

SENATE RESOLUTION 283—TO DIRECT THE SENATE LEGAL COUNSEL TO INTERVENE IN THE NAME OF THE SENATE COMMITTEE ON APPROPRIATIONS AND THE SENATE COMMITTEE ON THE JUDICIARY IN UNITED STATES OF AMERICA V. NORTHWEST AIRLINES CORPORATION, ET AL.

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 283

Whereas, in the case of United States v. Northwest Airlines Corporation, et al., Misc. No. 99-424, pending in the United States District Court for the District of Columbia, defendant Northwest Airlines, by seeking to compel the production of documents of the United States General Accounting Office, has placed in issue the privileges of the United States Senate under the Speech or Debate Clause, Art. I, sec. 6, cl. 1, of the United States Constitution;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288l(a), the Senate may direct its counsel to intervene in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it.

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate Committee on Appropriations and the Senate Committee on the Judiciary in the case of United States v. Northwest Airlines Corporation, et al., to protect the Senate's privileges under the Speech or Debate Clause of the Constitution.

SENATE RESOLUTION 284—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES OF AMERICA V. GEORGE PATRICK CALHOON

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas, in the case of *United States of America v. George Patrick Calhoun*, Cr. Ho. H-99-111, pending in the United States District Court for the Southern District of Texas, testimony has been requested from Court Koenning and Patrick McCartney, employees in the office of Senator Phil Gramm;

Whereas, pursuant to sections 703(a) and 704(a)(2), of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of

justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office from whom testimony may be required, are authorized to testify and produce documents in the case of *United States of America v. George Patrick Calhoun*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001

CRAIG (AND OTHERS) AMENDMENT NO. 3074

Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. HUTCHINSON, Mr. DEWINE, and Mr. ABRAHAM) proposed an amendment to amendment No. 2934 proposed by Mr. JOHNSON to the concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; as follows:

- On page 4, line 4, increase the amount by \$1.
- On page 4, line 5, increase the amount by \$1.
- On page 4, line 6, increase the amount by \$1.
- On page 4, line 7, increase the amount by \$1.
- On page 4, line 8, increase the amount by \$1.
- On page 4, line 13, increase the amount by \$1.
- On page 4, line 14, increase the amount by \$1.
- On page 4, line 15, increase the amount by \$1.
- On page 4, line 16, increase the amount by \$1.
- On page 4, line 17, increase the amount by \$1.
- On page 4, line 22, increase the amount by \$1.
- On page 4, line 23, increase the amount by \$1.
- On page 4, line 24, increase the amount by \$1.
- On page 4, line 25, increase the amount by \$1.
- On page 5, line 1, increase the amount by \$1.
- On page 5, line 7, increase the amount by \$1.
- On page 5, line 8, increase the amount by \$1.
- On page 5, line 9, increase the amount by \$1.
- On page 5, line 10, increase the amount by \$1.
- On page 5, line 11, increase the amount by \$1.

- On page 23, line 7, increase the amount by \$500,000,000.
- On page 23, line 8, increase the amount by \$430,000,000.
- On page 23, line 11, increase the amount by \$500,000,000.
- On page 23, line 12, increase the amount by \$485,000,000.
- On page 23, line 15, increase the amount by \$500,000,000.
- On page 23, line 16, increase the amount by \$497,000,000.
- On page 23, line 19, increase the amount by \$500,000,000.
- On page 23, line 20, increase the amount by \$498,000,000.
- On page 23, line 23, increase the amount by \$500,000,000.
- On page 23, line 24, increase the amount by \$498,000,000.
- On page 29, line 3, decrease the amount by \$0.
- On page 29, line 4, decrease the amount by \$0.

- At the end add the following:
- Notwithstanding any other provision of this resolution the appropriate levels for function 920 are as follows:
- For fiscal year 2001:
 - (A) New budget authority, —\$60,431,000,000.
 - (B) Outlays, —\$48,461,000,000.
 - For fiscal year 2002:
 - (A) New budget authority, —\$60,229,000,000.
 - (B) Outlays, —\$71,796,000,000.
 - For fiscal year 2003:
 - (A) New budget authority, —\$500,000,000.
 - (B) Outlays, —\$5,287,000,000.
 - For fiscal year 2004:
 - (A) New budget authority, —\$500,000,000.
 - (B) Outlays, —\$7,268,000,000.
 - For fiscal year 2005:
 - (A) New budget authority, —\$500,000,000.
 - (B) Outlays, —\$6,570,000,000.

SEC. . SENSE OF SENATE REGARDING MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that—

- (1) the provisions of this resolution assume that if the Congressional Budget Office determines there is an on-budget surplus for fiscal year 2001, \$500,000,000 of that surplus will be restored to the programs cut by this amendment; and
- (2) the assumptions underlying this resolution assume that none of the offsets made by this amendment will come from defense or veterans and should, to the extent possible, come from administrative functions.

VOINOVICH (AND GREGG) AMENDMENT NO. 3075

Mr. VOINOVICH (for himself and Mr. GREGG) proposed an amendment to amendment No. 2984 proposed by Mr. JEFFORDS to the concurrent resolution, S. Con. Res. 101, supra; as follows:

- At the end of the amendment add the following:
- Notwithstanding any other provisions of this resolution, the following numbers shall apply:
- On page 4, line 4, decrease the amount by \$1.
 - On page 4, line 5, decrease the amount by \$1.
 - On page 4, line 6, decrease the amount by \$1.
 - On page 4, line 7, decrease the amount by \$1.
 - On page 4, line 8, decrease the amount by \$1.
 - On page 4, line 13, increase the amount by \$1.

On page 4, line 14, increase the amount by \$1.

On page 4, line 15, increase the amount by \$1.

On page 4, line 16, increase the amount by \$1.

On page 4, line 17, increase the amount by \$1.

On page 4, line 22, increase the amount by \$1.

On page 4, line 23, increase the amount by \$1.

On page 4, line 24, increase the amount by \$1.

On page 4, line 25, increase the amount by \$1.

On page 5, line 1, increase the amount by \$1.

On page 5, line 7, increase the amount by \$1.

On page 5, line 8, increase the amount by \$1.

On page 5, line 9, increase the amount by \$1.

On page 5, line 10, increase the amount by \$1.

On page 5, line 11, increase the amount by \$1.

On page 18, line 7, increase the amount by \$1.

On page 18, line 8, increase the amount by \$1.

On page 18, line 11, increase the amount by \$1.

On page 18, line 12, increase the amount by \$1.

On page 18, line 15, increase the amount by \$1.

On page 18, line 16, increase the amount by \$1.

On page 18, line 19, increase the amount by \$1.

On page 18, line 20, increase the amount by \$1.

On page 18, line 23, increase the amount by \$1.

On page 18, line 24, increase the amount by \$1.

On page 29, line 3, decrease the amount by \$1.

On page 29, line 4, decrease the amount by \$1.

At the end, add the following:

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40% before Federal funds are appropriated for new education programs.

DOMENICI AMENDMENT NO. 3076

Mr. DOMENICI proposed an amendment to amendment No. 2994 proposed by Mr. SPECTER to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 22, increase the amount by \$1,600,000,000.

On page 5, line 7, increase the amount by \$1,600,000,000.

On page 5, line 15, increase the amount by \$1.

On page 19, line 7, increase the amount by \$1,600,000,000.

On page 19, line 8, increase the amount by \$1,600,000,000.

On page 27, line 7, decrease the amount by \$1,600,000,000.

On page 27, line 8, decrease the amount by \$1,600,000,000.

On page 42, line 5, increase the amount by \$1.

On page 42, line 6, increase the amount by \$1.

On page 43, line 14, increase the amount by \$1.

On page 43, line 15, increase the amount by \$1.

CRAIG AMENDMENT NO. 3077

Mr. CRAIG proposed an amendment to amendment No. 2954 proposed by Mr. DURBIN to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment, add the following:

On page 4, line 4, increase the amount by \$1.

On page 4, line 5, increase the amount by \$1.

On page 4, line 6, increase the amount by \$1.

On page 4, line 7, increase the amount by \$1.

On page 4, line 13, increase the amount by \$1.

On page 4, line 14, increase the amount by \$1.

On page 4, line 15, increase the amount by \$1.

On page 4, line 16, increase the amount by \$1.

On page 29, line 4, decrease the amount by \$1.

On page 29, line 4, decrease the amount by \$1.

At the end, add the following:

Notwithstanding any other provision of this resolution, the appropriate levels for function 920 are as follows:

Fiscal year 2001:

(A) New budget authority, \$60,214,890,000.

(B) Outlays, —\$48,152,341,000.

Fiscal year 2002:

(A) New budget authority, —\$59,729,000,000.

(B) Outlays, \$71,395,399,000.

Fiscal year 2003:

(A) New budget authority, \$0.

(B) Outlays, —\$858,925,000.

Fiscal year 2004:

(A) New budget authority, \$0.

(B) Outlays, —\$6,779,225,000.

Fiscal year 2005:

(A) New budget authority, \$0.

(B) Outlays, —\$6,072,000,000.

SEC. . SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The Clinton Administration has failed to adequately enforce Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

(2) The decline in Federal firearms prosecutions was not due to a lack of adequate resources. During the period when Federal firearms prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice increased 54 percent.

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997.

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title

18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997.

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997.

(6) It is a Federal crime for any person “who has been adjudicated as a mental defective or who has been committed to a mental institution” to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this Federal law, mental health adjudications are not placed on the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm under section 922(a)(6) of title 18, United States Code. It is also a Federal crime for convicted felons to possess or purchase a firearm under section 922(g) of title 18, United States Code.

(8) More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they violated section 922(a)(6) of title 18, United States Code, by making a false statement under oath that they were not disqualified from purchasing a firearm. Nonetheless, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(3) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

NICKLES AMENDMENT NO. 3078

Mr. NICKLES proposed an amendment to amendment No. 2951, proposed by Mr. KENNEDY to the concurrent resolution, S. Con. Res. 101, supra; as follows:

In the amendment strike all after the first word and insert the following:

SENSE OF THE SENATE.

(B) It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that the minimum wage should be increased as provided for in

amendment #2547, the Domenici and others amendment to S. 625, the Bankruptcy Reform legislation.

KENNEDY AMENDMENT NO. 3079

Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment No. 2951 proposed by Mr. KENNEDY to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment add the following:

SEC. . SENSE OF THE SENATE CONCERNING THE MINIMUM WAGE.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation to amend the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to increase the Federal minimum wage by \$1.00 over 1 year with a \$0.50 increase effective May 2, 2000 and another \$0.50 increase effective on May 2, 2001.

JOINT RESOLUTION ENCOURAGING FREE AND FAIR ELECTIONS AND RESPECT FOR DEMOCRACY IN PERU

COVERDELLE AMENDMENTS NOS. 3080-3081

Mr. MURKOWSKI (for Mr. COVERDELLE) proposed two amendments to the joint resolution (S. J. Res. 43) expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru; as follows:

AMENDMENT No. 3080

On page 2, beginning on line 7, strike the word "modify" and all through the word "Peru" on line 9, and insert the following: "review and modify as appropriate its political, economic, and military relations with Peru".

AMENDMENT No. 3081

In the preamble, in the second whereas clause, insert ", including the Organization of American States, the National Democratic Institute, and the Carter Center," after "Whereas independent election monitors".

MUHAMMAD ALI BOXING REFORM ACT

REID (AND OTHERS) AMENDMENT NO. 3082

Mr. MURKOWSKI (for Mr. REID (for himself, Mr. BRYAN, and Mr. MCCAIN)) proposed an amendment to the bill (H.R. 1832) to reform unfair and anti-competitive practices in the professional boxing industry; as follows:

On page 6, between lines 17 and 18, insert the following:

"(c) PROTECTION FROM COERCIVE CONTRACTS WITH BROADCASTERS.—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this

subsection, any reference in subsection (a)(1)(B) to "promoter" shall be considered a reference to "commercial broadcaster".

On page 17, after line 24, insert the following:

(1) in paragraph (9) by inserting after "match." the following: "The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(B) there is no other person primarily responsible for organizing, promoting, and producing the match.";

On page 18, line 1, strike "(1)" and insert "(2)".

On page 18, line 4, strike "(2)" and insert "(3)".

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, April 18, 2000 at 10:00 a.m. in the Bonneville Auditorium at the Bonneville Lock and Dam in Cascade Locks, Oregon.

The purpose of this hearing is to review how pending Federal decisions could affect the operations of the Federal Columbia River hydropower system.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Traci Heninger or Howard Useem, at (202) 224-7875.

DEMOCRACY IN PERU

Mr. MURKOWSKI. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 478, S.J. Res. 43.

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

The legislative clerk read as follows:

A joint resolution (S.J. Res. 43) expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MURKOWSKI. I ask consent that an amendment to the resolution, which is at the desk, be agreed to.

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

The amendment (No. 3080) was agreed to, as follows:

On page 2, beginning on line 7, strike the word "modify" and all through the word "Peru" on line 9, and insert the following: "review and modify as appropriate its political, economic, and military relations with Peru".

Mr. LEAHY. Mr. President, I want to especially thank Senator COVERDELLE, the resolution's chief sponsor, and Senator HELMS, Senator DEWINE, Senator CHAFFEE, and Senator MCCONNELL for their leadership and support.

This is an extremely timely resolution which should send a clear message to the Peruvian Government and the Peruvian people that the United States cares deeply about the future of democracy in that country. It is my fervent hope that next week's presidential election in Peru is free and fair, but all indications from independent monitoring groups are that President Fujimori and his supporters have used every possible means to manipulate the electoral process. If the election is not deemed to be free and fair by independent observers, this resolution calls on the administration to review U.S. policy toward Peru and modify our political, economic and military relations accordingly.

We have changed slightly the resolved clause in the resolution from the language that was originally introduced on March 28. Originally, the resolution stated that the U.S. should modify its relations with Peru, "including its support for international financial institution loans to Peru," if the election is deemed to have been unfair. That language has been replaced with language calling on the U.S. to modify our "political, economic and military relations" with Peru.

However, I want to emphasize that the phrase "economic relations" includes loans from the international financial institutions. I want to be sure that there is no misunderstanding or suggestion that by changing this language we have precluded the administration from modifying U.S. support for international loans, if the election is deemed to have been unfair and such action would be appropriate.

I agreed to this change, both to include the phrase "military relations" since our military relations should also be reexamined and modified if appropriate, but also with the understanding that the phrase "economic relations" includes the entire spectrum of economic assistance, both from the United States directly and through the international financial institutions.

Mr. MURKOWSKI. I further ask unanimous consent an amendment to the preamble, which is at the desk, be agreed to, and the preamble, as amended, be agreed to, the joint resolution be read a third time and passed, the motion to reconsider be laid upon the