting with Bangladesh security guards who had not been paid and who were living in substandard conditions. Their living conditions were intolerable. There was no running water, no workable toilets, the shack—and that is being kind—was in deplorable condition. As I said at the time, this was a condition that should never exist on American soil. It existed in the shadow of the Hyatt Hotel.

I raised my concerns with the Governor and with other officials in Saipan. We were assured that corrective action would be taken. Those assurances, especially those dealing with minimum wages, seem to have disappeared as soon as our plane was airborne. As a result of the meetings and continued expressions of concern over conditions, the Committee held an oversight hearing on June 26, 1996 to review the situation in the CNMI. At the hearing, the acting Attorney General of the Commonwealth requested that the Committee delay any action on legislation until the Commonwealth could complete a study on minimum wage and promised that the study would be completed by January. That timing would have enabled the Committee to revisit the issue in the April-May 1997 period after the Administration had transmitted its annual report on the law enforcement initiative. While the CNMI Study was not finally transmitted until April, the Administration did not transmit its annual report, which was due in April, until July. On May 30, 1997, the President wrote the Governor of the Northern Marianas that he was concerned over activities in the Commonwealth and had concluded that federal immigration, naturalization, and minimum wage laws should apply.

Given the reaction that followed the President's letter, I asked the Administration to provide a drafting service of the language needed to implement the recommendations in the annual report and informed the Governor of the Commonwealth of the request and that the Committee intended to consider the legislation after the Commonwealth had an opportunity to review it. The drafting service was not provided until October 6, 1997 and was introduced on October 8, 1997, shortly before the elections in the CNMI. The Committee deferred hearings so as not to intrude unnecessarily into local politics and to allow the CNMI an opportunity to review and comment on the legislation after the local elections.

The U.S. Commission on Immigration Reform conducted a site visit to the Northern Marianas in July 1997 and issued a report which, in general, supports the need to address immigration. The report, however, also raises some concerns with the extension of US immigration laws. The report found problems in the CNMI ''ranging from bureaucratic inefficiencies to labor abuses to an unsustainable economic, social and political system that is antithetical to most American values'' but ''a willingness on the part of some CNMI officials and business leaders to address the various problems''. The report expressed some concerns over the extension of federal immigration laws, but that absent the threat of federal extension, ''the CNMI is unlikely on its own to correct the problems inherent in its immigration system''. The report recommended that specific benchmarks for an effective immigration system be negotiated and that the ''benchmarks should be codified in statute, with provision for immediate imposition of federal law if the benchmarks are not met within the prescribed time.'' Specifically the report recommended that ''[s]hould the CNMI fail to negotiate expeditiously and in good faith, or renege on the negotiated agreements, we agree that imposition of federal law by Congress would be required.'' (Emphasis in original)

While the outright exception from the minimum wage provisions of federal law in the Covenant is an anomaly, so also was the direct phase in to federal levels contained in the legislation as transmitted by the Administration. Congress has generally recognized the different economic circumstances of the territories and provided for a ''special industry committee''. The objective of an industry committee is to set wage rates by industry ''to reach as rapidly as is economically feasible without substantially curtailing employment the objective of the [federal] minimum wage rate'' (29 U.S.C. 208(a)). The committees may make classifications within industries. Such committees were established for Puerto Rico and the Virgin Islands in 1940 and continued until Congress provided for step increases in 1977 for the remaining covered industries. An industry committee has been applicable in American Samoa since 1956. In 1992, the Department of the Interior provided formal Administration opposition to legislation that would have extended federal minimum wage rates to Samoa stating that ''[i]mposition of the United States mainland minimum wage on American Samoa would have a serious, perhaps devastating effect on the territorial economy and jobs''. The industry committee for Samoa set rates for 1996 that ranged from $2.45/hour for local government employees to $3.75/hour for the subclass of stevedoring and lighterage. Wages for the canneries was set at $3.10/hour.

While the economic situation of the CNMI is considerably different from that of American Samoa, it is not absolutely clear that all segments of all industries in the CNMI are capable of sustaining federal minimum wage rates. Unlike American Samoa, the minimum wage issue in the CNMI appears to involve only temporary nonimmigrant workers. All U.S. citizens resident in the CNMI appear to be earning at or above federal minimum wage levels. The CNMI completed a minimum wage analysis in April 1997 by the HayGroup. The analysis recommended against a change in current wage rates for at least three years and planning to accommodate growth. An industry committee would be able to assess the merits of claims by individual industries and structure a system that takes into account the individual needs of particular industries or sub-classes.

As I stated earlier, I believe that an industry committee is the proper approach. I have not included the provision in this legislation due to the opposition of the Northern Marianas, the Administration, and several of my colleagues. The Northern Marianas believes that it can avoid becoming entangled in the federal minimum wage legislation pending in Congress. I don't share their belief, but this is their choice.

The Committee conducted a hearing on March 31, 1998 on S. 1275 and S. 1100,

similar legislation introduced by Senator AKAKA and others. The Committee heard from the Administration, the government of the CNMI, workers and representatives of the local industry, as well as public witnesses. At a business meeting of the Committee on May 20, 1998, the legislation was amended and then ordered to be favorably reported to the Senate. Unfortunately, the Senate did not take action on the measure prior to adjournment.

The portion of the Committee amendment that I am introducing today provides for full extension of the Immigration and Nationality Act contingent on the Attorney General finding that 1) the Northern Marianas does not possess the institutional capacity to administer an effective system of immigration control or 2) the Northern Marianas does not have a genuine commitment to enforce the system. Neither I nor the Committee question the commitment of the current administration of the Northern Marianas to attempt to rectify the problems that led to this legislation, but we are mindful that commitments have been made in the past and then ignored. We also recognized that the Commisssion on Immigration Reform and others have concluded that some of the problem is structural and that a local government simply may not have the capability to maintain an effective immigration program within our federal system. As a result, the Committee adopted a provision that will take effect without further Congressional action if the requisite findings are made. The Committee viewed this as a last opportunity for the local government and provided that the Attorney General must promptly issue standards so that the Marianas is on full notice of what will be required.

If, however, it does become necessary to extend federal law, the Committee also adopted amendments to the bill as introduced to ensure that those industries, especially construction, that depend on temporary workers for temporary jobs will have full access to alien labor as necessary. The Committee was mindful of the concern by the hotel industry over access to workers, and accordingly adopted a provision that would permit the transition provisions to be extended for additional five year periods as long as necessary. The Committee amendment required the Attorney General and the Secretary of Labor to consult with the Northern Marianas one year prior to the expiration of the transition period, and at 5-year intervals thereafter, to determine whether the provisions will continue to be needed. The Committee and I fully expect that any uncertainty be resolved in favor of the Northern Marianas. If the provisions are extended, a similar consultation will occur in the fourth year of the extension to decide if further extensions are warranted.

The Committee reluctantly adopted these provisions because it believes that conditions in the Northern Marianas leave no alternative. Extension of additional federal laws, however, will not resolve the problems if federal agencies do not maintain their present commitment to administration and enforcement of federal law. A continuation of local efforts by the present administration of the Northern Marianas will also be necessary.

Although the legislation contains the one-year grace period contained in the Committee amendment from last Congress, the one year has expired. The record of the Northern Marianas, and the status of local legislation, will determine whether and on what terms federal laws should be extended. The action earlier this year by the Northern Marianas to lift the moratorium on entry permits for new workers is particularly troubling.

There are legitimate questions concerning immigration and minimum wage. We should now have sufficient experience to assess whether the Marianas is capable of providing the preclearance for any persons who attempt to enter the Marianas. The Immigration Commission concluded that they are not capable of undertaking such prescreening and clearance because they do not have the resources of the federal government through the State Department. The United States routinely does prescreening in foreign countries as part of our visa process. The situation that I saw with the Bangladesh workers should never have happened and would not have happened had federal immigration laws and procedures been in place and enforced. Reports of other workers who arrive only to find no jobs would also never happen. A particularly troubling aspect of the current situation in the Northern Marianas is the level of unemployment among guest workers. There should be no unemployment among the guest workers. If there are no jobs, then the workers should not be present. These are legitimate immigration related issues. They do not necessarily lead to a federal takeover, but they are legitimate issues and it serves no purpose to distort history and pretend that the current situation was the goal of the Covenant negotiators. That does not make the Marianas corrupt, but if accurate, it points out that this Committee was correct when it stated that we would need to make changes in the immigration laws prior to termination of the Trusteeship so that they could be extended to the Marianas.

The report of the Immigration Commission also raises legitimate questions about the availability of asylum and the lack of civil rights since the Marianas is using temporary workers for permanent jobs, thereby denying workers the rights they would have if admitted into the US with a right of residency. That needs to be addressed. The Commission also expresses some grave concerns over outright extension of the Immigration laws and questions the willingness or commitment of the INS to devote the personnel or resources to effective administration. While I fully expect the INS to support the Administration position in our hearings on this legislation, I also share that concern. We do not need to make a bad local problem an equally bad federal one.

I also think that the focus on the garment industry by the Administration and most of the critics of the situation in the Northern Marianas is somewhat shortsighted. The advantages that the Marianas can provide garment manufacturers in terms of duty and quota free treatment expire with the implementation of the multifibre agreement. The suggestion in the Administration's task force report last year that these jobs will move to the mainland if the garment industry is curtailed in the Marianas is simply wrong. Those jobs in all likelihood are temporary until they move back to the Asian mainland in about five years. That, by the way, is well within the transition period contemplated under the legislation submitted by the Administration last year. The legislation will actually have little or no effect on the industry that the Administration is targeting. I should also note that the Bank of Hawaii, in its economic study also concluded that the garment industry in the Marianas was not likely to last. Other studies have also come to that conclusion. The Administration has made it clear that they hope the effect of this legislation will be the end of the garment industry in the Marianas. Given both the studies and the Administration's objective, I do have a question about why the President's budget claims about $187 million per year in additional revenues from the enactment of the amendments to General Note 3(a). If there is no industry, there will be no imports, and there will be no revenues.

The problem is that the Administration does not seem to comprehend that the Marianas is the United States. It is not a foreign country. The failure of the Administration to enforce federal laws has led to a climate conducive to worker abuse and to some sense within the Marianas that federal laws will not be applied. On the other side, a large population of workers without full civil rights also offers the opportunity for people to exploit the situation. I am not happy with either side of this debate. The cries for federal takeover are too strident and too partisan to ring true. The defense is simply unacceptable. In the middle are the workers who apparently no one cares about, except for their value in being put on display in the media.

Complicating consideration of this legislation, however, is the Administration's somewhat lackluster response to the flood of illegal entries into Guam from China. These individuals are being smuggled into Guam by boat. Most of the aliens come from the China mainland from Fujian Province, but some have sought entry from the Northern Marianas. So far this year, over 800 illegal aliens have been apprehended either in Guam or attempting to reach Guam.

Earlier this year I met with the Governor of Guam. He expressed his frustration with the Immigration and Naturalization Service for diverting revenues from Guam to the mainland. The result was that Guam had to assume the costs of incarceration for these aliens. An article in the Pacific Daily News on Sunday May 9 suggested that as many as 2,000 illegal aliens may already be in Guam. Only after the situation became even worse and the national media began to draw attention to what was happening, did the White House become involved. As a result of that involvement, the Administration has finally begun to pay some attention and is beginning to dedicate resources to the interdiction of these aliens. The Administration plans to send three more Coast Guard vessels and two C–130 aircraft to Guam and apparently will reimburse the local government for its expenditures on behalf of federal agencies. That response was too long in coming. Parenthetically, I would note that INS did not care about extending immigration laws to the Northern Marianas until after the Readers Digest and other publications began to question the Administration's commitment to human rights and the White House became concerned with its image.

A continuing concern for my Committee over the years has been the reluctance of Executive Branch agencies, specifically the INS, to treat the Marianas as part of the United States. Up until last Congress, the INS resisted any attempt to extend the immigration laws to the Northern Mariana Islands. That resistance was not based on policy grounds or from a belief that the Northern Marianas was operating an effective immigration system, but from the narrow administrative concern of not wanting to dedicate the personnel and resources. I must admit that I have some apprehension over how solid the recent conversion of the INS is. Last Congress, they testified in support of the Administration's proposal to extend the immigration laws. They promised the Committee that they would dedicate the necessary resources to ensure successful implementation. Now we see that they are unwilling to dedicate the resources in Guam, where federal immigration laws already apply, until they are directed to do so by the White House. The situation in the Marianas may be sufficiently problematic that we will have to go forward with the legislation despite my reservations. I intend to closely examine the INS when we schedule hearings on this legislation.

I also am concerned over the Administration's decision to use the Northern Marianas as a holding area for illegal aliens who are intercepted at sea. On May 8, the Coast Guard intercepted a Taiwanese vessel with 80 people suspected of trying to illegally enter Guam. The vessel was escorted to Tinian in the Northern Mariana Islands. Apparently the Administration made that decision because the federal immigration laws do not apply in the Marianas and that makes it easier to repatriate the aliens and prevent them from claiming asylum. If we extend the immigration laws, as one portion of the Administration wants, we will frustrate the interdiction and repatriation program being pursued by another portion of the Administration. The Committee will need to sort this out during our hearings. I also will look forward to an explanation of why the use of Tinian in the Northern Marianas avoids claims of asylum. The asylum requirements are matters of international obligation and federal policy. In fact, the failure of the Northern Marianas to deal with asylum issues as a matter of local legislation was one of the arguments that the Administration made in support of the extension of federal legislation. That contradiction will also need to be explored. It appears from press reports that the Administration plans to consider claims of asylum, but given the peculiar situation of refugees from mainland China, it will be interesting to see how those claims are processed.

I am also aware of suggestions in Guam that we need to amend the immigration laws to prevent the claim of asylum on Guam. Congressman Underwood has introduced legislation to that effect already. I think we need to be very careful in considering legislation to extend the immigration laws to the Northern Marianas that we do not create an even larger problem than the one we already have in Guam. Guam is a single island, about 33 miles by 12 miles. The Commonwealth of the Northern Mariana Islands is an archipelago of fourteen islands three hundred miles long. If we can not adequately patrol Guam, how are we going to patrol the entire Marianas? That also is a question that will need to be answered before we move this legislation.

Before the opponents of this legislation start their celebration, I want to repeat that I find the conditions and circumstances in the Northern Marianas to be unacceptable. I have serious concerns over this legislation, but something needs to be done. I am willing to consider modifications to the legislation. Last year I included provisions to guarantee both construction and tourism sectors access to sufficient workers, and I am willing to revisit those provisions or consider other changes to support the economy of the Northern Marianas. At some point, however, the Marianas needs to take a hard look at the structure of their economy. They can not continue indefinitely with the public sector being the only source of employment for US residents. They need to provide a future for their children. The federal government needs to ensure that federal laws are enforced and that they are applied in a manner that recognizes the unique circumstances of this island community. I support as much local authority and control as is possible. There are certain functions, however, that only the federal government can effectively perform. There are also certain rights that every individual who works and resides in the United States should expect to be guaranteed. This legislation will provide an opportunity for the Committee to see that those responsibilities are performed and that those rights are protected.●

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Kentucky [Mr. BUNNING] were added as cosponsors of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 39

At the request of Mr. STEVENS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 61

At the request of Mr. DEWINE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 219

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 219, a bill to authorize appropriations for the United States Customs Service.

S. 313

At the request of Mr. SHELBY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 313, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes.

S. 395

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 409

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 566

At the request of Mr. LUGAR, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 642

At the request of Mr. GRASSLEY, the names of the Senator from Maine [Ms. COLLINS] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 687

At the request of Mr. HARKIN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. DORGAN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 687, a bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 765

At the request of Ms. COLLINS, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 765, a bill to ensure the efficient allocation of telephone numbers.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 791

At the request of Mr. KERRY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 847

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 847, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 881

At the request of Mr. BENNETT, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 881, a bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes.

S. 903

At the request of Mr. KOHL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 903, a bill to facilitate the exchange by law enforcement agencies of DNA identification information relating to violent offenders, and for other purposes.

S. 941

At the request of Mr. WYDEN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 941, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 1007

At the request of Mr. JEFFORDS, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Idaho [Mr. CRAPO] was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

AMENDMENT NO. 328

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 328 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

AMENDMENT NO. 335

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of amendment No. 335 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

SENATE RESOLUTION 101—EXPRESSING THE SENSE OF THE SENATE ON AGRICULTURAL TRADE NEGOTIATIONS

Mr. FITZGERALD (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. ASHCROFT) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 101

Whereas the United States is the world's largest exporter of agricultural commodities and products;

Whereas 96 percent of the world's consumers live outside the United States;

Whereas the profitability of the United States agricultural sector is dependent on a healthy export market; and

Whereas the next round of multilateral trade negotiations is scheduled to begin on November 30, 1999: Now, therefore, be it

Resolved, That the Senate supports and strongly encourages the President to adopt the following trade negotiating objectives:

(1) The initiation of a comprehensive round of multilateral trade negotiations that—

(A) covers all goods and services;

(B) continues to reform agricultural and food trade policy;

(C) promotes global food security through open trade; and

(D) increases trade liberalization in agriculture and food.

(2) The simultaneous conclusion of the negotiations for all sectors.

(3) The adoption of the framework established under the Uruguay Round Agreements for the agricultural negotiations conducted in 1999 to ensure that there are no product or policy exceptions.

(4) The establishment of a 3-year goal for the conclusion of the negotiations by December 2002.

(5) The elimination of all export subsidies and tightening of rules for circumvention of export subsidies.

(6) The elimination of all nontariff barriers to trade.

(7) The transition of domestic agricultural support programs to a form decoupled from agricultural production, as the United States has already done under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(8) The commercially meaningful reduction or elimination of bound and applied tariffs, and the mutual elimination of restrictive tariff barriers, on an accelerated basis.

(9) The improved administration of tariff rate quotas.

(10)(A) The elimination of state trading enterprises; or

(B) the adoption of policies that ensure operational transparency, the end of discriminatory pricing practices, and competition for state trading enterprises.

(11) The maintenance of sound science and risk assessment for sanitary and phytosanitary measures.

(12) The assurance of market access for biotechnology products, with the regulation of the products based solely on sound science.

(13) The accelerated resolution of trade disputes and prompt enforcement of dispute panels of the World Trade Organization.

(14) The provision of food security for importing nations by ensuring access to supplies through a commitment by World Trade Organization member countries not to restrict or prohibit the export of agricultural products.

(15) The resolution of labor and environmental issues in a manner that facilitates, rather than restricts, agricultural trade.

(16) The establishment of World Trade Organization rules that will allow developing countries to graduate, using objective economic criteria, to full participation in, and obligations under, the World Trade Organization.

• Mr. FITZGERALD. Mr. President, I rise today along with my colleagues, Senators GRASSLEY, ROBERTS, and ASHCROFT, to submit a resolution expressing the sense of the Senate regarding the next round of agricultural trade negotiations. As a member of the Senate Agriculture Committee, I am very concerned about U.S. agriculture's position in the next round of negotiations. This resolution establishes clear direction to the Administration as it enters the Seattle negotiations this November.

These process and procedural guidelines have been developed through a consensus process of the Seattle Round Agricultural Committee (SRAC). SRAC represents over 70 agricultural organizations—from the Farm Bureau to the National Oilseed Processors Association of Kraft Foods. This diverse group of agriculturalists have spent many hours developing these principles to ensure that our international agriculture markets remain strong, open and fair for our nation's farmers.

The U.S. agricultural sector is one of the only segments of our economy that consistently produces a trade surplus. In fact, our agricultural surplus totaled $27.2 billion in 1996. However, we must not rest on our laurels; the United States Department of Agriculture projects that our agricultural trade surplus in 1999 will dwindle to approximately $12 billion. We must not let this trend continue.

Free and open international markets are vital to my home state. Illinois' 76,000 farms cover more than 28 million acres—nearly 80 percent of Illinois. Our farm product sales generate nine billion dollars annually and Illinois ranks third in agricultural exports. In fiscal year 1997 alone, Illinois agricultural exports totaled $3.7 billion and created 57,000 jobs for our state. Needless to say, agriculture makes up a significant portion of my state's economy, and a healthy export market for these products is important to my constituents.

As you know, farm commodity prices have recently been in a slump. This situation makes open debate on agricultural trade and the Seattle round even more timely and necessary. While the average tariff assessed by the United States on agricultural products is less than five percent, the average agricultural tariff assessed by other World Trade Organization members exceeds 40 percent. This situation is clearly unfair and certainly depresses U.S. agricultural commodity prices. Accordingly, this issue must be addressed in the next round.

I look forward to working with my colleagues on policies to tear down international trade barriers and ensure that our agricultural trade surplus expands and remains strong. This resolution is the first step toward ensuring that agriculture is a top priority of the Administration during the next round of multilateral trade negotiations.

I want to recognize and commend my colleagues, Senators GRASSLEY, ROBERTS, and ASHCROFT, for joining me as original co-sponsors of this resolution. This resolution should enjoy bipartisan support, and I urge my colleagues to join me in co-sponsoring this legislation important to our nation's farmers.•

SENATE RESOLUTION 102—APPOINTING SENATE LEGAL COUNSEL

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 102

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Senate Legal Counsel, made by the President pro tempore of the Senate on May 13, 1999, shall become effective as of June 1, 1999, and the term of service of the appointee shall expire at the end of the 107th Congress.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

LANDRIEU AMENDMENT NO. 341

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

On page 129, strike lines 5 and 6, and insert the following: ''ernment or combination thereof;

''(24) provide that juveniles alleged to be or found to be delinquent of an act that, if committed by an adult, would be a misdemeanor offense, and juveniles charged with or convicted of such an offense, will not be detailed or confined in any institution in which they have—

''(A) any physical contact (or proximity that provides an opportunity for physical contact) with juveniles who are alleged to be or found to be delinquent of an act that, if committed by an adult, would constitute a felony offense, or who are charged with or convicted of such an offense; or

''(B) the opportunity for the imparting or interchange of speech by or between such juveniles and juveniles described in subparagraph (A), except that this subparagraph does not include the imparting or interchange of sounds or noises that cannot reasonably be considered to be speech; and

''(25) to the extent that segments of the juve-''.

ASHCROFT AMENDMENT NO. 342

Mr. ASHCROFT proposed an amendment to the bill S. 254, supra; as follows:

To be inserted at the appropriate place:

TITLE __. RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SECTION 1. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking ''Whoever'' at the beginning of the first sentence, and inserting in lieu thereof, ''Except as provided

in paragraph (6) of this subsection, whoever''; and

(2) in paragraph (6), by amending it to read as follows—

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

''(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, larger capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

''(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

''(B) A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

''(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

''(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

''(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(3) This subsection does not apply to—

''(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

''(I) in the course of employment,

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

''(III) for target practice.

''(IV) for hunting, or

''(V) for a course of instruction in the safe and lawful use of a firearm.

''(ii) Clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

''(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(II) during transportation by the juvenile directly from the place of transfer to a place at which a activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

''(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile.

''(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

''(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

''(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(5) For purposes of this subsection, the term ''juvenile'' means a person who is less than 18 years of age.

''(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

''(B) The court may use the contempt power to enforce subparagraph (A).

''(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.''

(7) For purposes of this subsection only, the term ''large capacity ammunition feeding device'' has the same meaning as in section 921(a)(31) of title __ and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 343

Mrs. FEINSTEIN (for herself, Mr. CHAFEE, Mr. KENNEDY, Mr. SCHUMER, Mr. TORRICELLI, Mr. LEVIN, Mr. DURBIN, Ms. LANDRIEU, Mrs. MURRAY, Mr. INOUYE, and Mr. REED) proposed an amendment to the bill, S. 254, supra; as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.''; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting '', semiautomatic assault weapon, or large capacity ammunition feeding device'' after ''handgun''; and

(B) in subparagraph (D), by striking ''or ammunition'' and inserting '', ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device''.

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''1 year'' and inserting ''5 years''; and

(2) in clause (ii)—

(A) by inserting '', semiautomatic assault weapon, large capacity ammunition feeding device, or'' after ''handgun'' both places it appears; and

(B) by striking ''10 years'' and inserting ''20 years''.

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

HATCH (AND OTHERS) AMENDMENT NO. 344

Mr. HATCH (for himself, Mr. CRAIG, Mr. MCCAIN, Mr. SMITH of Oregon Ms. COLLINS, Mr. ABRAHAM, and Ms. SNOWE) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place insert:

TITLE —EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 401. SHORT TITLE.

This subtitle may be referred to as the ''Criminal Use of Firearms by Felons (CUFF) Act''.

SEC. 402. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1988, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal court, the offenders were subject to stiffer penalties and expedited prosecutions. The Achilles program was particularly effective in removing the most violent criminals from our communities.

(4) In 1991, the Administration expanded its efforts to remove criminals with guns from our streets with Project Triggerlock. Triggerlock continued the ideas formulated in the Achilles program and committed the Department of Justice resources to the prosecution effort. Under the program, every United States Attorney was directed to form special teams of Federal, State, and local investigators to look for gang and drug cases that could be prosecuted as Federal weapon violations. Congress appropriated additional funds to allow a large number of new law enforcement officers and Federal prosecutors to target these gun and drug offenders. In 1992, approximately 7048 defendants were prosecuted under this initiative.

(5) Since 1993, the number of ''Project Triggerlock'' type gun prosecutions pursued by the Department of Justice has fallen to approximately 3807 prosecutions in 1998. This is a decline of over 40 percent in Federal prosecutions of criminals with guns.

(6) The threat of criminal prosecution in the Federal criminal justice system works to deter criminal behavior because the Federal system is known for speedier trials and longer prison sentences.

(7) The deterrent effect of Federal gun prosecutions has been demonstrated recently by successful programs, such as ''Project Exile'' in Richmond, Virginia, which resulted in a 22 percent decrease in violent crime since 1994.

(8) The Department of Justice's failure to prosecute the criminal use of guns under existing Federal law undermines the significant deterrent effect that these laws are meant to produce.

(9) The Department of Justice already possesses a vast array of Federal criminal statutes that, if used aggressively to prosecute wrongdoers, would significantly reduce both the threat of, and the incidence of, criminal gun violence.

(10) As an example, the Department of Justice has the statutory authority in section 922(q) of title 18, United States Code, to prosecute individuals who bring guns to school zones. Although the Administration stated that over 6,000 students were expelled last year for bringing guns to school, the Justice Department reports prosecuting only 8 cases under section 922(q) in 1998.

(11) The Department of Justice is also empowered under section 922(x) of title 18, United States Code, to prosecute adults who transfer handguns to juveniles. In 1998, the Department of Justice reports having prosecuted only 6 individuals under this provision.

(12) The Department of Justice's utilization of existing prosecutorial power is 1 of the most significant steps that can be taken to reduce the number of criminal acts involving guns, and represents a better response to the problem of criminal violence than the enactment of new, symbolic laws, which, if current Departmental trends hold, would likely be underutilized .

SEC. 403. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall establish in the jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the ''Criminal Use of Firearms by Felons (CUFF) Program''.

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of section 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j), 922(q), 922(k), or 924(c) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2) and section 922(a)(5) of title 18, United States Code, relating to firearms; and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program for a jurisdiction, the United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) COVERED JURISDICTIONS.—The jurisdictions specified in this subsection are the following 25 jurisdictions:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that

had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 404. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program under this subtitle during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) To the extent information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under 403 $50,000,000 for fiscal year 2000, of which—

(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by 403(c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 403(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 403(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 403(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this subtitle.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

SEC. 411. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking ''and'' at the end of subparagraph (C) and inserting ''or''; and

(3) by adding at the end the following:

''(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and''.

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(A) Except as provided in subparagraph (B), any person who''; and

(2) by adding at the end the following:

''(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances.''.

Subtitle C—Youth Crime Gun Interdiction

SEC. 421. YOUTH CRIME GUN INTERDICTION INITIATIVE.

(a) IN GENERAL.—

(1) EXPANSION OF NUMBER OF CITIES.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the ''YCGII'') to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) SELECTION.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials.

(b) IDENTIFICATION OF INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, utilizing the information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) SHARING OF INFORMATION.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement agencies through online computer access, as soon as such capability is available.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) USE OF GRANT FUNDS.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms; and

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle D—Gun Prosecution Data

SEC. 431. COLLECTION OF GUN PROSECUTION DATA.

(a) REPORT TO CONGRESS.—On February 1, 2000, and on February 1 of each year thereafter, the Attorney General shall submit to the Committees on the Judiciary and on Appropriations of the Senate and the House of Representatives a report of information gathered under this section during the fiscal year that ended on September 30 of the preceding year.

(b) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in subsection (a), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 of title 18, United States Code.

(c) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(1) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 of title 18, United States Code, or any other violation of Federal criminal law;

(2) in any case described in paragraph (1), the reason for such failure to seek or obtain a charge under section 922 of title 18, United States Code;

(3) whether in any case described in subsection (b), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(4) whether, in the case of an indictment, information, or other charge described in paragraph (3), the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code;

(5) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual;

(6) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code;

(7) in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code, identification of the charges to which that individual did plead guilty, and the reason for the failure to seek or obtain a conviction under that section;

(8) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, the result of any trial of such charges (guilty, not guilty, mistrial); and

(9) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).

Subtitle E—Firearms Possession by Violent Juvenile Offenders

SEC. 441. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph).''; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking ''What constitutes'' and all that follows through ''this chapter,'' and inserting the following:

''(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) has committed an act of violent juvenile delinquency.''; and

(2) in subsection (g)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who has committed an act of violent juvenile delinquency,''.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Subtitle F—Juvenile Access to Certain Firearms

SEC. 451. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''Whoever'' and inserting ''Except as provided in paragraph (6), whoever''; and

(2) by striking paragraph (6) and inserting the following:

''(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

''(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

''(i) the term 'juvenile' has the meaning given the term in section 922(x); and

''(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

''(B) POSSESSION BY A JUVENILE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 5 years, or both.

''(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

''(I) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

''(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

''(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

''(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

''(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

''(x) JUVENILES.—

''(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun; or

''(C) a semiautomatic assault weapon.

''(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun; or

''(C) a semiautomatic assault weapon.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection does not apply to—

''(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, or semiautomatic assault weapon by a juvenile if the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile—

''(I) in the course of employment;

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

''(III) for target practice;

''(IV) for hunting; or

''(V) for a course of instruction in the safe and lawful use of a handgun;

''(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, or semiautomatic assault weapon in the line of duty;

''(iii) a transfer by inheritance of title (but not possession) of handgun, ammunition, or semiautomatic assault weapon to a juvenile; or

''(iv) the possession of a handgun, ammunition, or semiautomatic assault weapon taken in lawful defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

''(i) the juvenile's possession and use of a handgun, ammunition, or semiautomatic assault weapon under this paragraph are in accordance with State and local law; and

''(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun, ammunition, or semiautomatic assault weapon is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the firearm is unloaded and in

a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the firearm is unloaded and in a locked container or case; or

''(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

''(aa) a juvenile possesses and uses a handgun, ammunition, or semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian;

''(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(cc) the adult is directing the ranching or farming activities of the juvenile.

''(5) INNOCENT TRANSFERORS.—A handgun, ammunition, or semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

''(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

''(B) may use the contempt power to enforce subparagraph (A); and

''(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

Subtitle G—General Firearm Provisions

SEC. 461. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General shall expedite—

(A) not later than 90 days after the date of enactment of this section, a study of the feasibility of developing—

''(i) a single fingerprint convicted offender database in the Federal criminal records system maintained by the Federal Bureau of Investigation; and

(ii) procedures under which a licensed firearm dealer may voluntarily transmit to the National Instant Check System a single digitalized fingerprint for prospective firearms transferees;

(B) the provision of assistance to States, under the Crime Identification Technology Act of 1998 (112 Stat. 1871), in gaining access to records in the National Instant Check System disclosing the disposition of State criminal cases; and

(C) development of a procedure for the collection of data identifying persons that are prohibited from possessing a firearm by section 922(g) of title 18, United States Code, including persons adjudicated as a mental defective, persons committed to a mental institution, and persons subject to a domestic violence restraining order.

(2) CONSIDERATIONS.—In developing procedures under paragraph (1), the Attorney General shall consider the privacy needs of individuals.

(b) COMPATIBILITY OF BALLISTICS INFORMATION SYSTEMS.—The Attorney General and the Secretary of the Treasury shall ensure the integration and interoperability of ballistics identification systems maintained by the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms through the National Integrated Ballistics Information Network.

(c) FORENSIC LABORATORY INSPECTION.—The Attorney General shall provide financial assistance to the American Academy of Forensic Science Laboratory Accreditation Board to be used to facilitate forensic laboratory inspection activities.

(d) RELIEF FROM DISABILITY DATABASE.—Section 925(c) of title 18, United States Code, is amended—

(1) by striking ''(c) A person'' and inserting the following:

''(c) RELIEF FROM DISABILITIES.—

''(1) IN GENERAL.—A person''; and

(2) by adding at the end the following:

''(2) DATABASE.—The Secretary shall establish a database, accessible through the National Instant Check System, identifying persons who have been granted relief from disability under paragraph (1).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2000—

(1) to pay the costs of the Federal Bureau of Investigation in operating the National Instant Check System, $68,000,000;

(2) for payments to States that act as points of contact for access to the National Instant Check System, $40,000,000;

(3) to carry out subsection (a)(1), $40,000,000;

(4) to carry out subsection (a)(3), $25,000,000;

(5) to carry out subsection (b), $1,150,000; and

(6) to carry out subsection (c), $1,000,000.

(f) INCREASED AUTHORIZATION.—Section 102(e)(1) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(1)) is amended by striking ''this section'' and all that follows and inserting ''this section—

''(A) $250,000,000 for fiscal year 1999;

''(B) $350,000,000 for each of fiscal years 2000 through 2003.''.

TITLE V—ENHANCED PENALTIES

SEC. 501. STRAW PURCHASES.

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

''(i) fined under this title, imprisoned not more than 15 years, or both; or

''(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

''(B) In this paragraph—

''(i) the term 'juvenile' has the meaning given the term in section 922(x); and

''(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 502. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''(i), (j),''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.'';

(2) in subsection (i)(1), by striking by striking ''10 years, or both'' and inserting ''15 years, or both; and

(3) in subsection (l), by striking ''10 years, or both'' and inserting ''15 years, or both''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 503. INCREASE IN PENALTIES FOR CRIMES INVOLVING FIREARMS.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (iii), by striking ''10 years.'' and inserting ''12 years; and''; and

(B) by adding at the end the following:

''(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years.''; and

(2) in subsection (h), by striking ''imprisoned not more than 10 years'' and inserting ''imprisoned not less than 5 years and not more than 10 years''.

SEC. 504. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''one year'' and inserting ''5 years''.

SEC. 505. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place that term appears and inserting ''5 years''.

Subtitle C—Internet Prohibitions

SECTION 430. SHORT TITLE.

This Act may be cited as the ''Internet Firearms and Explosives Advertising Act of 1999''.

SEC. 431. FINDINGS; PURPOSE.

Congress finds the following:

(a) Citizens have an individual right, under the Second Amendment to the United States Constitution, to Keep and Bear Arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with federal, state, and local laws for whatever lawful use they deem desirable.

(b) The Internet is a powerful information medium, which has and continues to be an excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for ''e-commerce'' and marketing many products, including firearms and sporting goods. Many web sites related to these topics are sponsored in large part, by the sporting firearms and hunting community.

(c) It is the intent of Congress that this legislation be applied where the Internet is

being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 432. PROHIBITIONS ON USES OF THE INTERNET.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Criminal firearms and explosives solicitations

''(a)(1) IN GENERAL.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed or published, any notice of advertisement seeking or offering to receive, exchange, buy, sell, produce, distribute, or transfer—

''(A) a firearm knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), (g) or (x) of section 922 of this chapter, or

''(B) explosive materials knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d) and (i) of section 842 of this title: shall be punished as provided under subsection (b).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by computer; or

''(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

''(b) PENALTIES.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not more than 1 year, and both, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

''(c) DEFENSES.—It is an affirmative defense against any proceeding involving this section if the proponent proves by a preponderance of the evidence that:

''(1) the advertisement or notice came from—

''(A) a web site, notice or advertisement operated or created by a person licensed—

''(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

''(ii) under chapter 40 of this title, and

''(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with federal, state and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, additional information that firearms transfers will only be made through a licensee, and that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunitions; or

''(2) the advertisement or notice came from—

''(A) a web site, notice or advertisement is operated or created by a person not licensed as stated in paragraph (1); and

''(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

''(i) will be made in accord with federal, state and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

''(ii) as a term or condition for posting or listing the firearm for sale or exchange on the web site for a prospective transferor, the web site, advertisement or notice requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition through a federal firearms licensee, where the Gun Control Act of 1968 requires the transfer to be made through a federal firearms licensee.''.

''(b) TECHNICAL AND CONFORMING ADMENDMENTS—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

''931. ''§ 931. Criminal firearms and explosives solicitation.''.

SEC. 433. EFFECTIVE DATE.—

The amendments made by Sections 430–432 shall take effect beginning on the date that is 180 days after of the enactment of this Act.

On page 65, after line 20, insert the following:

SEC. ___. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

In subsection (j) amend—

(1) paragraph (2)(A) and (B) to read as follows:

''(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

''(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.'';

''(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

''(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

''(ii) the gun show or event has (a) 20 percent or more firearm exhibitors our of all exhibitors; or (b) 10 or more firearms exhibitors.

(2) paragraph (3)(C) to read as follows:

''(C) shall be retained at the premises specified on the license.''; and

(3) paragraph (7) to read as follows:

''(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.''.

In subsection (m), amend—

(1) paragraph (2)(E)(i) to read as follows:

''(i) IN GENERAL.—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possesses a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

''(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

''(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).''; and

(2) paragraph (4) to read as follows:

''(4) IMMUNITY.—

''(A) DEFINITION.—In this paragraph:

''(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

''(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

''(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

''(II) brought against a transferor for negligent entrustment or negligence per se.

''(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

''(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

''(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

''(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

''(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

''(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.''.

BOND AMENDMENT NO. 345

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. COMMISSION ON ACCOUNTABILITY OF THE MOTION PICTURE INDUSTRY.

(a) SHORT TITLE.—This section may be cited as the ''Motion Picture Industry Accountability Act''.

(b) PURPOSE.—The purpose of this section is to establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures.

(c) ESTABLISHMENT.—There is established a commission to be known as the ''Motion Picture Industry Accountability Commission'' (in this section referred to as the ''Commission'').

(d) COMPOSITION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members appointed as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Speaker of the House of Representatives.

(C) Four members shall be appointed by the Majority Leader of the Senate.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be jointly designated by the Speaker of the House of Representatives and the Majority Leader of the Senate from among the members of the Commission.

(3) QUALIFICATIONS.—At least one member of the Commission appointed by each of the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall be the parent of a child under the age of 18 years.

(e) COMPREHENSIVE REVIEW.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the motion picture industry with a focus on juvenile access to violent, pornographic, or other harmful materials in motion pictures.

(2) ASSESSMENT.—In conducting the review, the Commission shall assess the following:

(A) How the Federal Government and State and local governments, through their taxing power or otherwise, subsidize, facilitate, or otherwise reduce the cost to the motion picture industry of producing violent, pornographic, or other harmful materials, and any changes that might curtail such assistance.

(B) How the motion picture industry markets its products to children and how such marketing can be regulated.

(C) What standard of civil and criminal liability currently exist for the products of the motion picture industry and what standards would be sufficient to permit victims of such products to seek legal redress against the producers of such products in cases where the content of such products causes, exacerbates, or otherwise influences destructive behavior.

(D) Whether Federal regulation of the content of motion pictures is appropriate.

(E) If and how an excise tax levied on violent, pornographic, or other harmful motion picture materials might be structured in order—

(i) to discourage viewership of such materials; and

(ii) to finance measures aimed at limiting access to such materials.

(F) What other actions the Federal Government might take to reduce the quantity of and access to motion pictures containing violent, pornographic, or other harmful materials.

(f) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate a report on the review conducted under subsection (e).

(2) RECOMMENDATIONS.—The report may include recommendations of the Commission only if approved by a majority of the members of the Commission.

(g) POWERS.—The Commission may for the purpose of carrying out this section—

(1) conduct hearings, take testimony, issue subpoenas, and receive such evidence, as the Commission considers appropriate;

(2) secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission to carry out the duties of the Commission under this section;

(3) use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government; and

(4) receive from the Secretary of Commerce appropriate office space and such administrative and support services as the Commission may request.

(h) PROCEDURES.—The Commission shall meet on a regular basis or at the call of the Chairperson or a majority of the members of the Commission.

(i) PERSONNEL MATTERS.—The members of the Commission shall serve on the Commission without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, when engaged in the performance of the duties of the Commission.

(j) STAFF.—The Commission shall appoint a staff director and sufficient support staff, including clerical and professional staff, to carry out the duties of the Commission under this section. The total number of staff under this subsection may not exceed 10.

(k) DETAILED PERSONNEL.—At the request of the Chairperson of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(m) TERMINATION.—The Commission shall terminate 60 days after the date on which the Commission submits the reports required by subsection (f).

HELMS AMENDMENTS NOS. 346–347

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to the bill, S. 254, supra; as follows:

AMENDMENT NO. 346

At the appropriate place, insert the following:

''SEC. . SAFE SCHOOLS.

''(a) AMENDMENT.—Section 14601(b) of part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921(b0) is amended by adding at the end a new paragraph (3a) as follows:

''(3a) BACKGROUND CHECKS.—Each State receiving federal funds under this Act shall have in effect a State law requiring local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.''

''(b) COMPLIANCE DATE.—States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendment made by subsection (a).''

AMENDMENT NO. 347

At the appropriate place, insert the following:

''SEC. . SAFE SCHOOLS.

''(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

''(1) SHORT TITLE.—Section 14601(a) is amended by replacing ''Gun-Free'' with ''Safe'', and ''1994'' with ''1999''.

''(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after ''determined'' the following: ''to be in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or''.

''(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing ''Definition'' with ''Definitions'' in the catchline, by replacing ''section'' in the matter under the catchline with ''part'', by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semi-colon, and by adding new subparagraphs (B) and (C) as follows:

''(B) the term ''illegal drug'' means a controlled substance, as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

''(C) the term ''illegal drug paraphernalia'' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d0), except that the first sentence of that section shall be applied by inserting ''or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)'' before the period.''.

''(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting ''illegal drugs, illegal drug paraphernalia, or'' before ''weapons''.

''(5) REPEALER.—Section 14601 is amended by striking subsection (f).

''(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing ''served by'' with ''under the jurisdiction of'', and by inserting after ''who'' the following: ''is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who''.

''(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting ''current'' before ''policy'', by striking ''in effect on October 20, 1994'', by striking all the matter after ''schools'' and inserting a period thereafter, and by inserting before ''engaging'' the following: ''possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or''.

''(b) COMPLIANCE DATE; REPORTING.—

''(1) States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

''(2) Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

''(3) Not later than two years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.''

ASHCROFT AMENDMENT NO. 348

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

On page 228, line 11 strike ''and''.

On page 228, line 14 strike the period and insert ''; and''.

On page 228, between lines 14 and 15, insert the following:

''(4) PROSECUTION OF JUVENILES AS ADULTS FOR CERTAIN OFFENSES INVOLVING FIREARMS.—The State shall prosecute juveniles who are not less than 14 years of age as adults in criminal court, rather than in juvenile delinquency proceedings, if the juvenile used, carrier or possessed a firearm during the commission of conduct constituting—

''(A) murder;

''(B) robbery while armed with a dangerous or deadly weapon;

''(C) battery or assault while armed with a dangerous or deadly weapon;

''(D) forcible rape; or

''(E) any serious drug offense that, if committed by an adult subject to Federal jurisdiction, would be punishable under section 401(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)).''

ASHCROFT (AND OTHERS) AMENDMENT NO. 349

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. FRIST, Mr. HELMS, Mr. COVERDELL, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC.——1. SHORT TITLE.

This subtitle may be cited as the ''School Safety Act of 1999''.

SEC.——2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

''(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting ''(other than a gun or firearm)'' after ''weapon'';

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

''(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

''(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

''(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

''(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

''(B) FREE APPROPRIATE PUBLIC EDUCATION.—

''(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local education agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so choose to continue to provide the services—

''(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

''(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

''(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

''(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

''(D) FIREARMS.—The term 'firearm' has the meaning given the term under section 921 of title18, United States Code.''.

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking ''Whenever'' and inserting the following: ''Expect as provided in section 615(k)(10), whenever''.

SEC.——03. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free School Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

''(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(i)(1) of the Individual with Disabilities Education Act (20 U.S.C. 1415(k)(10)).''.

SEC.——04. APPLICATION.

The amendments made by sections ——01 through ——03 shall not apply to conduct occurring prior to the date of enactment of this title.

SCHUMER (AND OTHERS) AMENDMENT NO. 350

Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mr. KOHL, Mrs. FEINSTEIN, Mr. TORRICELLI, and Mr. DURBIN) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, after line 20, insert the following:

SEC. . INTERNET GUN TRAFFICKING ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Internet Gun Trafficking Act of 1999''.

(b) REGULATION OF INTERNET FIREARMS TRANSFERS.—

(1) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) REGULATION OF INTERNET FIREARMS TRANSFERS.—

''(1) IN GENERAL.—It shall be unlawful for any person to operate an Internet website, if a clear purpose of the website is to offer 10 or more firearms for sale or exchange at one time, or is to otherwise facilitate the sale or exchange of 10 or more firearms posted or listed on the website at one time, unless—

''(A) the person is licensed as a manufacturer, importer, or dealer under section 923;

''(B) the person notifies the Secretary of the Internet address of the website, and any other information concerning the website as the Secretary may require by regulation; and

''(C) if any firearm posted or listed for sale or exchange on the website is not from the business inventory or personal collection of that person—

''(i) the person, as a term or condition for posting or listing the firearm for sale or exchange on the website on behalf of a prospective transferor, requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition in accordance with clause (iii);

''(ii) the person prohibits the posting or listing on the website of, and does not in any manner disseminate, any information (including any name, nickname, telephone number, address, or electronic mail address) that is reasonably likely to enable the prospective transferor and prospective transferee to contact one another directly prior to the shipment of the firearm to that person under clause (i), except that this clause does not include any information relating solely to the manufacturer, importer, model, caliber, gauge, physical attributes, operation, performance, or price of the firearm; and

''(iii) with respect to each firearm received from a prospective transferor under clause (i), the person—

''(I) enters such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(II) in transferring the firearm to any transferee, complies with the requirements of this chapter as if the firearm were being transferred from the business inventory of that person; and

''(III) if the prospective transferor does not provide the person with a certified copy of a valid firearms license issued to the prospective transferor under this chapter, submits to the Secretary a report of the transfer or other disposition of the firearm on a form specified by the Secretary, which report shall not include the name of, or any other identifying information relating to, the transferor.

''(2) TRANSFERS BY PERSONS OTHER THAN LICENSEES.—It shall be unlawful for any person who is not licensed under section 923 to transfer a firearm pursuant to a posting or listing of the firearm for sale or exchange on an Internet website described in paragraph (1) to any person other than the operator of the website.

''(3) INTERACTIVE COMPUTER SERVICE.—Nothing in this section may be construed to provide any basis for liability against an interactive computer service which is not engaged in an activity a purpose of which is to—

''(A) originate an offer for sale of one or more firearms on an Internet website; or

''(B) provide a forum that is directed specifically at an audience of potential customers who wish to sell, exchange, or transfer firearms with or to others.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7) Whoever willfully violates section 922(z)(2) shall be fined under this title, imprisoned not more than 2 years, or both.''.

NOTICE OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Education Success—Business Success.'' The hearing will be held on Tuesday, May 25, 1999, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact David Bohley at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the full committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, May 13, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

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

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, May 13, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 13, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 698, a bill to review the suitably and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in Alaska, and for other purposes; S. 711, a bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes; and S. 748, a bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on the Clean Water Act Plan, Thursday, May 13, 10 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. president, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, May 13, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 13, 1999 at 10 a.m. to hold a hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Nomination of Richard McGahey during the session of the Senate on Thursday, May 13, 1999, at 10 a.m.

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

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on criminal Justice Oversight, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, May 13, 1999 at 2 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: ''The Clinton Justice Department's Refusal to Enforce the Law on Voluntary Confessions.''

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 13, for purposes of conducting a hearing Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony on fire preparedness on public lands. Specifically, what actions the Bureau of Land Management and the Forest Service are taking to prepare for the fire season; whether the agencies are informing the public about these plans; and ongoing research related to wildlife and fire suppression activities.

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

NATIONAL POLICE WEEK

• Mr. GRAMS. Mr. President, I rise today to honor those police officers who devotedly and selflessly work to protect and serve the public on a daily basis. I also pay special tribute to those men and women who have given their lives in the line of duty.

According to the Federal Bureau of Investigation data, 138 law enforcement officers lost their lives while protecting our communities across America in 1998. Of this total, 61 law enforcement officers were slain in the line of duty. Our Capitol community was tragically affected last July when Capitol Police Officer Jacob Chestnut and Special Agent John Gibson were mortally wounded while they upheld their sworn duty to protect visitors, staff and Members of Congress.

All Americans should keep alive the memory of these two brave and heroic men, and recognize the contributions of the countless other law enforcement officers who have either been slain or disabled while performing their duties. For these reasons I am a proud cosponsor of S. Res. 22, which designates May 15, 1999, as ''National Peace Officers Memorial Day.''

Mr. President, during this week of poignant ceremonies, Minnesota remembers Corporal Timothy Bowe of

the Minnesota State Patrol who was murdered while assisting the Chisago County Sheriff Department on June 7, 1997. Last year, Corporal Bowe's name was added to the National Law Enforcement Officers Memorial. Corporal Bowe was a devoted husband, father, trooper, and friend. More importantly, Corporal Timothy Bowe was a true Minnesota hero. This week, Corporal Bowe's name will be joined on the memorial by 155 other law enforcement officers who were killed in the line of duty.

Sadly, in our society today, unless we are personally affected by violence or disorder, we often do not realize the dedication of our law enforcement officers, and the sacrifices they make to keep our communities safe. ''National Police Week'' is an important time for all Americans to recognize the role law enforcement officers play in safeguarding the rights and freedoms we all enjoy daily and give thanks for their countless hours of service.

Mr. President, we owe a debt of gratitude not only to the slain officers who served their communities so courageously by preserving law and order, but also to their families, who have lost a spouse, parent or child. Our law enforcement officers are heroes and we must never forget their contributions and sacrifices—during ''National Police Week,'' they are well remembered.●

RETIREMENT OF TREASURY SECRETARY RUBIN

● Mr. BIDEN. Mr. President, I rise today to share with my colleagues a few thoughts on the announcement that Treasury Secretary Rubin will be leaving his job in July.

It is hard to believe how far we have come in the six and a half years of Bob Rubin's tenure at the Treasury Department. Our most fundamental ideas of how the world works—at least the world of economics and finance—have been transformed during his leadership of President Clinton's economic team.

In our domestic finances, Mr. President, we have gone from a generation of seemingly intractable federal deficits to a new era of budget surpluses. It turns out that it is no easier to make budget policy now than it was before—in fact, it is probably harder. But the federal government is paying its own way now, and the payoff in the private economy—strong growth, low and stable interest rates, international confidence in the dollar—are there for everyone to see.

As someone who came to the Senate over a quarter of a century ago, I can tell my colleagues that there has been no more fundamental change in the way we do business around here.

And virtually everyone agrees that Bob Rubin's influence was the deciding factor in this Administration's successful fight to restore balance and responsibility to our federal budget. If that were his only legacy, it would put him in the pantheon of our greatest Treasury Secretaries.

But Bob Rubin has left his mark on the international economy as well. The United States—restored to its historic role as the strongest and most influential economy in the world—was the indispensable leader during the financial crisis that shook international markets in the last two years. And it was Secretary Rubin's credibility that was on the line as international financial institutions like the IMF scrambled to meet the first financial crisis of the new global economy.

Because he knew what key financial markets needed to see and hear from policy makers—and because he knew the strengths and the weaknesses of those markets first hand—his guidance was the essential ingredient that contained the damage from that crisis.

Today, in the calm after the storm, there is still a lot of rebuilding to do—and too much troubling weakness in too many economies to say that the crisis is over. But it is not too early to say that the crisis was a direct challenge America's leadership in the world's economy, and Bob Rubin kept us on top.

I might add that among the many facets of that financial crisis, Secretary Rubin had to invest his considerable energy, skills, and reputation to get this Congress to provide the funds necessary for the IMF to do its job. If they gave medals in his line of work, Mr. President, he would have one for that campaign, too.

Robert Rubin was the recognized leader—with all of the heat that can come in that position—in two of the biggest economy stories of this decade: the battle against the deficit and the global financial crisis. His decisiveness, clarity of purpose, and calm persistence made a difference in this history of our time.

I noticed, Mr. President, that the financial markets genuflected yesterday at the news of Secretary Rubin's impending departure. They dipped for a while at the initial disappointment, but inevitably they recovered because his replacement is an equally formidable—and tested—veteran of those same battles that have made Bob Rubin's reputation.

Larry Summers, as Deputy Treasury Secretary, has earned Bob Rubin's confidence as his envoy to key countries in critical negotiations in the global financial crisis and in many other important jobs. He inherits a healthy economy, sound federal finances, and a strong team at the Treasury Department. But if the past few years are any guide, Mr. President, he will not lack for challenges.

I noticed that he thanked his teachers today in accepting the new opportunity President Clinton has offered him. Surely he had no more valuable teacher than Bob Rubin. That should give us all confidence that the Treasury Department remains in good hands.●

HONORING GLORIA ''PAT'' HUTH

● Mr. ABRAHAM. Mr. President, I rise today to honor Mrs. Gloria ''Pat'' Huth upon her retirement which will be celebrated on May 18, 1999.

Gloria ''Pat'' Huth was born on St. Patrick's Day to Mary and Martin Halasz. Mr. and Mrs. Halasz immigrated to the United States from Hungary.

Pat Huth graduated from Bad Axe High School, and earned her Bachelor of Arts degree from Michigan State University. In 1962, she married her husband, Robert, Sr. She began teaching with the Van Dyke school system, taking time off from full-time teaching to raise her sons, Robert, Jr. and Jeff. Mrs. Huth always believed in the value of education and stressed that point to her students and her sons; her sons obtained Juris Doctor and Doctor of Medicine degrees, respectively.

After her boys began attending elementary school, Pat Huth returned to full-time teaching. In 1971, she began teaching at Neil E. Reid school in the L'Anse Creuse School District. In 1974, she was among eight teachers that left Neil E. Reid with their principal, Joseph Carkenord to open the new elementary school, Tenniswood, in Clinton Township, Michigan. Along the way, Pat obtained her Masters of Education Degree from Eastern Michigan University.

In 1979, she received an Educational Specialist Degree (EDS) from Oakland University. She was always continuing to attend school so that she could stay on top of trends and issues to help her students.

Mrs. Huth taught second grade for the L'Anse Creuse schools for 29 years and was a full-time teacher in Michigan for 33 years. Additionally, 8 years were spent as a substitute teacher for different school districts in Macomb County.

Among Pat's interests are serving in the Philanthropic Educational Organization (PEO). She has been a member of St. Louis Parish since 1973. Now Pat Huth considers among her hobbies enjoying three (and soon to be four) grandchildren and stressing the value of education for all those that are fortunate enough to have contact with her.

I want to express my congratulations to Pat Huth upon her retirement. Most importantly, I would like to thank her for her years of commitment to the education of children. Pat, you truly are an example for others to follow.

Mr. President, I yield the floor.●

A SALUTE TO LYTTLETON MACON YATES, SR.

• Mr. ROBB. Mr. President, I rise today to salute a member of our Senate family, and a fellow Virginian, Lyttleton Macon Yates, Sr.

Lyt Yates—of the Sergeant at Arms, Printing Graphics and Direct Mail Branch—will retire on July 25, 1999 after twenty-seven years of loyal service to the United States Senate. He started his career on May 15, 1972 as a Computer Operator with the Sergeant at Arms Computer Center, and has worked his way up the ladder to his current position as Supervisor. As a valuable member of the Computer Center team, he was instrumental in assisting with the creation of payroll forms, letterhead and other Senate forms still in use today.

Over the years, Lyt has enjoyed working with Senate staff—assisting with countless individual requests, solving problems, and seeing the job through to completion.

He is looking forward to retirement with his wife, Joanna, in Midland, Virginia. His future plans include, traveling, wood carving and spending time with his eight grandchildren.

On behalf of his Senate family, I thank Lyt Yates for nearly three decades of outstanding and dedicated service to the United States Senate—and I wish him well in the years ahead.•

BOSTON MILLS/BRANDYWINE SKI RESORT

• Mr. VOINOVICH. Mr. President, today I am pleased to recognize Boston Mills/Brandywine Ski Resort in Peninsula, OH. Boston Mills/Brandywine recently was awarded the Times Mirror Company's Silver Eagle Award for Environmental Excellence for their efforts in the area of energy conservation. In response to the local community's increasing energy demands during seasonal snowmaking operations, Boston Mills recently installed a $1.5 million advanced snowmaking system which monitors data from a nearby pumping station, weather stations, and snowmaking machines to provide for maximum snow production at maximum power efficiency. This effort has enabled the area to produce the same amount of snow in less time, and at a savings of 962,000 kilowatt hours of electricity, which represents 69.5 percent of the community's electricity consumption. In addition, by leasing new grooming vehicles which operate on 33 percent less fuel and reduce grooming time, the area was able to reduce diesel fuel consumption by 46.9 percent, or 9,404 gallons. I am proud to report on the positive impact that the Boston Mills/Brandywine Ski Resort has had on the local community in Peninsula and commend them for the example they have set in civic leadership on this front. I congratulate them on their award and believe the praise they have received for their efforts in environmental stewardship is well deserved.•

HONORING CALIFORNIA'S FALLEN LAW ENFORCEMENT OFFICERS

• Mrs. FEINSTEIN. Mr. President, I rise today to honor the memory of the heroic men and women of California law enforcement who have given their lives in the line of duty protecting the people of the Golden State.

This week, as part of National Police Week, the names of 35 peace officers from California are being added to the National Law Enforcement Officers Memorial here in Washington D.C. Seventeen of those officers lost their lives this past year.

We all know of the dangers faced on a daily basis by police officers, sheriff's deputies, and members of the highway patrol. Unfortunately, too many officers make the ultimate sacrifice in the course of doing their job: ensuring the safety and security of our homes, roads, and neighborhoods.

It is with the utmost respect for these fallen heroes and the loss suffered by their loved ones that I ask that their names be printed in the CONGRESSIONAL RECORD, along with the community they served. We owe these men and women a great deal. Please join me in honoring them.

The list follows.

Oscar A. Beaver—(8/6/1892) Tulare County Sheriff's Office.

John Jasper Bogard—(3/30/1895) Tehama County Sheriff's Department.

William A. Radford—(10/14/1897) Siskiyou County Sheriff's Department.

E.E. Dixon—(12/26/1898) Siskiyou County Sheriff's Department.

Lucius C. Smith—(10/10/1907) Fresno City Police Department.

William Lee Blake—(11/25/1911) Shasta County Sheriff's Department.

A.B. Chamness—(9/22/1917) Fresno County Sheriff's Department.

John W. Reives—(1/14/1921) Shasta County Marshals.

William Clarence Dodge—(10/2/1926) King City Police Department.

Joseph Clark—(8/30/1936) Siskiyou County Sheriff's Department.

Martin Clifford Lange—(8/30/1936) Siskiyou County Sheriff's Department.

Ross Clifford Cochran—(11/19/1951) Tulare County Sheriff's Office.

Harvey A. Varat—(10/20/1973) Ventura County Sheriff's Department.

Richard D. Schnurr—(11/26/1974) California Department of Parks & Recreation.

James Joseph Doyle—(3/23/1974) Ventura College Police Department.

Patricia M. Scully—(5/6/1976) California Department of Parks and Recreation.

Luella Kay Holloway—(1/3/1980) Coalinga Police Department.

George Kowatch III—(11/2/1987) California Department of Parks & Recreation.

Steven Gerald Gajda—(1/1/1998) Los Angeles Police Department.

Scott Matthew Greenly—(1/7/1998) California Highway Patrol.

James John Rapozo—(1/9/1998) Visalia Police Department.

Vilho O. Ahola—(2/1/1998) Petaluma Police Department.

Ricky Bill Stovall—(2/24/1998) California Highway Patrol.

Britt T. Irvine—(2/24/1998) California Highway Patrol.

Paul D. Korber—(3/15/1998) Ventura Port District.

James Leonard Speer—(4/10/1998) Cailpatria Police Department.

David John Chetcuti—(4/25/1998) Millbrae Police Department.

Christopher David Lydon—(6/5/1998) California Highway Patrol.

Claire Nicole Connelly—(7/12/1998) Riverside Police Department.

Filbert Henry Cuesta, Jr.—(8/9/1998) Los Angeles Police Department.

Lisa Dianne Whitney—(8/12/1998) Ventura County Sheriff's Department.

Brian Ernest Fenimore Brown— (11/29/1998) Los Angeles Police Department.

Sandra Lee Larson—(12/8/1998) Sacramento County Sheriff's Department.

Rick Charles Cromwell—(12/9/1998) Lodi Police Department.

John Paul Monego—(12/12/1998) Alameda County Sheriff's Office.•

HONORING OLIVER OCASEK

• Mr. DEWINE. Mr. President, I rise today to honor a great Ohioan and a good friend. On May 20, Oliver Ocasek will receive the YMCA of the USA's Volunteerism Award—in honor of his more than 50 years of service to youth organizations.

It was a great privilege for me to serve with Oliver Ocasek in the State Senate, and I can tell you from personal experience he was an extremely valuable legislator throughout his 28 years in the Senate.

He realized then, and realizes now, that one of the most important things we can do—as legislators, parents and citizens—is reach out to young people. That was a keystone of his Senate career, and indeed has been a central part of his whole life.

In addition to his work in the Senate, he has also been a distinguished professional educator, serving as teacher, principal, superintendent, college professor, and member of the State Board of Education.

Mr. President, I join all Ohioans in paying tribute to Oliver Ocasek on the occasion of this richly deserved award.•

PRIVATE FIRST CLASS WALTER WETZEL MEMORIAL

• Mr. ABRAHAM. Mr. President, I rise today to honor Private First Class Walter C. Wetzel, one of Macomb County's greatest war heroes, who will be honored Saturday, May 15, 1999. On that day, the lobby in the new Macomb County Administration Building will be dedicated as the Private First Class Walter Wetzel Memorial where a bronze bust of Private Wetzel will be unveiled.

On April 3, 1945, Private Wetzel, a Roseville resident, was serving as a member of an Army anti-tank unit, when they came under attack by a German offensive. As Wetzel warned his fellow soldiers of the attack, two live grenades were thrown through the window of the farmhouse where his unit was positioned; Wetzel then shielded his men by covering the grenades with his body, sacrificing his life to save the lives of the others in his unit.

As the ultimate recognition for his bravery and honor, the military posthumously awarded Private First Class Wetzel the Medal of Honor.

The memorial and sculpture are well-deserved tributes for the heroism of private Wetzel who made the ultimate sacrifice to protect the sacred values our country is founded upon.

Private Wetzel's commitment to fight and sacrifice to protect the United States and the freedoms Americans cherish is to be commended. He deserves both respect and admiration by everyone for his dedication to our country.●

HONORING JOHN FLORENO

● Mr. ABRAHAM. Mr. President, I rise today to honor Mr. John Floreno who has been named the Italian American of the Year by the Italian Study Group of Troy. The annual recognition is presented to those who make significant contributions in promoting and maintaining the importance of the Italian culture.

John Floreno dedicated himself for over 20 years to the Italian American Cultural Society in Warren, Michigan, in many ways, including raising funds to build the cultural center, arranging for the purchase of the center's property, and providing for significant repair costs for the center. Over the years, John has been recognized through many distinguished awards for his dedication to the Italian heritage.

It was through John's leadership that the construction of the center went forward. The Center is a central location where the community can gather to teach and preserve the Italian culture for future generations.

I am proud to say that Michigan is home to one of the most vibrant Italian communities in the United States. They have brought countless contributions to the Great Lakes State.

Our Italian community in Michigan has played an important role in enhancing the Italian culture, identity and pride of Italian-Americans, by teaching the importance of family, church and local community.

I want to express my congratulations to John Floreno for his years of dedication in keeping those traditions alive.

Mr. President, I yield the floor.●

HONORING FRANCO IADEROSA

● Mr. ABRAHAM. Mr. President, I rise today to honor Mr. Franco Iaderosa who has been named the Italian American of the Year by the Italian Study Group of Troy. The annual recognition is presented to those who make significant contributions in promoting and maintaining the importance of the Italian culture.

Franco Iaderosa has dedicated himself to many years of service to the rich heritage of the Italian-American community in Michigan through his outstanding leadership as Education Director of the N.O.I. Foundation which promotes the Italian Language curriculum in both public and private Detroit schools.

It is through Franco's commitment to the education of our children that Italian history, culture and traditions can be preserved and enhanced in our communities.

I am proud to say that Michigan is home to one of the most vibrant Italian communities in the United States. They have brought countless contributions to the Great Lakes State.

Our Italian community in Michigan has played an important role in enhancing the Italian culture, identity and pride of Italian-Americans, by teaching the importance of family, church, and local community.

I want to express my congratulations to Franco Iaderosa for his years of dedication in keeping those traditions alive.

Mr. President, I yield the floor.●

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appointments Patricia Mack Bryan, of Virginia, as Senate Legal Counsel, effective as of June 1, 1999, for a term of service to expire at the end of the 107th Congress.

APPOINTING PATRICIA MACK BRYAN AS SENATE LEGAL COUNSEL

Mr. CRAIG. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 102, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 102) appointing Patricia Mack Bryan as Senate Legal Counsel.

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

Mr. CRAIG. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 102) was agreed to, as follows:

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Senate Legal Counsel, made by the President pro tempore of the Senate on May 13, 1999, shall become effective as of June 1, 1999, and the term of service of the appointee shall expire at the end of the 107th Congress.

ORDERS FOR FRIDAY, MAY 14, 1999

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, May 14. I further ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the juvenile justice bill, S. 254.

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

PROGRAM

Mr. CRAIG. For the information of all Senators, the Senate will convene on Friday at 9:30 a.m. By previous consent, the Senate will then resume consideration of the Hatch-Craig amendment, with a vote to take place at approximately 9:40 a.m., followed by a vote on or in relation to the Schumer Internet firearms amendment. Other amendments are expected to be offered, including the McConnell public lands amendment, and therefore Senators can expect the first two votes at approximately 9:40 a.m., with the possibility of further votes during tomorrow's session of the Senate in an effort to finish the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 10:09 p.m., adjourned until Friday, May 14, 1999, at 9:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE MAY 13, 1999:

DEPARTMENT OF THE TREASURY

JEFFREY RUSH, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE DAVID C. WILLIAMS.

DEPARTMENT OF STATE

PRUDENCE BUSHNELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

DEPARTMENT OF DEFENSE

ARTHUR L. MONEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE EMMETT PAIGE, JR., RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK LIBUTTI, 0000.

EXTENSIONS OF REMARKS

NO BILLIONS IN APPROPRIATIONS CAN MAKE OUR PRESENT FOREIGN POLICY EFFECTIVE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. PAUL. Mr. Speaker, I have come forward in the past to suggest that the history of this century has shown us that the foreign policy of so-called ''pragmatic interventionists'' has created a disastrous situation. Specifically, I have pointed to the unintended consequences of our government's interventions. Namely, I have identified how World War One helped create the environment for the holocaust and how it thus helped create World War Two and thermonuclear war. And, I've mentioned how the Second World War resulted in the enslavement of much of Europe behind an iron curtain setting off the cold war, and spread the international communism and then our own disastrous foray into Vietnam. Yes, all of these wars and tragedies, wars hot and cold, were in part caused by the so-called ''war to end all wars.''

Today I do not wish to investigate yet again the details of this history but rather to examine, at a deeper level, why this sort of policy is doomed to fail.

The base reason is that pragmatism is illogical and interventionism does not work. The notion that we can have successes without regard to the ends to be sought is absurd.

It should be obvious to practical people that you cannot have ''progress,'' for example, without progressing toward some end. Equally as apparent ought to be the fact that human effectiveness cannot occur without considering the ends of human beings. Peace, freedom and virtue are ends toward which we ought to progress, but all reference to ends is rejected by the so-called pragmatists.

Because of this lack of clarity of purpose we come to accept an equally unclear contortion of our language. Our military is ''too thin,'' it has been ''hollowed out'' and it is ''unprepared.'' But for what are we unprepared? And what policy is our army ''too hollow'' to carry out?

If we remain unprepared to conduct total warfare across the globe, we should be thankful of this fact. If we are unprepared to police the world or to project power into every civil war, or ''to win two different regional conflicts,'' this is good.

We are distracted by these dilemmas which result from unclear thought and unclear language. We convince ourselves that we need to be effective without having a goal in mind. Certainly we have no just end in mind because our pragmatic interventionists deny that ends exist.

''Preparedness'' is a word that has been thrown around a lot recently, but it begs the question ''prepared for what?'' No nation attacked ours, no nation has threatened ours, no sane leader would do so as it would be the death warrant of his own nation, his own people, and likely his own self. We are prepared to repel an attack and meet force with force but not necessarily to protect our nation and the populace. We are still vulnerable to a missile attack and have done little to protect against such a possibility.

Thus or contortions and distortions that have led to dilemmas in our thoughts and dilemmas in our policy have led also to real paradoxes. Because our policy of globaloney is so bad, so unprincipled and so bound up with the notions of interventionism, we now face this strange truth: we ought to spend less on our military but we should spend more on defense. Our troops are underpaid, untertrained and poorly outfitted for the tasks we have given them. We are vulnerable to missile attack, and how do we spend our constituents money? What priorities have we set in this body? We vote to purchase a few more bombs to drop over Serbia or Iraq.

Our policy is flawed. Our nation is at risk. Our defenses are weakened by those people who say they are ''hawks'' and those who claim they ''support the troops.'' Our policy is the end to which we must make ourselves effective, and currently our policy is all wrong. Our constitution grants us the obligation to defend this nation, and the right to defend only this nation. I should hope that we will never be prepared to police the world. We should not be militarily prepared nor philosophically prepared for such a policy. We need to refocus our military force policy and the way to do that is clear. It is to return it to the constitutionally authorized role of defending our country. Again, this is not simply a question of policy, and not merely a political question. No Mr. Speaker, the source of our quandary is the minds and hearts of human beings. Bad philosophy will always lead to bad policy precisely because ideas do have consequences.

Here the bad idea to be found at the source of our malady is absurd pragmatism, a desire to be ''effective'' without having any idea what the end is that we trying to affect. It becomes evident in our policy and in our language.

''Now we are in it we must win it.'' But we know not what ''win'' means, other than ''be effective.'' But we are ''unprepared,'' but unprepared for what? Unprepared to be effective! But what is it, we are ineffective at achieving? ''Well, winning,'' is the reply. Without ends our policies become tautological. And with the wrong policy, our execution becomes disastrous. We must reject this absurd pragmatism and reestablish a military policy based on the defense of our nation. Only then we will be able to take the steps necessary for effectiveness, and preparedness. No billions in appropriations can make our present policy effective.

TRIBUTE TO JOHN BENNETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to honor an individual who, for the last eight years as Mayor of Aspen, has provided a strong voice and dynamic leadership in Colorado. Former Mayor of Aspen, John Bennett, served with great distinction for four terms. It is this service, Mr. Speaker, that I would now like to pay tribute to.

Elected as mayor in Aspen, Colorado, John Bennett is completing his fourth term and has chosen to retire. During his time in office, Mayor Bennett focused his concerns on preservation of the culture and values of the small community that is under economic pressure to change and grow to meet it's demands. Through his leadership, Bennett has made the city of Aspen more livable to the local citizens. Mayor Bennett also worked to control growth of the city, as well as protect the environment, build affordable housing and still protect Aspen's historic heritage. He has also put great effort into creating a transportation system that would reduce the number of single person automobiles.

An intelligent man and graduate of Yale University, Mayor Bennett ran his office along the principle which he terms the New Governance. This principle involves the solving of community problems by direct citizen involvement in their own governance.

1999 marks the end to Mayor John Bennett's tenure in elected office and the state of Colorado has benefited from his leadership. There are few people who have served as selflessly and distinguishedly as Mayor Bennett. His career epitomized that of the citizen-legislator with such distinction that every official in elected office should seek to emulate. The citizens of Aspen owe Mayor John Bennett a debt of gratitude and I wish him well during the next phase of his life.

CELEBRATION OF THE 25TH ANNIVERSARY OF THE CREATIVE GROWTH ART CENTER, OAKLAND, CA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Ms. LEE. Mr. Speaker, I rise in celebration of the 25th Anniversary of Creative Growth Art Center in Oakland, California, This milestone was commemorated on May 7th with friends, distinguished guests, collectors and partners from many communities of the arts, business,

educational, therapeutic and political, who joined in tribute to the organization's 25 years of community service.

Creative Growth Art Center was the first program of its kind in the country for people with disabilities. It provided national leadership in innovative programming in the fields of art and disabilities. Open to any adult who is physical, mentally or emotionally disabled and interested in art, it is internationally renowned for the quality of the art work by its studio artists, and is a model for many other programs throughout the country. The mission of the organization is to provide an environment where the visual arts can flourish, where people with disabilities have opportunities for creative expression and can achieve at the highest level. The organization also serves as an advocate for the arts and artists with disabilities.

Initiated with a National Endowment for the Arts grant, more than 4,000 people a year visit the art gallery, the first gallery in the country dedicated to the art produced by people with disabilities. The organization has been a trendsetter, featuring exhibitions which paired the work of well-known Bay Area artists beside that of severely disabled artists. Create Growth presented the first exhibition in the United States of Russian Outsider artists from the Humanitarian Center Museum in Moscow. In 1994, in conjunction with the Oakland Museum, it held the first Outsider Art symposium on the West Coast. The Center's enriched environment, as well as the creative process itself, provides beneficial results to program participants. Many studio artists have developed into award-winning artists whose works are exhibited and sought after by collectors the world over. Dwight Mackintosh, Gerone Spurill, William Scott, to name a few, are classic examples of Outsider artists who crossed over from the alternative gallery scene into mainstream art. A younger group of studio artists is carving out its own success with Camille Holvoet, featured in Truth from Darkness, a traveling exhibition of the work of people with mental illness. Creative Growth artists Juan Aguilera and Carmen Quinones were paired with Mexican artist Maria Luisa de Mateo in Arte Sin Fronteras, to demonstrate the artists' unique cultural influences. Studio artists just completed a 109 square foot tile wall mural at the Palo Alto city entrance. Adding Light is a limited edition print portfolio by able and disabled artists, a project cosponsored by the California arts Council. In San Francisco, the Grill of the Tenderloin, of the California Culinary Academy, is decorated with imaginative art by artists from Creative Growth Act Center.

Among its artists whose works have been immortalized in books are Dwight Machintosh and Judith Scott. Scott, who is deaf and has Downs Syndrome, has been in the studio for 11 years and creates wrapped sculptures of yarn and fabric, using armatures of discarded materials.

I build on the words of my predecessor, Congressman Ron Dellums, ". . . that creativity is a human quality that not only transcends boundaries presented by mental and physical disabilities but national boundaries as well." Creative Growth Art Center provides the opportunity for us to understand that people with disabilities enrich and revitalize the community's cultural life.

MAKE THE ADVISORY COMMITTEE ON MINORITY VETERANS PERMANENT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GUTIERREZ. Mr. Speaker, today I am introducing legislation that is vital to the interests of minority veterans in our nation. Current law mandates the termination of the Advisory Committee on Minority Veterans (ACMV) as of December 31, 1999. My bill would simply repeal the provision of law that discontinues this important committee's mandate so that its critical work on behalf of minority veterans can continue into the next century. Saving the Advisory Committee will require no additional taxpayer funding.

The Advisory Committee on Minority Veterans operates in conjunction with the VA Center for Minority Veterans. This committee consists of members appointed by the Secretary of Veterans Affairs and includes minority veterans, representatives of minority veterans and individuals who are recognized authorities in fields pertinent to the needs of minority veterans. The Advisory Committee on Minority Veterans helps the VA Center for Minority Veterans primarily by advising the Secretary on the adoption and implementation of policies and programs affecting minority veterans, and by making recommendations to the VA for the establishment or improvement of programs in the Department for which minority veterans are eligible.

The unique concerns of minority veterans will become increasingly important for our nation during the next decade. The majority of African-American, Hispanic-American, Asian-American and Native American veterans served in the armed forces during Vietnam and post-Vietnam eras. The percentage of U.S. veterans who are minorities is expected to continue to increase as we enter the 21st century.

The Advisory Committee on Minority Veterans has helped to ensure that our veterans programs address the unique concerns of these men and women. Outreach to diverse veterans communities, from Native American reservations to inner-city neighborhoods, has helped inform thousands of minority veterans about opportunities for assistance at the Department of Veterans Affairs. I believe that these tasks are essential to the success of the VA in serving all veterans in our nation.

Nevertheless, many specific issues of concern to minority veterans need to be addressed further. Minority veterans confront the debilitating effects of post-traumatic stress disorder (PTSD) and substance abuse in greater numbers. Minority veterans suffer from a higher incidence of homelessness. Access to health care for Native Americans is a common problem. In addition, access to adequate job training is a difficulty for many minority veterans, a high percentage of whom qualify as low-income, category A veterans. Unfortunately, discrimination and cultural insensitivity remain problematic for minority veterans at many VA facilities.

This is the only advisory committee in the VA that is not permanent. The Department of Veterans Affairs has a VA Center for Women Veterans and an advisory committee on women veterans. We should act now to assure that the VA Center for Minority Veterans maintains its own advisory committee.

Mr. Speaker, the specific issues of importance to minority veterans will not disappear on December 31, 1999. I ask my colleague to support this vital legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SUNSET PROVISION FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Subsection (e) of section 554 of title 38, United States Code, is repealed.

MISSING PERSONS IN SOUTHEAST ASIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation designed to declassify the records of the House Select Committee on Missing Persons in Southeast Asia. In doing so, I am joined by my colleagues: Mr. TAYLOR from Mississippi, Mr. TALENT from Missouri, and Mr. ROHRABACHER from California.

I served as a member of the Select Committee on Missing Persons in Southeast Asia during the committee's period of existence in the 1970's. At the time, the Select Committee was tasked with the responsibility of determining whether American servicemen had been left behind in Southeast Asia after the Vietnam War.

At the time the committee was dissolved, its records were subject to House classification rules, which mandated the material be kept classified for 50 years. Similar regulations covered the records of the Senate's counterpart committee.

Several years ago, the Senate agreed to reduce the period of secrecy to 20 years, and as a result, declassified all of their committee files. This legislation would simply make a change in House rules to open all of the Select Committee's files and boxes of material to the public.

Mr. Speaker, the end of the cold war has resulted in the discovery of literally hundreds of documents which had previously been out of reach behind the Iron Curtain. I see no need for the House to maintain a veil of secrecy over its Select Committee files. Therefore, I ask that my colleagues join in supporting this worthwhile legislation which would bring the House rules on this subject in line with those of our counterpart committee in the Senate.

H. RES.—

Resolved, That the Archivist of the United States is authorized and directed to make available for public use the records of the House of Representatives Select Committee on Missing Persons in Southeast Asia (94th Congress).

REMARKS OF BENJAMIN MEED ON THE HOLOCAUST

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. MALONEY of New York. Mr. Speaker, I would like to share with my colleagues the remarks of Mr. Benjamin Meed who recently gave an exceptionally moving speech about Yom Hashoah, The Days of Remembrance, at the United States Capitol. Mr. Meed is Chairman of both The Days of Remembrance Committee, United States Holocaust Memorial Council and the Warsaw Ghetto Resistance Organization (WAGRO). He is also the President of The American Gathering of Jewish Holocaust Survivors. Mr. Meed is a champion of humanitarian causes around the world.

REMARKS BY BENJAMIN MEED, CHAIRMAN, DAYS OF REMEMBRANCE COMMITTEE, UNITED STATES HOLOCAUST MEMORIAL COUNCIL

REFUGE DENIED: THE VOYAGE OF THE SS ST. LOUIS

Members of the diplomatic corps, distinguished members of the United States Senate and House of Representatives, members of the United States Holocaust Memorial Council, distinguished guests, fellow survivors and dear friends.

Welcome to our 20th national Days of Remembrance commemoration.

For at least a decade, the magnificent flags that surround us now have been part of our annual observance here in the nation's Capitol. Every time the American flag, and the flags of the United States Army Divisions that liberated the concentration camps, are brought into this Hall for this commemoration, a special pride as an American citizen sweeps over me, as I am sure it must for all Holocaust survivors. These pieces of red, white and blue cloth were the symbols of freedom and hope for those of us caught in the machinery of death. Discovery of the German Nazi concentration camps by the Allied armies began the process that restored our lives. Although we have many dates this month to remember, we recall with special gratitude the date of April 11, 1945, when American troops, in their march to end the war in Europe, came across the Buchenwald concentration camp. We will always remain grateful to the American soldiers for their bravery, kindness and generosity. We will always remember those young soldiers who sacrificed their lives to bring us liberty.

Many revelations over the last half a century have unveiled the Holocaust as a story of massive destruction and loss. It has been shown to be the story of an apathetic world—world full of callous dispassion and moral insensitivity, with few individual exceptions. But more, it has been shown to be a tale of victory—victory of the human spirit, of extraordinary courage and of remarkable endurance. It is the story of life that flourished before the Shoah, that struggled throughout its darkest hours, and that ultimately prevailed.

And after the Holocaust, as we rebuilt our lives, we also built a nation—the State of Israel. This was our answer to death and destruction—new life, both family and national life—and Remembrance. Minister Ben-David, please convey to the people of Israel our solidarity with them as they, too, Remember today on this Yom Hashoah.

Today, our thoughts turn back sixty years. On May 13, 1939, the SS St. Louis sailed from Hamburg bound for Havana with more than nine hundred passengers, most of them Jews fleeing Nazism. For these passengers, it was a desperate bid for freedom that was doomed before it began. Politics, profit and public opinion were permitted to overshadow morality, compassion and common sense. It is so painful now to realize that not only Cuba but our own beloved country closed her doors and her heart to these People of the Book who could see the lights of Miami from the decks of the ship but were not allowed to disembark. This group of nine hundred could have been saved, but instead the voyage became a round-trip passage to hell for many of them. Less than three months after the St. Louis docked at Antwerp, the world was at war. And in less than three years, the ''Final Solution of the Jewish Problem'' in Europe was fully operational.

Could this happen today? Hopefully, not. But we—all of us—must be vigilant—ever mindful that once such a course of destruction of a people has been chartered, it can be followed again, and again, and again.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again, the impossible is possible again. Ethnic cleansing, genocide, is happening as I speak. It can happen to any one or any group of people. The slaughter in Kosovo and in other places must be brought to an end.

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent human life for no other reason than birthright.

There are some passengers of that unfortunate voyage of the SS St. Louis who are with us here today. Like most of us Holocaust survivors, they are in the winter of their lives. Even so, all of us look toward the future, because we believe that, in sharing our experiences—by bearing witness—there is hope of protecting other generations who might be abandoned and forgotten, robbed and murdered. The telling and retelling of the stories of the Holocaust with their profound lessons for humanity must become a mission for all humankind. In this way, future generations, particularly future generations of Americans, can Remember and can use the power of this knowledge to protect people everywhere.

In these great halls of Congress, we see symbols of the ideals that this country represents. It was the collective rejection of these ideals by many nations that made the Holocaust possible. Today, let us all promise to keep an ever-watchful eye for those who would deny the principles of liberty, equality and justice, and for those who would defy the rules of honorable and peaceful conduct between peoples, and nations. Together, let us remember. Thank you.

RECOGNIZING CATHERINE RODRIGUEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the career of one of Colorado's leading ladies, and recipient of the Distinguished Service Award, Catherine Rodriguez. In doing so, I would like to honor this individual who, for many years, has exhibited dedication and experience to the court system of San Luis Valley.

As a District court reporter for the last 15 years, Ms. Rodriguez has been an active participant and leader for the Colorado's court reporters. Before becoming it's president in 1996–97, Catherine Rodriguez served on the Colorado Court Reporter's Assocation board for 7 years. She has proven to be valuable in creating a page-rate increase, as well as voicing Colorado's need for computer-integrated courtrooms.

Catherine Rodriguez has more than proven herself as a valuable asset to the court system of San Luis Valley, therefore, earning Colorado's highest honor for court reporters. This is a great achievement considering that she is only the second recipient in recent years.

It is with this, Mr. Speaker, that I say thank you to Catherine Rodriguez on a truly exceptional career as a Colorado court reporter. Due to Ms. Rodriguez's dedicated service, it is clear that Colorado is a better place.

50TH ANNIVERSARY OF TEMPLE BETH TORAH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 50th anniversary of the Temple Beth Torah. This synagogue serves the Jewish community in Northeast Philadelphia as well as the surrounding suburban neighborhoods of Montgomery and Bucks Counties.

Boulevard Temple was the original name of the synagogue when it was formed in 1949. In 1965, it was necessary to change the location of the temple in order to better serve the Jewish community. Since this expansion, the synagogue has been known as the Temple Beth Torah.

Temple Beth Torah enriches the community in many ways. Beyond meaningful and significant services, the synagogue has formed and manages a highly regarded School of Religion and an excellent Nursery School. In addition, the members of Temple Beth Torah improve their community through a wide array of events and activities. The Sisterhood, Men's Club and PTA strive to develop programs that will engage and educate congregants of all ages.

I wish to sincerely honor the Temple Beth Torah for its many accomplishments and offer my congratulations on the 50th anniversary. I hope the Temple continues to help the Jewish community prosper, flourish and benefit for many more years into the future.

CONGRATULING THE FAIR LAWN POLICE DEPARTMENT AND McDONALD'S ON ''A SAFE PLACE FOR SMALL FRIES''

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Fair Lawn Police Department and the McDonald's Corp. for a pioneering new program intended to help young children contact police in times of need. This program is extremely worthwhile and I am certain it will serve as a model that will be copied by many communities throughout our northern New Jersey region if not nationwide. Nothing in the world is more priceless than our children.

The Fair Lawn police and the local McDonald's restaurant this weekend will begin operation of a new project called ''A Safe Place for Small Fries.'' Under this program, children who are lost, injured or otherwise in trouble can come to the restaurant and receive help in calling the police. The police department and McDonald's are circulating flyers advising the public of the new service, and McDonald's staff are being trained in how to respond to requests for help.

This program was the idea of Fair Lawn Police Officer Glen Callons. Officer Callons and his family were walking along a Jersey Shore boardwalk last Father's Day when they encountered an obviously lost 3-year-old girl. After his own young children approached the girl, the off-duty officer took the youngster to a nearby police substation, where she was reunited with her family.

Officer Callons couldn't stop thinking about the girl in the days that followed, worried that other small children might now know where to go if lost. It then struck him that almost all small children recognize the golden arches trademark of the ubiquitous McDonald's restaurant chain. Callons, assigned to the community policing division in Fair Lawn, approached the manager of the local McDonald's and began to develop plans for the program. The program is carefully structured, with children urged to dial 911 from a public phone if not close to the restaurant, and not to pass up a police station, fire station or hospital in order to reach the restaurant. A special training video has been prepared for McDonald's employees by police, and workers are supplied with multi-language information cards to help them deal with children who don't speak English.

McDonald's Corp. officials say they are looking at the program as a pilot. If successful, the company may enter similar arrangements with other police departments, potentially establishing a similar program nationwide. The National Center for Missing and Exploited Children has supported the proposal, noting that the Boys and Girls Clubs of America have established similar ''save havens'' at their clubhouses.

If this program can save even a single child from being lost or worse, then it is worthwhile. I am glad there are people like Officer Callons thinking pro-actively about the safety of our children in today's dangerous world. Officer Callons, Acting Chief of Police Rodman D. Marshall, and McDonald's Regional Marketing Coordinator Teresa Monohan deserve special recognition. I offer my support and wish this program success.

ASSAULT WEAPON BAN ENHANCEMENT ACT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. NADLER. Mr. Speaker, today I joined with several of my colleagues to introduce the Assault Weapon Ban Enhancement Act of 1999. This legislature is designed to strengthen the existing ban and to respond to efforts by gun manufacturers and importers to cosmetically alter their weapons to avoid the ban.

I was a proud cosponsor of the Assault Weapon Ban Enhancement Act that passed in 1994, and I remain a strong supporter of that law. It specifically prohibited nine categories of pistols, rifles, and shotguns. It also had a ''features test'': that is, it bans semiautomatic weapons with multiple features (e.g., detachable magazines, flash suppressors, folding rifle stocks, and threaded barrels for attaching silencers) that appear useful in military and criminal applications, but that are unnecessary in shooting sports.

The Department of Justice recently released a report on the ''Impacts of the 1994 Assault Weapons Ban: 1994–96.'' Among the report's key findings are that ''criminal use of the banned guns declined, at least temporarily, after the law went into effect.'' It said that further studies were needed to assess the long-term effects. It also stated that ''evidence suggests that the ban may have contributed to a reduction in the gun murder rate and murders of police officers by criminals armed with assault weapons.''

But the report also observed that the ban could be easily avoided by gun manufacturers and importers. It said that ''shortening a gun's barrel by a few millimeters or 'sporterizing' a rifle by removing its pistol grip and replacing it with a thumbhole in the stock, for example, was sufficient to transform a banned weapon into a legal substitute.''

That is why we have to do more. We have witnessed, in gun shows and advertisements on the Internet and in magazines, a new brand of assault weapon, specifically designed to avoid the ban, but still lethal and potentially harmful to the American public. The BATF has recently approved a new weapon—the VEPR. We fear that gun makers will use the VEPR as a prototype of a new generation of weapons that seek to avoid the ban and flood the U.S. market with high-powered deadly assault rifles—assault rifles in fact; but evading the 1994 legal definition.

Our gun import laws are like a series of sieves. The first sieve is the 1989 ban on the importation of assault weapons, and the 1994 ban on the domestic manufacture of assault weapons. But there are some holes in this sieve. The second sieve—the Clinton Administration's April, 1998 ruling—has slightly smaller holes and blocks a few more weapons, including some guns that were cosmetically altered to avoid the first ban. The final sieve is the Nadler bill, which has the smallest holes. It stops guns that would have been determined to be assault weapons except for the fact that they had a thumb hole stock instead of a pistol grip. It stops guns that can be easily modified to accept high capacity magazines, or that use .22 caliber ammunition. Now, some guns will still make it through the Nadler sieve. Regular sporting rifles, and weapons that can't be modified to accept large capacity magazines would still be able to be imported. But the Nadler bill is designed to strengthen an already good law and to prevent manufacturers from evading the assault weapons ban.

This legislation was designed to head off the influx of this next generation weapon, before these guns are used in the next round of deadly violence. This is a forward-looking bill, that will take strong preventive action now, so that we do not hear about another awful tragedy later. If we act quickly, we can do a world of good, and save countless lives.

A TRIBUTE TO COALINGA POLICE CHIEF LUELLA ''KAY'' HOLLOWAY

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to the induction of former Coalinga Police Chief, Luella ''Kay'' Holloway into the National Police Officer's memorial.

Chief Holloway's law enforcement career began when she was hired as a police matron and file clerk at the Torrance police Department in August 1963. In June 1964, she became a Los Angeles County Deputy Sheriff. The majority of her career was spent with the department until she relocated to the city of Coalinga as the Chief of Police.

Chief Holloway was the first woman Chief of Police in California history. At the time of her service in Coalinga, she was one of six female police chiefs in the country. During Chief Holloway's three and a half years in Coalinga, she was responsible for obtaining several important grants and initiating several new programs for the community.

On January 3, 1980, Chief Kay Holloway and her husband, California Highway patrol Officer Don Holloway, were killed in an airplane accident while returning home from a California P.O.S.T. training session in Sacramento. She died in the line of duty.

Mr. Speaker, I ask my colleagues to join me in recognizing the induction of former Coalinga Police Chief Luella ''Kay'' Holloway into the National Peace Officer's memorial.

HONORING THE LENOX HILL DEMOCRATIC CLUB

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to salute the Lenox Hill Democratic Club. This month, the Lenox Hill Club celebrates 44 years of service to the community. Founded as part of the reform movement in Democratic politics, the Lenox Hill Club has developed a reputation for championing progressive causes and candidates.

The Lenox Hill Democratic Club is composed of a concerned group of citizens eager to assist their neighbors. For the tenant, the elderly, or the women facing discrimination, the Lenox Hill Club is a place to turn for help.

In addition to working on behalf of the community, the members of the Lenox Hill Club have helped ensure the election of numerous progressive leaders. Located in the ''silk-stocking district'' on the East side of Manhattan, the Lenox Hill Club has been a source of strength for many of the most prominent leaders of our era, including Ed Koch, Mario Cuomo and Jimmy Carter.

Since its founding, the Lenox Hill Club has been dedicated to reforming the political process and expanding citizen participation. For more than forty years, the Lenox Hill Club has championed education, the environment, civil rights, world peace and many other causes.

Through their efforts to assist individuals, the Lenox Hill Club has improved countless lives. Through their help in electing progressive leaders, Lenox Hill has helped transform the political landscape of our city, state and nation. This is indeed an admirable testament to the valuable contributions of the Lenox Hill Club.

HONORING ED HASTEY'S 46 YEARS OF PUBLIC SERVICE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor Ed Hastey upon his retirement after 46 years of public service. Ed brought a new philosophy to the management of public lands in California and Northern Nevada through his astute leadership. His guidance has set a high standard for the stewardship of the 16 million acres of public lands managed by the California State office of the Bureau of Land Management.

Born in Pacific Grove, Ed is a fourth generation Californian. He joined the Bureau of Land Management in 1957 after service as a paratrooper in the Army Airborne. In the mid-1960's, Ed worked as an engineer building campgrounds, public access routes and other facilities throughout the state and was active in resolving personnel management issues in support of his employees. Ed then went to Washington, DC, serving first as a budget officer, then as assistant director and finally as associate director of BLM. When Ed was tapped to be California State Director, he began building the coalitions that have resulted in effective land use planning that now safeguard California's diverse natural resources.

In 1991, Ed founded the California Biodiversity Council, bringing state and federal agencies together to collaborate on resource management. Ed directed a land exchange and acquisition program in cooperation with the State and private land conservancies which has protected the King Range National Conservation Area; the Carrizo Plain; the Santa Rosa Mountains; the Cosumnes Preserve; and Headwaters Forest. He headed a four-state oversight management group on the threatened desert tortoise to facilitate the species recovery while minimizing the impact on public land use. Ed planned and implemented the California Desert Plan, coordinating with hundreds of organizations and agencies as well as thousands of interested citizens. Nearer home, Ed participated actively in the acquisition of 8,000 acres at the former Fort Ord Army base, opening it up to the public for parkland and wildlife habitat.

Ed Hastey's approach has been that of developing local solutions tailored to particular regional needs. His contributions have merited many awards including the Distinguished Presidential Rank Award, the highest honor in the elite Senior Executive Service; two Presidential Meritorious Service Awards; and the Departmental Distinguished Service Award.

Ed, you have my heartiest congratulations on your retirement! Your family—your wife Joyce, your sons Robert and Michael, and your grandchildren—will be pleased to take advantage, along with you, of the public spaces you have worked so hard to protect.

RECOGNIZING LEW FERGUSON

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. MORAN of Kansas. Mr. Speaker, today I would like to recognize Lew Ferguson for his dedication and service to the people of Kansas. On July 1, Mr. Ferguson will retire after 29 years of distinguished service as the Associated Press correspondent at the Statehouse in Topeka, Kansas.

Upon graduation from the University of Oklahoma, Mr. Ferguson began his career in journalism working as sports and wire editor for the Ponca City News in Oklahoma. He eventually joined the Associated Press staff and made his way to their Kansas City office. Although he had established a formidable career in sports journalism, Mr. Ferguson developed an interest in politics. In late 1970, he transferred to Topeka to cover Kansas state politics and government for the Associated Press.

During his tenure as the Associated Press correspondent in Topeka, Mr. Ferguson developed into a legend, earning a reputation for objectivity and impeccable integrity. For 29 years he faithfully informed Kansans of the issues and actions in state government that would affect their everyday lives. In recognition of his work, he received the Kansas Supreme Court's Justice Award in 1992. Lew Ferguson will be remembered for his impartiality and knowledge in reporting and his friendliness and enthusiasm in all aspects of his activities in the Statehouse. I wish Lew and his family the very best.

TOHONO O'ODHAM NATION CHILDREN'S DAY PROCLAMATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. PASTOR. Mr. Speaker, I rise today to applaud the wisdom and vision of the Tohono O'odham Nation for recognizing the need to set aside a special day to honor children. I believe, and the Tohono O'odham believe, that they are the first tribal nation to declare a day for children. Because the Children's Day Proclamation speaks so eloquently of its purpose, I have included the original text that others may be inspired to ''recognize, protect and promote our children''.

CHILDREN'S DAY PROCLAMATION

Whereas, our children encounter challenges to their spirit, emotional, mental and physical well being from sources that exist outside our O'odham culture and tradition; and

Whereas, the knowledge and wisdom necessary for our lives was passed forward from our Ancient Ones to our Elders to each successive generation; and

Whereas, our Ancient Ones and our Elders form our connecting bridge to our past and our present, but our O'odham children form our bridge to the future, and without our children we as Tohono O'odham would cease to exist; and

Whereas, we must recognize, protect, and promote our children for they are the only means for carrying on our traditions, our history, our language, our values, our culture for those generations yet to come.

Now, therefore, be it proclaimed that as Chairman and Vice-Chairman of the Tohono O'odham Nation, and by virtue of the power vested in us to protect Tohono O'odham children, we do hereby recognize that our children are our greatest resource and on Friday, the 23rd day of April of this year and the third Friday of April in every succeeding year shall be forever known as Children's Day, a day in which we as Tohono O'odham celebrate our children, our future. Done this 12th day of April, 1999.

EDWARD D. MANUEL,
Chairman.

HENRY A. RAMON,
Vice-Chairman.

NOTCH FAIRNESS ACT OF 1999

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. WEXLER. Mr. Speaker, I am here today to talk about fairness. I am here to talk about an injustice done to over 11 million senior citizens, who were born between the years 1917

and 1926. I am here to talk about the Notch Fairness Act of 1999, legislation which I have filed to correct a grievous wrong done to citizens known as Notch Babies.

These are the individuals who lived through the depression, served our country during World War II and Korea, and are the real architects of the vibrant nation we are today.

Unfortunately, an amendment to the Social Security Act in 1977 dramatically and unjustly rendered less Social Security benefits of this segment of our population. Although it was intended to help bolster the Social Security Trust Fund by re-computing the benefit formula for present and future beneficiaries, the amendment inadvertently paved the way for consequences which severely and negatively impacted Notch Babies. The new formula, along with unforeseen economic conditions in the late seventies, resulted in lower benefits for all members in the ''Notch'' group. On average, Notch Babies suffered significantly, receiving $1,000 less a year in Social Security benefits than those who came before and after them.

With Notch Babies now in their mid-to-late seventies and early eighties, it is more important than ever that we move quickly to compensate them for the economic hardships they continue to endure. Fortunately, conditions are right for us to act. With a current budget surplus of $70 billion, a predicted surplus of $107 billion for Fiscal Year 2000, and further surpluses expected for the next fifteen years, we have a tremendous economic opportunity to correct the injustices Notch Babies have been forced to bear to this day.

My legislation would provide Notch Babies with a one-time $5,000 lump sum settlement or an equivalent increase in benefits in future years. In an age when COLA disbursements are at an all-time low and the costs of prescription drugs are rising exponentially, Notch Babies would greatly benefit from these additional funds, to which they are rightfully entitled.

It is never too late to right wrongs committed in the past. This is the right time to pass the Notch Fairness Act of 1999 to make sure that Notch Babies receive the money they are legitimately due.

YEAR 2000 READINESS AND RESPONSIBILITY ACT

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes:

Mr. BENTSEN. Mr. Chairman, I rise today in strong opposition to H.R. 775, the Year 2000 Readiness and Responsibility Act. I believe that this legislation would overturn more than 200 years of legal precedent in our nation and would devastate our tort's system. I believe that the bill would hurt consumers and reduce the incentive for companies to address their Year 2000 computer problems in a timely manner.

The Year 2000 problem is a complex problem which we all need to work together to address. However, this legislation is the wrong answer to the problem. This bill would make it more difficult for consumers and small businesses to recover any damages if their computers or equipment fail. The effect of this bill would be to remove any incentive on the part of information technology companies for a problem they have known about for many years. This legislation would also encourage all class action lawsuits to be considered in federal court rather than state courts. Finally, this legislation would mandate that the loser of a lawsuit must reimburse the other plaintiff for all of the cost associated with the lawsuit and the attorneys' fees. For many consumers, this concept of a loser pays would present an obstacle and would discourage them to even filing a lawsuit. It would overturn a pillar of the American civil justice system in favor of the English system.

I believe that we must work to encourage parties to reach agreements through arbitration and dispute resolution. However, I do not believe that we should prevent consumers from seeking their day in court if they cannot reach agreement with the other party. I also support the inclusion of provisions in this bill that would encourage a 90-day cooling off period to allow companies time to correct any Year 2000 problems. However, if the 90-day cooling-off period is not successful, I believe we should err on the side of permitting consumers to have the right to seek legal redress.

I will support the Lofgren substitute amendment that would reasonably address this issue. The Lofgren substitute would provide the proper balance to encourage customers and business partners to fix the millennium bug. This substitute would provide an incentive for Y2K compliance and would discourage frivolous claims while allowing meritorious cases to be litigated. This substitute also includes a provision that would provide proportional liability for companies so that companies would only be liable for their portion of the fault. As a result, companies would not be required to pay large judgments. This proportional liability will ensure that all parties will pay their fair share associated with the economic losses from computer failures.

I also believe that we have rushed to judgment on this issue. As a member of the House Banking Committee, I have participated in several hearings to review our nation's banking system's efforts to address the Year 2000 computer problem. During these hearings, we have learned that financial institutions are subject to a strict compliance schedule to ensure that they will be ready when the new millennium begins. In fact, the federal bank regulators have assured us that they will require financial institutions to comply or they will lose their federal deposit insurance. I believe that these hearings have shown how Congress can work on a bipartisan basis to address a critical issue. In this case, Congress has not worked on a bipartisan basis. In fact, this legislation was rushed through the House Judiciary Committee and quickly considered in the House of Representatives. If the Republican majority had wanted to consider a bipartisan bill, there were several other options available. In the other body, the Republican majority has worked diligently with the Democratic minority to craft legislation. Regrettably, I believe that the Republican majority is more interested in voting on this issue rather than finding a reasonable compromise on this issue.

Mr. Chairman, I urge my colleagues to oppose this legislation and to support the Lofgren amendment that would protect consumers and encourage all companies to become Y2K compliant.