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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 14, 1999.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Our hearts are full of thanksgiving, O God, when we meditate on the glories of Your promises to us and to all people. With Your gifts we can raise our eyes to see beauty and joy, to see new opportunities for service and a new vision of hope and peace in our world.

So we take this moment, gracious God, to offer our sincere prayers that we would be open to Your leading this day and grateful for all Your blessings. May Your peace that passes all human understanding be in our hearts now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Kentucky (Mr. WHITFIELD) come forward and lead the House in the Pledge of Allegiance.

Mr. WHITFIELD 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.

HALT THE BOMBINGS IN YUGOSLAVIA FOR CHANCE AT DIPLOMATIC PEACE

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, how long must the bombings of Yugoslavia continue? NATO has dropped over 15,000 bombs on the country of Yugoslavia and is causing the same pain and suffering as caused by Mr. Milosovic.

Hundreds of innocent civilians, men, women, and children have been killed. The infrastructure of the country is being destroyed. People are losing jobs, homes, and educational opportunities. In order to strengthen the chance for a diplomatic peace, the bombings of Yugoslavia should be halted.

IN MEMORY OF LEON HESS

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

Mrs. CHRISTENSEN. Mr. Speaker, last week, while our Nation lost one of its premier business leaders with the passing of Leon Hess, the owner of the New York Jets, my district, the United States Virgin Islands, lost more. We lost a valued friend.

Hess Oil of the Virgin Islands, which he established in the 1960's as an important part of his larger conglomerate Amerada Hess, continues to play an important role in the economy of the Virgin Islands, employing hundreds of Virgin Islanders.

But beyond the jobs and support of our local business community, he contributed substantially to St. Croix, where the refinery is housed, and to the entire Virgin Islands.

In addition to scholarships and support of local charities, his contributions include the St. Croix Central Police Station and a major portion of the St. Croix Vocational High School. After the major hurricanes which hit our islands in the past 10 years, his help and support of some of the plant operations were integral to our recovery.

Mr. Hess' most important contribution, however, is the example of his life. We join the many, great and small, who mourn his passing, and send our prayers to his wife Norma, son John, and daughters Marlene and Connie.

He has left a legacy to our Islands which will never be forgotten.

NEVADANS TODAY DELIVERING DONATIONS TO OKLAHOMA TORNADO VICTIMS

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

Mr. GIBBONS. Mr. Speaker, when the fierce tornadoes recently ripped through Oklahoma and Kansas, many Americans stared in horror at the severe devastation tearing apart our Nation's heartland. In fact, many of us stopped to think what we could do just to help.

Such is the case with a dedicated group of people from my home State of Nevada. Four residents of Reno are presently gathering donations from area residents, such as clothes, blankets, baby diapers, and more, all loaded on triple trailer trucks, to be delivered in Oklahoma today as we speak.

Russell Rapon, his wife Holly, and Joey and Bonnie Blough have picked up donations all throughout the Truckee Meadows and Carson City so that

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they can show up with a message that Nevadans want to help.

Along with over 1,000 individual donations, local businesses have also chipped in to make this trip worthwhile for the Nevada foursome. This charitable spirit of the community volunteerism is certain to make the healing process of these tornado-ravaged victims just a bit easier.

I commend the efforts of these four Nevadans and wish upon them safe and prosperous travel this coming week. In speaking for the rest of my Nevada constituents, we wish for the strength and healing for all of those who were affected by this disaster.

CAMPAIGN FINANCE REFORM

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

Ms. SCHAKOWSKY. Mr. Speaker, I simply cannot understand why my Republican colleagues are so dead set against allowing a debate on campaign finance reform. One hundred and ninety-three Members have signed a discharge petition asking that we simply debate, only Democrats. Not one single Republican was willing to sign that discharge motion.

Americans know that special interest money unduly influences elections and policy. If my colleagues care about gun control, then campaign finance reform is their issue so that the NRA does not call all the shots. If health care is my colleagues' issue, campaign finance reform is for them so they can be heard over the HMOs and insurance companies.

Ordinary people are wondering what the heck we are doing here. I urge the Speaker and my colleagues to do something to debate campaign finance reform now. Let us do it next week and get this bill on the floor to debate it.

U.S. SETS EXAMPLE AGAINST ETHNIC CLEANSING

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

Mr. EHLERS. Mr. Speaker, I have been in the Congress just a bit over 5 years now, and what has impressed me is the breadth of issues we deal with and the number of troubles that we constantly are called to address, whether in this Nation or abroad. Some of them are heartbreaking.

Right now of course we have the situation in Kosovo, with over half a million and perhaps as many as a million refugees within Kosovo and outside its borders. It is heartbreaking to watch these people, to meet them, to talk to them.

We have had similar situations in Bosnia, where approximately 300,000 were killed in ethnic cleansing; in Haiti with the difficulties there; currently in the Sudan, with approximately 2 million people dead from either warfare or starvation and the situation getting worse.

Even in our Nation we have problems, whether it is the shooting in Littleton or a tornado in Oklahoma. Sometimes it is easy to get discouraged. But one thing that heartens me is this Nation and its faith in this country and its faith in God. We see evidences of that over and over again as we unite together to face adversity.

We do not engage in ethnic cleansing in this country. We try to learn about each other, to accommodate to each other, to help each other. We do not argue about our religions; we discuss them. We try to express our faith in the manner we best know how.

I believe that we set an example for many others, and I do thank every day the founders of this Nation and the God who guided them in the founding and forming of this Nation.

ADJOURNMENT TO MONDAY, MAY 17, 1999

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 18, 1999

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 17, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, May 18, 1999, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

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.

BASIC SCIENTIFIC RESEARCH FUNDING IMPORTANT FOR LIFE-SAVING DISCOVERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, as the Members well know, I am a scientist. In fact, I am the first physicist ever elected to the Congress. That is not a particular badge of merit, but it does give me a different perspective.

I just want to elaborate a bit on some of the issues surrounding basic research, or fundamental research as it is sometimes called. I am frequently asked by my colleagues, and by the citizens of this land, why should we spend money for all this esoteric research? What good can it possibly do? What can come of it?

I want to just give my colleagues one little example that I think is interesting and important. When I was a graduate student at the University of California (Berkeley) in the 1950s, some of my fellow graduate students and some professors down the hall from my laboratory were working on nuclear magnetic resonance.

This was a method that they expected would allow them to measure the magnetic moments of nuclei very accurately. The immediate question that a layman might ask, ''Who cares?'' The nucleus is so tiny, we cannot see it. In fact if one magnified it 10,000 times, one could barely see it with the world's best microscope. Why do we want to know what the magnetic moment of the nucleus is?

The answer at that time was simply, ''It is there, and we would like to measure it and see what we can find out.''

My colleagues succeeded. Just a bit earlier, Felix Bloch at Stanford and Ed Purcell at Harvard also succeeded, and they won Nobel Prizes for their discovery of nuclear magnetic resonance. It was used to measure the magnetic moments of a number of nuclei, and we learned a great deal more about the nucleus and its structure as a result of that. But that was not the end, as I will get to in just a few moments.

Also while I was at Berkeley, they had the world's largest particle accelerator there, the Bevatron, which succeeded in accelerating protons to very, very high speeds, very close to the speed of light, thus giving them a great deal of energy. Then they would use these protons to smash into other particles, other protons or other nuclear particles. This generated many subnuclear particles, and detectors were built to observe all the different particles generated, and to measure their charge, mass and velocity.

The bubble chamber was invented, and was very useful for this purpose. Its inventer also won a Nobel Prize. Then the spark chamber was developed, and was also useful for observing nuclear reactions.

But then a new problem developed. There was so much data flowing in, it was hard to collect it all and analyze it. So the physicists developed very sophisticated, computerized methods of collecting and analyzing the data. They were successful, and we learned a

lot about nuclear and subnuclear physics.

But so what? Well, I will tell my colleagues what is ''so what.'' We have scientists who took those two very esoteric results of basic science, which had no conceivable everyday use and combined them. By using nuclear magnetic resonance and very rapid computerized data gathering and analysis techniques, we developed the MRI, magnetic resonance imaging, which is the greatest breakthrough in diagnostic medicine in a century, likely the greatest step forward in diagnostic medicine since the discovery of X rays, which incidentally also were discovered by a physicist doing basic research.

□ 0915

So the next time someone asks about the importance of basic research, why should we do it, and why should we spend all this money on it, just ask them if they know someone who has had an x-ray or someone who has had an MRI, and ask them if they think this would have occurred if we had not invested money in basic research.

Basic research drives the engine of medicine, it drives the engine of our economy, and it is high time we recognize that investing in basic science is a good investment for the future, with a very good rate of return. Indeed is a very long-term investment, but, nevertheless, has a very good rate of return. And it is something that is very beneficial to our Nation, to our people, and to the peoples throughout the entire world.

RECESS

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1458

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 o'clock and 58 minutes p.m.

CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–143)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) ''making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:*

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

For emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a), $20,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AGRICULTURAL MARKETING SERVICE

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $145,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $145,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act: Provided further, That the Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any one agricultural commodity or product thereof.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $42,753,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $550,000,000, of which $350,000,000 shall be for guaranteed loans; operating loans, $370,000,000, of which $185,000,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $175,000,000 to meet the needs resulting from natural disasters.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2000, as follows: farm ownership loans, $35,505,000, of which $5,565,000 shall be for guaranteed loans; operating loans, $28,804,000, of which $16,169,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $41,300,000 to meet the needs resulting from natural disasters; and for additional administrative expenses to carry out the direct and guaranteed loan programs, $4,000,000: Provided, That of the total amount appropriated, up to $29,998,000 may be transferred to the ''Farm Service Agency Salaries and Expenses'' account with prior notification to the House and Senate Committees on Appropriations: Provided further, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Funds appropriated by this Act or by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277) to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the ''Emergency Conservation Program'' for expenses resulting from natural disasters, $28,000,000, to remain available until expended: Provided, That funds made available under this heading by Public Law 105–174 to provide cost-sharing assistance to maple producers to replace taps and tubing that were damaged by ice storms in northeastern States in 1998 may be used to carry out any activity authorized under the Emergency Conservation Program: Provided further, That funds made available under this heading may be used for restoration of streambanks in the Northeast in non-flood prone areas as determined by the county committees: Provided further, That the entire amount shall be available only to the extent that an official budget request for $28,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK INDEMNITY PROGRAM

An amount of $3,000,000 is appropriated to the Secretary to implement a livestock indemnity program. Such program shall be effective only for losses beginning on May 2, 1998, through the date of enactment of this Act from natural disasters declared pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act. The Secretary shall, to the extent practicable, provide benefits at a level and in a manner similar to the Livestock Indemnity Programs carried out during 1997 and 1998: Provided, That in administering the program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That the entire amount shall be available only to the extent an official budget request for $3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'' to repair damages to the waterways and watersheds resulting from natural disasters, $95,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $95,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: Provided, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet needs resulting from natural disasters, as follows: $10,000,000 for loans to section 502 borrowers, as determined by the Secretary; and $1,000,000 for section 504 housing repair loans.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, $1,534,000, as follows: section 502 loans, $1,182,000; and section 504 housing repair loans, $352,000: Provided, That the entire amount shall be available only to the extent that an official budget request for $1,534,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for grants for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet needs resulting from natural disasters, $1,000,000: Provided, That the entire amount shall be available only to the extent that an official budget request for $1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 101. (a) CROP LOSS ASSISTANCE FOR CERTAIN MULTIYEAR LOSSES.—From funds remaining in a reserve held under subsection (c) of section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277; 112 Stat. 2681–43), for errors, omissions, and appeals, the Secretary of Agriculture may use not more than 15 percent of the reserve funds to provide assistance to a producer described in subsection (b) who incurred losses to a commodity due to disasters in two crop years during the five crop year period beginning with the 1994 crop year.

(b) ELIGIBILITY CRITERIA.—A producer on a farm is eligible for assistance under subsection (a) only if—

(1) the producer received a federally insured indemnity payment for crop losses in two crop years of such five-crop year period;

(2) the producer acquired federally insured crop insurance in one additional crop year during such period, but did not receive a federally insured indemnity payment;

(3) the producer received a non-federally insured indemnity payment for crop losses in the crop year referred to in paragraph (2); and

(4) the producer does not receive a payment under subsection (b) or (c) of such section 1102.

(c) CROP YEARS COVERED; PAYMENT RATE.—Any payment to a producer under subsection (a) may be paid only for losses incurred during the crop years described in paragraph (1) of subsection (b). The payment rate may not exceed the payment rate used under subsection (c) of such section 1102.

(d) EFFECT ON EXISTING AUTHORITY.—Nothing in this section authorizes the Secretary to delay the provision of crop loss assistance under such section 1102, and the Secretary shall complete the payment of multiyear assistance under subsection (c) of such section 1102 before making any payment under the authority of this section.

(e) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums as are necessary to carry out the amendments made by subsection (a): Provided, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 102. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program or the Wetlands Reserve Program funded by the Commodity Credit Corporation: Provided, That an additional $35,000,000 shall be provided through the Commodity Credit Corporation on October 1, 1999, for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program or the Wetlands Reserve Program funded by the Commodity Credit Corporation: Provided further, That the entire amounts shall be available only to the extent an official budget request, that includes designation of the entire amounts of the request as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of such Act.

SEC. 103. Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277), shall be provided by the Secretary of Agriculture directly to any State determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such State shall disburse the funds to individuals with family incomes below the Federal poverty level who have been adversely affected by the commercial fishery failure or failures: Provided, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 104. For an additional amount for the Livestock Assistance Program under Public Law 105–277, $70,000,000: Provided, That for the purposes of section 1103 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277), notwithstanding any other provision of law or regulation, the definition of ''livestock'' shall include ''reindeer'': Provided further, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 105. DENALI COMMISSION. (a) The Denali Commission Act of 1998 (title III of division C of Public Law 105–277) is amended—

(1) in section 303(b)(1)(D) by striking in two instances ''Alaska Federation or Natives'' and inserting ''Alaska Federation of Natives'';

(2) in section 303(c) by striking ''Members'' and inserting ''The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members'';

(3) in section 306(a) by inserting after the first sentence the following: ''The Federal Cochairperson shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.'';

(4) in section 306(c)(2) by striking ''Chairman'' and inserting ''Federal Cochairperson'';

(5) by inserting at the end of section 306 the following new subsections:

''(g) ADMINISTRATIVE EXPENSES AND RECORDS.—The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General or his or her designee.

''(h) INSPECTOR GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App. 3, section 8G(a)(2)) is amended by inserting 'the Denali Commission,' after 'the Corporation for Public Broadcasting,'.''; and

(6) in section 307(b) by inserting immediately before ''The Commission'' the following: ''Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) shall be

available without further appropriation and until expended.''.

(7) in section 305 by inserting at the end a new section (d) as follows:

''(d) The Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments necessary to carry out the purposes of the Commission. With respect to funds appropriated to the Commission for fiscal year 1999, the Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments to implement an interim work plan for fiscal year 1999 approved by the Commission.''

(b) Amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided, That such amounts shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 2

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for ''Salaries and Expenses, Enforcement and Border Affairs'' to support increased detention requirements for Central American criminal aliens and to address the expected influx of illegal immigrants from Central America as a result of Hurricane Mitch, $80,000,000, which shall remain available until expended and which shall be administered by the Attorney General: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $8,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $5,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $7,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $1,300,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $1,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $50,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $13,900,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,400,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $2,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $8,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $21,000,000, of which $20,000,000 is available only for the CINC initiative fund: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $20,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $37,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NEW HORIZONS EXERCISE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces to participate in the New Horizons Exercise programs to undertake relief, rehabilitation, and restoration operations and training activities in response to disasters within the United States Southern Command area of responsibility, $46,000,000, to remain available for transfer until September 30, 1999: Provided, That the Secretary of Defense may transfer these funds to operation and maintenance accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in Public Law 105–262: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $46,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. (a) The Secretary of each military department may designate not to exceed five eligible academy students from foreign countries for the purposes of this section. Each student so designated shall be considered, for purposes of a waiver of the foreign student reimbursement requirement, to be in addition to the number of persons for whom an unlimited waiver may otherwise be in effect at any one time.

(b) A person is an eligible academy student from a foreign country if the person is admitted from a foreign country during the period beginning on May 1, 1999, and ending on September 30, 1999, for instruction at a service academy under section 4344, 6957, or 9344 of title 10, United States Code (relating to selection of persons from foreign countries).

(c) For purposes of this section—

(1) The foreign student reimbursement requirement is the requirement under paragraph (2) of the applicable foreign student reimbursement statute that a foreign country from which a person is permitted to enroll for instruction under section 4434, 6957, or 9344 of title 10, United States Code, reimburse the United States for the cost of providing such instruction.

(2) An unlimited waiver is a waiver of the foreign student reimbursement requirement by the Secretary of Defense (as authorized by such paragraph (2)) without regard to the percentage limitation on such a waiver specified in paragraph (3) of the applicable foreign student reimbursement statute, and the number of persons for whom such a waiver may otherwise be in effect at any one time is the number of persons specified in such paragraph (3).

(3) The foreign student reimbursement statute is—

(A) section 4434(b) of title 10, United States Code, in the case of the United States Military Academy;

(B) section 6957(b) of such title, in the case of the United States Naval Academy; and

(C) section 9344(b) of such title, in the case of the United States Air Force Academy.

(4) The service academies are the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

SEC. 302. Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10, United States Code) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5, United States Code, may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in section 1002(b) of title 37, United States Code.

SEC. 303. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

Authorized Stockpile Disposal

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 304. Notwithstanding any other provision of law, from funds appropriated by Public Law 105–262, Public Law 105–56, and Public Law 104–208, under the heading ''Aircraft Procurement, Air Force'', $50,700,000 is available for recording, adjusting, and liquidating obligations incurred as of the date of this Act for the fiscal years 1995 and 1996 production quantities of Joint Surveillance Target Attack Radar System (JSTARS) aircraft: Provided, That the Secretary of the Air Force shall notify the congressional defense committees of all of the specific sources of funds to be used for the JSTARS obligations and follow normal reprogramming procedures.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $25,000,000, to remain available until expended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', in addition to amounts otherwise available for such purposes, to provide assistance to Jordan, $50,000,000, to remain available until September 30, 2001.

CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY DISASTER RECOVERY FUND

Notwithstanding section 10 of Public Law 91–672, for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, $621,000,000, to remain available until September 30, 2000: Provided, That the funds appropriated under this heading shall be subject to the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and, except for section 558, the provisions of title V of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): Provided further, That, notwithstanding any other proviso under this heading, up to $10,000,000 may be transferred to ''Export-Import Bank of the United States, Subsidy Appropriation'' for the cost of direct loans, loan guarantees, and insurance, subject to the terms and conditions applicable to funds made available under that heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): Provided further, That up to $5,500,000 of the funds appropriated by this paragraph may be transferred to ''Operating Expenses of the Agency for International Development'', to remain available until September 30, 2000, to be used for administrative costs of USAID in addressing the effects of those hurricanes, of which up to $1,000,000 may be used to contract directly for the personal services of individuals in the United States: Provided further, That up to $1,500,000 of the funds appropriated by this paragraph may be transferred to ''Operating Expenses of the Agency for International Development Office of Inspector General'', to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of the funds appropriated by this paragraph: Provided further, That up to $500,000 of the funds appropriated by this paragraph shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this paragraph: Provided further, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available under this heading, not less than $2,000,000 should be made available to support the clearance of landmines and other unexploded ordnance in Nicaragua and Honduras: Provided further, That the funds appropriated under this heading, and the supplemental funds appropriated in this Act that are in addition to the funds made available under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be subject to the funding ceiling contained in section 580 of that Act, notwithstanding section 545 of that Act: Provided further, That funds appropriated under this heading may be charged to finance obligations for which appropriations available for other accounts under part I of the Foreign Assistance Act of 1961, as amended, were charged after April 30, 1999, to finance obligations to address the effects of the hurricanes in Central America and the Caribbean and the earthquake in Colombia: Provided further, That the provisions of section 110 of the Foreign Assistance Act of 1961, as amended, shall not be applicable to any assistance furnished to address the effects of the hurricanes in Central America and the Caribbean and the earthquake in Colombia: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $23,000,000, for additional counterdrug research and development activities: Provided, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For an additional amount for ''Debt Restructuring'', $41,000,000, to remain available until expended: Provided, That up to $25,000,000 may be used for a contribution to the Central America Emergency Trust Fund, administered by the International Bank for Reconstruction and Development, subject to the regular notification procedures of the Committees on Appropriations.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', for grants to enable the President to carry out section 23 of the Arms Export Control Act, in addition to amounts otherwise available for such purposes, for grants only for Jordan, $50,000,000, to remain available until September 30, 2001: Provided, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23(b) and section 23(c) of the Arms Export Control Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. The funds appropriated in this chapter are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 402. The value of articles, services, and military education and training authorized as of November 15, 1998, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

SEC. 403. For an additional amount for ''Economic Support Fund'', $6,500,000, to remain available until September 30, 2000, for assistance for election monitoring and related activities for East Timor: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 404. Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105–277) is amended—

(1) in the first sentence—

(A) by striking ''Secretary of Agriculture'' and inserting ''Secretary of State''; and

(B) by striking ''the Agricultural Research Service of the Department of Agriculture'' and inserting ''the Department of State''; and

(2) by adding at the end the following:

''Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.''.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $12,612,000, to remain available until expended, to repair damage due to rain, winds, ice, snow, and other acts of nature, and to replace and repair power generation equipment: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for ''Reconstruction and Construction'', $5,611,000, to remain available until expended, to address damages from Hurricane Georges and other natural disasters in Puerto Rico: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That funds in this account may be transferred to and merged with the ''Forest and Rangeland Research'' account and the ''National Forest System'' account as needed to address emergency requirements in Puerto Rico.

OTHER RELATED AGENCY

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For an additional amount for ''Holocaust Memorial Council'', $2,000,000, to remain available until expended, for the Holocaust Museum to address security needs: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISION, THIS CHAPTER

SEC. 501. GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277) is amended—

(1) in paragraph (1)—

(A) by striking ''February 1, 1999'' and inserting ''August 1, 1999''; and

(B) by striking ''1996'' and inserting ''1998''; and

(2)(A) by striking ''of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel,''; and

(B) by striking ''the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996.'' and inserting ''for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel.''.

(b) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

''(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide $23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.''.

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

''(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. The final rule for the federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.''.

(d) For the purposes of making the payments authorized in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as amended by this section, an additional $26,000,000 is hereby appropriated to ''Departmental Management, Department of the Interior'', to remain available until expended, of which $3,000,000 shall be an additional amount for compensation authorized by section 123(b) of such Act, as amended, and of which $23,000,000 shall be for compensation authorized by section 123(c) of such Act, as amended. The entire amount made available in this subsection is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)), and shall be available only if the President transmits to the Congress an official budget request that includes designation of the entire amount as an emergency requirement as defined in such Act.

CHAPTER 6

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster relief'' for tornado-related damage in Oklahoma, Kansas, Texas and Tennessee, and for other disasters, $900,000,000 to remain available until expended, which shall be available only to the extent that the President designates an amount as an emergency requirement as defined in section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to such Act.

DISASTER ASSISTANCE FOR UNMET NEEDS

For ''Disaster assistance for unmet needs'', $230,000,000, which shall remain available until September 30, 2001, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, buyout assistance, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its ''Disaster relief'' program), the Small Business Administration, or the Army Corps of Engineers: Provided, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: Provided further, That each State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading: Provided further, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: Provided further, That the Director shall establish review groups within FEMA to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each state to provide its match requirement: Provided further, That the Director shall implement all mitigation and buyout efforts in a manner consistent with the intent of the hazard mitigation grant program as authorized by section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended: Provided further, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the states with the requirements of this program: Provided further, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations, setting forth the proposed uses of funds and the most recent estimates of unmet needs: Provided further, That the Director shall submit quarterly reports to said Committees regarding the actual projects and needs for which funds have been provided under this heading: Provided further, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and any rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II—EMERGENCY NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

For an additional amount for ''Public Law 480 Program and Grant Accounts'' for assistance under title II of Public Law 480, $149,200,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $149,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the

Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for ''Diplomatic and Consular Programs'', $17,071,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for ''Security and Maintenance of United States Missions'', $50,500,000, to remain available until expended, of which $45,500,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for ''Emergencies in the Diplomatic and Consular Service'', $2,929,000, to remain available until expended, of which $500,000 shall be transferred to the Peace Corps and $450,000 shall be transferred to the U.S. Information Agency, for evacuation and related costs: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $2,920,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $7,660,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,586,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $4,303,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $5,007,300,000, to remain available until expended: Provided, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of such amount, $1,100,000,000 shall be available only to the extent that the President transmits to the Congress an official budget request for a specific dollar amount that: (1) specifies items which meet a critical readiness or sustainability need, to include replacement of expended munitions to maintain adequate inventories for future operations; and (2) includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts, including Overseas Humanitarian, Disaster, and Civic Aid; procurement accounts; research, development, test and evaluation accounts; the Defense Health Program appropriation; the National Defense Sealift Fund; and working capital fund accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That such funds may be used to execute projects or programs that were deferred in order to carry out military operations in and around Kosovo and in Southwest Asia, including efforts associated with the displaced Kosovar population: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $431,100,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $431,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $40,000,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $40,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $178,200,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $178,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $35,000,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATIONAL RAPID RESPONSE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to the amounts appropriated or otherwise made available in this Act and the Department of Defense Appropriations Act, 1999 (Public Law 105–262), $300,000,000, to remain available for obligation until September 30, 2000, is hereby made available only for the accelerated acquisition and deployment of military technologies and systems needed for the conduct of Operation Allied Force, or to provide accelerated acquisition and deployment of military technologies and systems as substitute or replacement systems for other U.S. regional commands which have had assets diverted as a result of Operation Allied Force: Provided, That funds under this heading may only be obligated after recommendations are made by the Joint Requirements Oversight Council to the Secretary of Defense and after the approval of the Secretary of Defense, or his designee: Provided further, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any amount in excess of $10,000,000 to a specific program or project: Provided further, That the Secretary of Defense may transfer funds made available under this heading only to operation and maintenance accounts, procurement accounts, and research, development, test and evaluation accounts: Provided further, That the transfer authority provided under this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $300,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS, THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2001. Section 8005 of the Department of Defense Appropriations Act, 1999 (Public Law

105–262), is amended by striking ''$1,650,000,000'' and inserting in lieu thereof ''$2,000,000,000''.

SEC. 2002. Notwithstanding the limitations set forth in section 1006 of Public Law 105–261, not to exceed $10,000,000 of funds appropriated by this Act may be available for contributions to the common funded budgets of NATO (as defined in section 1006(c)(1) of Public Law 105–261) for costs related to NATO operations in and around Kosovo.

SEC. 2003. Funds appropriated by this Act and in Public Law 105–277, or made available by the transfer of funds in this Act and in Public Law 105–277, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2004. Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the special authorities provided under section 5064(c) of such Act shall apply with respect to all contracts awarded or modifications executed for the Joint Direct Attack Munition (JDAM) program from October 1, 1998 through September 30, 2000: Provided, That the Secretary of Defense may award JDAM contracts and modifications on the same terms and conditions as contained in the JDAM contract F08626–94–C–0003.

SEC. 2005. (a) EFFORTS TO INCREASE BURDENSHARING.—The President shall seek equitable reimbursement from the North Atlantic Treaty Organization (NATO), member nations of NATO, and other appropriate organizations and nations for the costs incurred by the United States government in connection with Operation Allied Force.

(b) REPORT.—Not later than September 30, 1999, the President shall prepare and submit to the Congress a report on—

(1) All measures taken by the President pursuant to subsection (a);

(2) The amount of reimbursement received to date from each organization and nation pursuant to subsection (a), including a description of any commitments made by such organization or nation to provide reimbursement; and

(3) In the case of an organization or nation that has refused to provide, or to commit to provide, reimbursement pursuant to subsection (a), an explanation of the reasons therefor.

(c) OPERATION ALLIED FORCE.—In this section, the term ''Operation Allied Force'' means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

SEC. 2006. (a) Not more than thirty days after the enactment of this Act, the President shall transmit to Congress a report, in both classified and unclassified form, on current United States participation in Operation Allied Force. The report should include information on the following matters:

(1) A statement of the national security objectives involved in U.S. participation in Operation Allied Force;

(2) An accounting of all current active duty personnel assigned to support Operation Allied Force and related humanitarian operations around Kosovo to include total number, service component and area of deployment (such accounting should also include total numbers of personnel from other NATO countries participating in the action);

(3) Additional planned deployment of active duty units in the European Command area of operations to support Operation Allied Force, between the date of enactment of this Act and the end of fiscal year 1999;

(4) Additional planned Reserve component mobilization, including specific units to be called up between the date of the enactment of this Act and the end of fiscal year 1999, to support Operation Allied Force;

(5) An accounting by the Joint Chiefs of Staff on the transfer of personnel and materiel from other regional commands to the United States European Command to support Operation Allied Force and related humanitarian operations around Kosovo, and an assessment by the Joint Chiefs of Staff of the impact any such loss of assets has had on the war-fighting capabilities and deterrence value of these other commands;

(6) Levels of humanitarian aid provided to the displaced Kosovar community from the United States, NATO member nations, and other nations (figures should be provided by country and the type of assistance provided whether financial or in-kind); and

(7) Any significant revisions to the total cost estimate for the deployment of United States forces involved in Operation Allied Force through the end of fiscal year 1999.

(b) OPERATION ALLIED FORCE.—In this section, the term ''Operation Allied Force'' means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2007. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $1,124,900,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for spare and repair parts and associated logistical support necessary for the maintenance of weapons systems and equipment: Provided, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: Provided further, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts and procurement accounts: Provided further, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $1,124,900,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2008. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $742,500,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for depot level maintenance and repair: Provided, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: Provided further, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts: Provided further, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $742,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2009. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $100,000,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military recruiting and advertising initiatives, as follows:

''Operation and Maintenance, Army'', $31,000,000;

''Operation and Maintenance, Navy'', $12,700,000;

''Operation and Maintenance, Air Force'', $23,600,000;

''Operation and Maintenance, Army Reserve'', $19,000,000;

''Operation and Maintenance, Navy Reserve'', $1,000,000; and

''Operation and Maintenance, Army National Guard'', $12,700,000: Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $100,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2010. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $200,200,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military training, equipment maintenance, and associated support costs required to meet assigned readiness levels of United States military forces: Provided, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: Provided further, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts: Provided further, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $200,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2011. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $182,400,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for base operations support costs at Department of Defense facilities, as follows:

''Operation and Maintenance, Army'', $60,300,000;
''Operation and Maintenance, Navy'', $23,800,000;
''Operation and Maintenance, Marine Corps'', $27,500,000;
''Operation and Maintenance, Air Force'', $47,700,000;
''Operation and Maintenance, Army Reserve'', $9,700,000;
''Operation and Maintenance, Navy Reserve'', $7,200,000;
''Operation and Maintenance, Marine Corps Reserve'', $100,000; and
''Operation and Maintenance, Army National Guard'', $6,100,000: Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $182,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2012. (a) In addition to amounts appropriated or otherwise made available to the Department of Defense in other provisions of this Act, there is appropriated to the Department of Defense, to remain available for obligation until September 30, 2000, and to be used only for increases during fiscal year 2000 in rates of military basic pay and for increased payments during fiscal year 2000 to the Department of Defense Military Retirement Fund, $1,838,426,000, to be available as follows:
''Military Personnel, Army'', $559,533,000;
''Military Personnel, Navy'', $436,773,000;
''Military Personnel, Marine Corps'', $177,980,000;
''Military Personnel, Air Force'', $471,892,000;
''Reserve Personnel, Army'', $40,574,000;
''Reserve Personnel, Navy'', $29,833,000;
''Reserve Personnel, Marine Corps'', $7,820,000;
''Reserve Personnel, Air Force'', $13,143,000;
''National Guard Personnel, Army'', $70,416,000; and
''National Guard Personnel, Air Force'', $30,462,000.

(b) The entire amount made available in this section—
(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)); and
(2) shall be available only if the President transmits to the Congress an official budget request for $1,838,426,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) The amounts provided in this section may be obligated only to the extent required for increases in rates of military basic pay, and for increased payments to the Department of Defense Military Retirement Fund, that become effective during fiscal year 2000 pursuant to provisions of law subsequently enacted in authorizing legislation.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $163,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $105,000,000, to remain available until September 30, 2000, for assistance for Albania, Macedonia, Bosnia-Herzegovina, Bulgaria, Montenegro, and Romania, and for investigations and related activities in Kosovo and in adjacent entities and countries regarding war crimes: Provided, That these funds shall be available notwithstanding any other provision of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): Provided further, That the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in subsection (b)(3) of section 533 shall be deemed to be satisfied if the Committees on Appropriations are notified at least 10 days prior to the obligation of such funds.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for ''Assistance for Eastern Europe and the Baltic States'', $120,000,000, to remain available until September 30, 2000, of which up to $1,000,000 may be used for administrative costs of the U.S. Agency for International Development: Provided, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $266,000,000, to remain available until September 30, 2000, of which not more than $500,000 is for administrative expenses: Provided, That funds appropriated under this heading that are made available for the Office of the United Nations High Commissioner for Refugees shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in the preceding proviso shall be deemed to be satisfied if the Committees are notified at least 10 days prior to the obligation of such funds: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for the ''United States Emergency Refugee and Migration Assistance Fund'', and subject to the terms and conditions under that heading, $165,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2013. The funds appropriated in this chapter are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2014. The value of commodities and services authorized by the President through March 31, 1999, to be drawn down under the authority of section 552(c)(2) of the Foreign Assistance Act of 1961, as amended, to support international relief efforts relating to the Kosovo conflict shall not be counted against the ceiling limitation of that section: Provided, That such assistance relating to the Kosovo conflict provided pursuant to section 552(a)(2) may be made available notwithstanding any other provision of law.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for ''Refugee and Entrant Assistance'', such sums as necessary to assist in the temporary resettlement of displaced Kosovar Albanians, not to exceed $100,000,000, which shall remain available through September 30, 2001: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 6

MILITARY CONSTRUCTION TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces in support of overseas operations; $475,000,000, to remain available for transfer until September 30, 2003: Provided, That the Secretary of Defense may transfer these funds only to military construction accounts: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this or any other Act: Provided further, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1995, as amended: Provided further, That this amount shall be available only to the extent that the President transmits to the Congress an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1995, as amended.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating expenses'', $200,000,000, to remain available until September 30, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $200,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,300,000.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for expenses necessary to conduct the decennial census, $44,900,000, to remain available until expended: Provided, That of this amount $10,900,000 is for costs associated with establishing 520 Local Census Offices; $4,200,000 is for preparation of training and field deployment kits for census enumerators; $2,000,000 is for costs associated with the Telephone Questionnaire Assistance program infrastructure; $9,100,000 is for automated data processing and telecommunications to support increased field enumeration activities; $3,700,000 is for administrative systems to support increased field enumeration activities; and $15,000,000 is for advertising and promotion programs: Provided further, That not later than June 1, 1999, the President shall submit to the Congress a revised budget request for fiscal year 2000 for the decennial census.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For the necessary expenses of additional research, management, and enforcement activities in the Northeast Multispecies fishery, $1,880,000, to remain available until expended.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $921,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $1,500,000, to remain available until expended, under authority of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) to purchase water in accordance with such Act from the Central Arizona Project (or if no water is available for purchase from the Central Arizona Project from any other appropriate source) to maintain an appropriate pool of stored water for fish and wildlife purposes at the San Carlos Lake in Arizona.

CHAPTER 3

DEPARTMENT OF STATE

NATIONAL COMMISSION ON TERRORISM

For necessary expenses for the National Commission on Terrorism, as authorized by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), $839,500, to remain available until expended.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''Department of the Treasury, International affairs technical assistance'', $1,500,000, to remain available until September 30, 2000, for the operation and expenses of the International Financial Institution Advisory Commission and the International Monetary Fund Advisory Committee as authorized by sections 603 and 610(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Of the funds provided under this heading in prior Appropriations Acts for the Automated Land and Mineral Record System, $1,000,000 shall be available until expended to meet increased workload requirements stemming from the anticipated higher volume of coalbed methane Applications for Permits to Drill in the Powder River Basin: Provided, That unless there is a written agreement in place between the coal mining operator and the gas producer, the funds made available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease. Nothing in this paragraph shall be construed or operate as a restriction on current resources appropriated to the Department of the Interior.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for ''Operation of Indian Programs'', $1,136,000, to remain available until expended for suppression of western spruce budworm: Provided, That such funds shall be derived by transfer of funds provided in previous appropriations acts under the heading ''Forest Service, National Forest System''.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For an additional amount for ''Federal Trust Programs'', $21,800,000, to remain available until expended, of which $6,800,000 is for activities pursuant to the Trust Management Improvement Project High Level Implementation Plan and $15,000,000 is to support litigation involving individual Indian trust accounts: Provided, That litigation support funds may, as needed, be transferred to and merged with the ''Operation of Indian Programs'' account in the Bureau of Indian Affairs, the ''Salaries and Expenses'' account in the Office of the Solicitor, the ''Salaries and Expenses'' account in Departmental Management, the ''Royalty and Offshore Minerals Management'' account in the Minerals Management Service and the ''Management of Lands and Resources'' account in the Bureau of Land Management.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

Of the funds made available under this heading for fire operations in previous Acts of Appropriation (exclusive of amounts for hazardous fuels reduction), $100,000,000 shall be transferred to the Knutson-Vandenberg fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) within 10 days of the enactment of this Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 3001. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended under the heading ''Forest Service, Reconstruction and Construction'' by inserting before the final period the following: '': Provided further, That notwithstanding any other provision of law, funds appropriated for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama, shall be available for a direct payment to Auburn University for this purpose: Provided further, That if within the life of the facility the USDA Forest Service needs additional space for collaborative laboratory activities on the Auburn University campus, Auburn University shall provide such laboratory space within the new facility constructed with these funds, free of any charge for rent''.

SEC. 3002. None of the funds made available under this or any other Act may be used by the Secretary of the Interior to issue and finalize the rule to revise 43 CFR Part 3809, published on February 9, 1999 at 64 Fed. Reg. 6421 or the Draft Environmental Impact Statement on Surface Management Regulations for Locatable Mineral Operations, published in February, 1999, unless the Secretary has provided a period of not less than 120 days for accepting public comment on the proposed rule after the report of the National Academy of Sciences' Committee on Hardrock Mining on Federal Lands, authorized and required by the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is submitted to the appropriate federal agencies, the Congress, and the Governors of the affected states in accordance with the requirements of that Act.

SEC. 3003. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until October 1, 1999, or until there is a negotiated agreement on the rule.

SEC. 3004. Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105–277, division A, section 1(e), title III) is amended by striking ''none of the funds in this Act'' and inserting ''none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs''.

SEC. 3005. A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, Public Law 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.

SEC. 3006. MILLSITES OPINION. (a) PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the ''opinion''), in accordance with the millsite provisions of the Bureau of Land Management Handbook for Mineral Examiners H–3890–1, page III–8

(dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to the Crown Jewel project, Okanogan County, Washington for any fiscal year.

(b) EFFECT ON PRIOR APPROVALS AND RECORDS OF DECISION.—As soon as practicable after the date of the enactment of this Act, the Departments of the Interior and Agriculture shall approve the plan of operations and reinstate the record of decision for the Crown Jewel project.

(c) No patent application or plan of operations submitted prior to the date of the enactment of this Act shall be denied pursuant to the opinion of the Solicitor of the Department of the Interior dated November 7, 1997.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for ''General departmental management'', $1,000,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $56,377,000, which shall be allocated, notwithstanding any other provision of law, only to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 1999: Provided, That the Secretary of Education shall use the funds appropriated under this paragraph to provide each such local educational agency an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that local educational agencies receiving funds under this supplemental appropriation receive no greater share of their hold-harmless amounts than is received by other local educational agencies: Provided further, That the funds appropriated under this paragraph shall become available on October 1, 1999 and shall remain available through September 30, 2000, for the academic year 1999–2000: Provided further, That the Secretary shall not take into account the funds appropriated under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

HIGHER EDUCATION

(TRANSFER OF FUNDS)

Of the funds made available for the Education Research, Statistics, and Improvement account in section 101(f) of Public Law 105–277, $1,500,000 are transferred to the Higher Education account to provide additional funds to carry out part B of title III of the Higher Education Act.

RELATED AGENCY

CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended, $30,700,000 to be available for fiscal year 1999, and $17,300,000 to be available for fiscal year 2000: Provided, That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity.

GENERAL PROVISION, THIS CHAPTER

SEC. 3007. WHITE RIVER SCHOOL DISTRICT #47–1.—From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #47–1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

CHAPTER 6

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

SALARIES, OFFICERS AND EMPLOYEES

(RESCISSION)

Immediately upon the enactment of this Act, $3,521,000, appropriated under this heading in Public Law 105–275, are rescinded: Provided, That for replacement of the existing House of Representatives payroll system, $3,521,000 for the Chief Administrative Officer, to remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

HOUSE PAGE DORMITORY

For necessary expenses for a House Page Dormitory, $3,760,000, to remain available until expended: Provided, That the Architect of the Capitol shall transfer to the Chief Administrative Officer of the House of Representatives such portion of the funds made available under this paragraph as may be required for expenses incurred by the Chief Administrative Officer, subject to the approval of the Committee on Appropriations of the House of Representatives: Provided further, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

O'NEILL HOUSE OFFICE BUILDING

For necessary expenses for life safety renovations to the O'Neill House Office Building, $1,800,000, to remain available until expended: Provided, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

ADMINISTRATIVE PROVISIONS—THIS CHAPTER

SEC. 300801. (a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Minority Leader of the House of Representatives and the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Majority Whip of the House of Representatives shall each be increased by $333,000.

(b) This section shall apply with respect to fiscal year 2000 and each succeeding fiscal year.

SEC. 300902. (a) Each office described under the heading ''HOUSE LEADERSHIP OFFICES'' in the Act making appropriations for the legislative branch for a fiscal year may transfer any amounts appropriated for the office under such heading among the various categories of allowances and expenses for the office under such heading.

(b) Subsection (a) shall not apply with respect to any amounts appropriated for official expenses.

(c) This section shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

SEC. 301003. Effective on the date of the enactment of this Act, the lump sum allowance authorization amount for certain offices shall be adjusted as follows:

(1) The allowance for the Chief Deputy Majority Whips is increased by $25,000.

(2) The allowance for the Chief Deputy Minority Whips is increased by $25,000.

SEC. 3011. RUSSIAN LEADERSHIP PROGRAM. (a) PURPOSE.—It is the purpose of this section to establish, in accordance with the provisions of this section—

(1) a pilot program within the Library of Congress for fiscal year 1999, and

(2) a permanent program within the Executive agency designated by the President of the United States for fiscal years 2000 and thereafter,

to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(b) GRANTS.—

(1) IN GENERAL.—The head of the administering agency shall annually award grants to government or community organizations in the United States that seek to establish programs under which those organizations will host eligible Russians for the purpose described in subsection (a).

(2) DURATION.—The period of stay in the United States for any eligible Russian supported with grant funds under this section shall not exceed 30 days.

(3) LIMITATION.—The number of eligible Russians supported with grant funds under this section shall not exceed 3,000 in any fiscal year.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Subject to the availability of appropriations, the head of the administering agency—

(i) may contract with nongovernmental organizations having expertise in carrying out the activities described in subsection (a) for the purpose of carrying out the administrative functions of the program (other than the awarding of grants), and

(ii) may, without regard to the civil service laws and regulations (or, in the case of the Librarian of Congress, any requirement for competition in hiring), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the administering agency to perform its duties under this section.

(B) WAIVER OF COMPETITIVE BIDDING.—The Librarian of Congress, after consultation with the Joint Committee on the Library of Congress, may enter into contracts under subparagraph (A)(i) to carry out the pilot program during fiscal year 1999 without regard to section 3709 of the Revised Statutes or any other requirement for competitive contracting or the providing of notice of contracting opportunities.

(c) USE OF FUNDS.—Grants awarded under subsection (b) shall be used to pay—

(1) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(2) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(3) such additional administrative expenses incurred by organizations in carrying out the program as the head of the administering agency may prescribe.

(d) APPLICATION.—

(1) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the head of the administering agency at such time, in such manner, and accompanied by such information as such head may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) include the number of program participants to be supported;

(C) describe the qualifications of the individuals who will be participating in the program; and

(D) provide such additional assurances as the head of the administering agency determines to

be essential to ensure compliance with the requirements of this section.

(3) WAIVER.—The Librarian of Congress may waive the requirement of this subsection in carrying out the pilot program during fiscal year 1999.

(e) ADVISORY BOARD.—

(1) IN GENERAL.—There is established a Russian Leadership Program Advisory Board which shall advise the head of the administering agency as to the carrying out of the permanent program during fiscal years 2000 and thereafter.

(2) MEMBERSHIP.—The Advisory Board under paragraph (1) shall consist of—

(A) 2 members appointed by the Speaker of the House of Representatives, of whom 1 shall be designated by the Majority Leader of the House of Representatives and 1 shall be designated by the Minority Leader of the House of Representatives;

(B) 2 members appointed by the President pro tempore of the Senate, of whom 1 shall be designated by the Majority Leader of the Senate and 1 shall be designated by the Minority Leader of the Senate;

(C) the Librarian of Congress;

(D) a private individual with expertise in international exchange programs, designated by the Librarian of Congress; and

(E) an officer or employee of the administering agency, designated by the head of the administering agency.

(3) TERMS.—Each member appointed under paragraph (2) shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term.

(f) REPORTING.—The head of the administering agency shall, not later than 3 months following the close of each fiscal year for which such agency administered the program, report to Congress with respect to the conduct of such program during such fiscal year. Such report shall include information with respect to the number of participants in the program and the cost of the program, and any recommendations on improvements necessary to enable the program to carry out the purposes of this section.

(g) FUNDING.—

(1) FISCAL YEAR 1999.—

(A) IN GENERAL.—Of funds made available under the heading ''SENATE'' under title I of the Legislative Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2430 et seq.), $10,000,000 shall be made available, subject to the approval of the Committee on Appropriations of the Senate, to the administering agency to carry out the program.

(B) USE OF FUNDS AT CLOSE OF FISCAL YEAR.—Funds made available under this paragraph which are unexpended and unobligated as of the close of fiscal year 1999 shall no longer be available for such purpose and shall be available for the purpose originally appropriated.

(2) FISCAL YEAR 2000 AND SUBSEQUENT FISCAL YEARS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the administering agency for fiscal years 2000 and thereafter such sums as may be necessary to carry out the program.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(h) DEFINITIONS.—In this section:

(1) ADMINISTERING AGENCY.—The term ''administering agency'' means—

(A) for fiscal year 1999, the Library of Congress; and

(B) for fiscal year 2000, and subsequent fiscal years, the Executive agency designated by the President of the United States under subsection (a)(2).

(2) ELIGIBLE RUSSIAN.—The term ''eligible Russian'' means a Russian national who is an emerging political leader at any level of government.

(3) PROGRAM.—The term ''program'' means the grant program established under this section.

(4) PROGRAM PARTICIPANT.—The term ''program participant'' means an eligible Russian selected for participation in the program.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'' to cover the incremental costs arising from the consequences of Hurricane Georges, $6,400,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 2003.

FAMILY HOUSING, ARMY

Notwithstanding any other provision of law, for an additional amount for ''Family Housing, Army'', to provide for the construction and renovation of family housing units at Fort Buchanan, Puerto Rico, $25,000,000, to remain available until September 30, 2003: Provided, That none of the funds appropriated in this or any other Act may be used for family housing initiatives at Fort Buchanan, Puerto Rico pursuant to 10 U.S.C. 2883.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'' for necessary expenses resulting from the crash of TWA Flight 800, $2,300,000: Provided, That the entire amount is available only for costs associated with rental of the facility in Calverton, New York.

CHAPTER 9

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, $4,500,000 is appropriated for the expansion of the National Tracing Center, to remain available until expended.

POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For an additional amount for ''Payments to the Postal Service Fund'' for revenue forgone reimbursement pursuant to 39 U.S.C. 2401(d), $29,000,000.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $2,500,000 is appropriated for drug control activities: of which $750,000 shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico; of which $500,000 shall be used for national efforts related to methamphetamine reduction efforts; of which $750,000 shall be used for the Southwest Border High Intensity Drug Trafficking Area for the State of Arizona, specifically to fund U.S. Border Patrol anti-drug assistance to border communities in Cochise County, Arizona; and of which $500,000 shall be for the Washington-Baltimore High Intensity Drug Trafficking Area for support of the Cross-Border Initiative: Provided, That no funds may be obligated or expended for the Southwest Border High Intensity Drug Trafficking Area for the State of Arizona without prior approval of the Committees on Appropriations of the House and the Senate.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

Of any excess amounts appropriated for any fiscal year under this heading, $3,446,000 shall be made available for grants for service coordinators and congregate services for the elderly and disabled: Provided, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for fiscal year 1998, as published in the Federal Register on June 1, 1998.

FEDERAL HOUSING ADMINISTRATION

FHA-MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional $30,000,000,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans to carry out the purposes of section 306 of the National Housing Act, as amended, is increased by an additional $50,000,000,000.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 105–276, add the words, ''to remain available until September 30, 2000,'' after ''$81,910,000,''.

INDEPENDENT AGENCY

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions shall not exceed the amount authorized by title III of the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795).

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301201. Notwithstanding the 6th undesignated paragraph under the heading ''Community planning and development—Community development block grants'' in title II of Public Law 105–276 and the related provisions of the joint explanatory statement of the committee of conference to accompany such Act (House Report 105–769) for the Economic Development Initiative (EDI) grants for targeted economic investments for Project Restore of Los Angeles, California and for the Southeast Rio Vista Family YMCA shall, notwithstanding such provision, be made available as follows:

(1) $250,000 shall be for a grant to the Los Angeles Civic Center Public Partnership, to revitalize and redevelop the Civic Center neighborhood; and

(2) $100,000 shall be for a grant to the Southeast Rio Vista Family YMCA, for development of a child care center in the city of Huntington Park, California.

SEC. 301302. Notwithstanding section 202 of the Housing Act of 1959, of the amounts appropriated for fiscal year 1999 under the Housing for Special Populations heading in title II of Public Law 105–276, $1,000,000 shall be made available to the Maryland Department of Housing and Community Development for work associated with the building of Caritas House and for expansion of the St. Ann Adult Medical Day Care facility as directed by the Senate Report and Conference Report for such Act.

SEC. 301403. Notwithstanding any other provision of law or other requirement, the Township of North Union, Fayette County, Pennsylvania, is authorized to retain any land disposition proceeds or urban renewal grant funds remaining from the Industrial Park Number 1 Urban Renewal Project (PA–R–325 and B–78–UR–42–0204) and to use such funds in accordance with the requirements of the community development block grant program as provided in title I of the Housing and Community Development Act of 1974, as amended, with respect to eligibility and national objectives of section 105 of such Act. The Township of North Union shall retain such funds in a lump sum and shall be entitled to retain and use past and future earnings from such funds, including any interest.

SEC. 301504. The $2,200,000 appropriated in Public Law 105–276 to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games in accordance with House Report 105–769 shall be awarded to Wasatch County, Utah, for both water and sewer.

SEC. 301605. Of the amount appropriated under the heading ''Environmental programs and management'' in Public Law 105–276, $1,300,000 shall be transferred to the ''State and tribal assistance grants'' account for a grant for water and wastewater infrastructure projects in the State of Idaho.

SEC. 301706. The $3,045,000 appropriated in Public Law 105–276 for wastewater infrastructure needs for Grand Isle, Louisiana, in accordance with House Report 105–769, may also be used for drinking water supply needs for Grand Isle, Louisiana.

CHAPTER 11

GENERAL PROVISIONS, THIS TITLE

SEC. 3018. Division A, section 101(a), title XI, section 1122(c) of Public Law 105–277 is amended by inserting after ''basis'' '': Provided, That no administrative costs shall be charged against this program which would have been incurred otherwise''.

SEC. 3019. (a) Section 339(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989(b)(3)) is amended—

(1) by striking the comma and the remainder of paragraph (3) following the comma; and

(2) by inserting a period after ''(1)''.

(b) Section 353(c)(3)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(c)(3)(C)) is amended by striking ''100 percent'' and inserting ''110 percent''.

SEC. 3020. (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat who received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

SEC. 3021. Notwithstanding 50 U.S.C. App. 1989b et seq. and in addition to any funds previously appropriated for this purpose, the Attorney General may make available from any funds available to the Department of Justice not more than $4,300,000 for the purpose of paying restitution to individuals, (1) who are eligible for restitution under the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) and who have filed timely claims for restitution, or (2) who are found eligible under the settlement agreement in the case of Carmen Mochizuki et al. v. United States (Case No. 97–294C, United States Court of Federal Claims) and filed timely claims covered by the agreement.

SEC. 3022. Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000, shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and affected Alaska Native organizations.

SEC. 3023. Section 626 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277) is repealed.

SEC. 3024. Notwithstanding any other provision of law, the Director of the Office of Crime Victims of the Office of Justice Programs, Department of Justice, may make grants, as provided in the Victims of Crime Act of 1984, as amended, to victim service organizations and public agencies (including Federal, State, and local governments and non-profit organizations) that will provide emergency or on-going assistance to the victims of the bombing of Pan Am flight 103. These grants shall be used only to provide emergency relief (including compensation, assistance, and crisis response) and other related victim services.

SEC. 3025. Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lien thereof the following:

''(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both).''; and

(2) in subsection (b), by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

SEC. 3026. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(b) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title I, under the heading ''Legal Activities, Salaries and Expenses, General Legal Activities'', by inserting ''and shall remain available until September 30, 2000'' after ''Holocaust Assets in the United States''; and

(b) in title IV, under the heading ''Department of State, Administration of Foreign Affairs, Salaries and Expenses'', by inserting ''and shall remain available until September 30, 2000'' after ''Holocaust Assets in the United States''.

SEC. 3027. (a) The American Fisheries Act (title II of division C of Public Law 105–277) is amended—

(1) in section 202(b) by inserting a comma after ''United States Code'';

(2) in section 207(d)(1)(A) by striking ''Fishery Conservation and Management'';

(3) in section 208(b)(1) by striking ''615085'' and inserting ''633219'';

(4) in section 209(4) by striking ''Uoited'' and inserting ''United'';

(5) in section 210(g), by striking the first sentence and inserting ''The violation of any of the requirements of this subtitle or any regulation or permit issued pursuant to this subtitle shall be considered the commission of an act prohibited by section 307 of the Magnuson-Stevens Act (16 U.S.C. 1857), and sections 308, 309, 310, and 311 of such Act (16 U.S.C. 1858, 1859, 1860, and 1861) shall apply to any such violation in the same manner as to the commission of an act prohibited by section 307 of such Act (16 U.S.C. 1857).'';

(6) in section 213(c)(1) by striking ''title'' and inserting ''subtitle''; and

(7) in section 213(c)(2) by striking ''title'' and inserting ''subtitle''.

(b) Section 12122(c) of title 46, United States Code, is amended by inserting a comma after ''statement or representations''.

(c) The limitation on registered length contained in section 12102(c)(6) of title 46, United States Code, shall not apply to a vessel used solely in any menhaden fishery which is located in the Gulf of Mexico or along the Atlantic coast south of the area under the authority of the New England Fishery Management Council for so long as such vessel is used in such fishery.

SEC. 3028. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277) is amended by striking all after the second comma and inserting ''the terms 'tribe', 'Indian tribe' or 'tribal' mean of or relating to an Indian tribe as that term is defined in section 4(e) of the Indian Self Determination and Education Assistance Act (Public Law 93–638, as amended; 25 U.S.C. 450b(e) (1998)).''.

SEC. 3029. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to 7/8 of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South

Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to ⅛ of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

SEC. 3030. The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in fiscal year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to certain tribes and the State of South Dakota, and to protect invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

SEC. 3031. PROHIBITION ON TREATING ANY FUNDS RECOVERED FROM TOBACCO COMPANIES AS AN OVERPAYMENT FOR PURPOSES OF MEDICAID. (a) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following:

''(B)(i) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products, as defined in section 5702(d) of the Internal Revenue Code of 1986, and State Attorneys General, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers.

''(ii) Except as provided in subsection (i)(19), a State may use amounts recovered or paid to the State as part of a comprehensive or individual settlement, or a judgment, described in clause (i) for any expenditures determined appropriate by the State.''.

(b) PROHIBITION ON PAYMENT FOR ADMINISTRATIVE EXPENSES INCURRED IN PURSUING TOBACCO LITIGATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (18), by striking the period and inserting ''; or''; and

(2) by inserting after paragraph (18) the following new paragraph:

''(19) with respect to any amount expended on administrative costs to initiate or pursue litigation described in subsection (d)(3)(B).''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to amounts paid to a State prior to, on, or after the date of the enactment of this Act.

SEC. 3032. (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

SEC. 3033. HOWELL T. HEFLIN POST OFFICE BUILDING. (a) DESIGNATION.—The facility of the United States Postal Service under construction at Tuscumbia, Alabama is designated as the ''Howell T. Heflin Post Office Building''.

(b) LEGAL REFERENCES.—Any reference in a law, regulation, document, record, map, or other paper of the United States to the facility referred to in subsection (a) is deemed to be a reference to the ''Howell T. Heflin Post Office Building''.

SEC. 3034. (a) CONSIDERATION FOR LAND CONVEYANCE, SAN JOAQUIN COUNTY, CALIFORNIA.—Subsection (c) of section 140 of division C of Public Law 105–277 is amended—

(1) by inserting ''(1)'' before ''The purpose''; and

(2) by adding at the end the following new paragraph:

''(2) Notwithstanding subsection (a), the conveyance of the approximately 150-acre parcel described in paragraph (1) shall be without consideration. As consideration for the approximately 50-acre parcel intended for economic development, which shall be selected by the City, the City shall pay to the United States an amount equal to the fair market value of the parcel, as determined by an appraisal satisfactory to the Attorney General and the City.''.

(b) CONDITIONS ON USE.—Subsection (d) of such section is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(c) REVERSION.—Subsection (e) of such section is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(d) TIME FOR CONVEYANCE.—Subsection (a) of such section is amended by striking ''120 days after the date of the enactment of this Act'' and inserting ''August 21, 1999''.

SEC. 3035. Notwithstanding any other provision of law, the Administrator of General Services is directed to utilize resources in the Federal Buildings Fund to purchase, at fair market value, not to exceed $700,000, the United States Post Office and Federal Courthouse Building located on Mill Street in Fergus Falls, Minnesota: Provided, That such sums necessary to effect this provision are appropriated from the Federal Buildings Fund.

TITLE IV—RESCISSIONS AND OFFSETS

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

(RESCISSION)

Of the amounts made available under this heading in division A, section 101(a), title IV of Public Law 105–277, $1,250,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

BUYING POWER MAINTENANCE

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277, $25,000,000 are rescinded.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277 and in prior acts making appropriations for foreign operations, export financing, and related programs, $5,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the amounts appropriated under this heading in previous appropriations Acts, $6,800,000 are rescinded.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Under this heading in section 101(f) of Public Law 105–277, strike ''$3,132,076,000'' and insert ''$3,109,676,000'' and strike ''$180,933,000'' and insert ''$163,533,000''.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

FEDERAL CAPITAL LOAN PROGRAM FOR NURSING

(RESCISSION)

Of the funds made available under the Federal Capital Loan Program for Nursing appropriation account, $2,800,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in section 101(f) of Public Law 105–277, $6,500,000 are rescinded.

DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION
(RESCISSIONS)

Of the funds provided in the Military Construction Appropriations Act, 1999, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts in the specified amounts:

''Military Construction, Army'', $3,000,000;
''Military Construction, Navy'', $2,000,000;
''Military Construction, Air Force'', $3,000,000;
''Military Construction, Defense-Wide'', $2,000,000;
''Family Housing, Army'' for Construction, $1,000,000; for Operations and Maintenance, $7,000,000;
''Family Housing, Navy'' for Construction, $1,000,000; for Operations and Maintenance, $2,000,000;
''Family Housing, Air Force'' for Construction, $1,000,000; for Operations and Maintenance, $3,000,000; and
''Base Realignment and Closure Account, Part IV'', $6,400,000.

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)
(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for ''Small Community Air Service'' by Public Law 101–508 for fiscal years prior to fiscal year 1998, $815,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION
STATE INFRASTRUCTURE BANKS
(RESCISSION)

Of the available balances under this heading, $6,500,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION
TRUST FUND SHARE OF TRANSIT PROGRAMS
(HIGHWAY TRUST FUND)
(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for ''Trust fund share of transit programs'' in Public Law 102–240 under 49 U.S.C. 5338(a)(1), $665,000 are rescinded.

INTERSTATE TRANSFER GRANTS—TRANSIT

Of the available balances under this heading, $600,000 are rescinded.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
SALARIES AND EXPENSES
(RESCISSION)

Of the funds made available under this heading in division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277) $4,500,000 for the expansion of the National Tracing Center are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT
FUNDS APPROPRIATED TO THE PRESIDENT
UNANTICIPATED NEEDS
(RESCISSION)

Of the funds made available under this heading in Public Law 101–130, the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, $10,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PUBLIC AND INDIAN HOUSING
ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING
(RESCISSION)

Of the amounts recaptured from funds appropriated under this heading during fiscal year 1999 and prior years, $350,000,000 are rescinded.

COMMUNITY PLANNING AND DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANTS
(RESCISSION)

Of the unobligated balances available under this heading in division B, of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $230,000,000 are rescinded.

GENERAL PROVISION, THIS TITLE

SEC. 4001. Of the amount made available under division B, title V, chapter 1 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) $22,466,000 are rescinded.

TITLE V—TECHNICAL CORRECTIONS

SEC. 5001. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(a) in title III, under the heading ''Rural Community Advancement Program (Including Transfer of Funds)'', by inserting ''1926d,'' after ''1926c,''; by inserting '', 306C(a)(2), and 306D'' after ''381E(d)(2)'' the first time it appears in the paragraph; and by striking '', as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C'';

(b) in title VII, in section 718 by striking ''this Act'' and inserting ''annual appropriations Acts'';

(c) in title VII, in section 747 by striking ''302'' and inserting ''203''; and

(d) in title VII, in section 763(b)(3) by striking ''section 402(d) of Public Law 94–265'' and inserting ''section 116(a) of Public Law 104–297''.

SEC. 5002. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title II under the heading ''Burma'' by striking ''headings 'Economic Support Fund' and'' and inserting ''headings 'Child Survival and Disease Programs Fund', 'Economic Support Fund' and'';

(b) in title V in section 587 by striking ''199–339'' and inserting ''99–399'';

(c) in title V in subsection 594(a) by striking ''subparagraph (C)'' and inserting ''subsection (c)'';

(d) in title V in subsection 594(b) by striking ''subparagraph (a)'' and inserting ''subsection (a)''; and

(e) in title V in subsection 594(c) by striking ''521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs'' and inserting ''520 of this Act''.

SEC. 5003. Subsection 1706(b) of title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2), as added by section 614 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, is amended by striking ''June 30'' and inserting ''September 30''.

SEC. 5004. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in the last proviso under the heading ''United States Fish and Wildlife Service, Administrative Provisions'' by striking ''section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361–1407)'' and inserting in lieu thereof ''section 104(c)(5)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407)''.

(2) under the heading ''Bureau of Indian Affairs, Operation of Indian Programs'', by striking ''$94,010,000'' and inserting in lieu thereof ''$94,046,000'', by striking in lieu thereof ''$114,871,000'' and inserting ''$114,891,000'', by striking ''$387,365,000'' and inserting in lieu thereof ''$389,307,000'', and by striking ''$52,889,000'' and inserting in lieu thereof ''$53,039,000''.

(3) in section 354(a) by striking ''16 U.S.C. 544(a)(2))'' and inserting in lieu thereof ''16 U.S.C. 544b(a)(2))''.

(4) The amendments made by paragraphs (1), (2), and (3) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

SEC. 5005. The Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(f) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title I, under the heading ''Federal Unemployment Benefits and Allowances'', by striking ''during the current fiscal year'' and inserting ''from October 1, 1998, through September 30, 1999'';

(b) in title II under the heading ''Office of the Secretary, General Departmental Management'' by striking ''$180,051,000'' and inserting ''$188,051,000'';

(c) in title II under the heading ''Children and Families Services Programs, (Including Rescissions)'' by striking ''notwithstanding section 640(a)(6), of the funds made available for the Head Start Act, $337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): Provided further, That'';

(d) in title II under the heading ''Office of the Secretary, General Departmental Management'' by inserting after the first proviso the following: ''Provided further, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,831,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX:'';

(e) in title III under the heading ''Special Education'' by inserting before the period at the end of the paragraph the following: '': Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities'';

(f) in title II under the heading ''Public Health and Social Services Emergency Fund'' by striking ''$322,000'' and inserting ''$180,000'';

(g) in title III under the heading ''Education Reform'' by striking ''$491,000,000'' and inserting ''$459,500,000'';

(h) in title III under the heading ''Vocational and Adult Education'' by striking ''$6,000,000'' the first time that it appears and inserting ''$14,000,000'', and by inserting before the period at the end of the paragraph the following: '': Provided further, That of the amounts made available for the Perkins Act, $4,100,000 shall be for tribally controlled postsecondary vocational institutions under section 117'';

(i) in title III under the heading ''Higher Education'' by inserting after the first proviso the following: ''Provided further, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 1999–2000 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1:'';

(j) in title III under the heading ''Education Research, Statistics, and Improvement'' by inserting after the third proviso the following: ''Provided further, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,000,000 shall be used to conduct a violence prevention demonstration program:'';

(k) in title III under the heading ''Reading Excellence'' by inserting before the period at the end of the paragraph the following: '': Provided, That up to 1 percent of the amount appropriated shall be available October 1, 1998 for peer review of applications'';

(l) in title V in section 510(3) by inserting after ''Act'' the following: ''or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts''; and

(m)(1) in title VIII in section 405 by striking subsection (e) and inserting the following:

''(2) OTHER REFERENCES TO TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

''(1) by striking the items relating to title VII of such Act, except the item relating to the title heading and the items relating to subtitles B and C of such title; and

''(2) by striking the item relating to the title heading for title VII and inserting the following:

'''TITLE VII—EDUCATION AND TRAINING'.''.

(2) The amendments made by subsection (m)(1) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

SEC. 5006. The last sentence of section 5595(b) of title 5, United States Code (as added by section 309(a)(2) of the Legislative Branch Appropriations Act, 1999; Public Law 105–275), is amended by striking ''(a)(1)(G)'' and inserting ''(a)(1)(C)''.

SEC. 5007. Division B, title II, chapter 5 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading ''Capitol Police Board, Security Enhancements'' by inserting before the period at the end of the paragraph '': Provided further, That for purposes of carrying out the plan or plans described under this heading and consistent with the approval of such plan or plans pursuant to this heading, the Capitol Police Board shall transfer the portion of the funds made available under this heading which are to be used for personnel and overtime increases for the United States Capitol Police to the heading ''Capitol Police Board, Capitol Police, Salaries'' under the Act making appropriations for the legislative branch for the fiscal year involved, and shall allocate such portion between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate in such amounts as may be approved by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate''.

SEC. 5008. Division B, title 1, chapter 3 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading ''Family Housing, Navy and Marine Corps'' by striking the word ''Hurricane'' and inserting ''Hurricanes Georges and''.

SEC. 5009. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading ''Capital Investment Grants (Including Transfer of Funds)'' within the project description of project number 127, by inserting the words ''and bus facilities'' after the word ''replacements'', and within the project description of project number 261 by striking the words ''Multimodal Center'' and inserting ''buses and bus related facilities''.

SEC. 5010. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading ''Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)'' by striking ''not more than $38,000,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program'', and inserting ''not more than $59,290,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program''.

SEC. 5011. Section 3347(b) of title 5, United States Code, as added by the Federal Vacancies Reform Act of 1998, is amended by striking ''provision to which subsection (a)(2) applies'' and inserting ''provision to which subsection (a)(1) applies''.

TITLE VI—GENERAL PROVISIONS, THIS ACT

SEC. 6001. Effective October 1, 1999, section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended by—

(1) striking the paragraph within subsection 234(g) that is currently designated as 234(c);

(2) in paragraph (g)(2), changing the title to read ''Equity Authority Limited to Projects in Sub-Saharan Africa and Caribbean Basin and Marine Transportation Projects Globally'' and inserting after the words ''Caribbean Basin Economic Recovery Act'' the following: ''and in marine transportation projects in countries and areas eligible for OPIC support worldwide using United States commercial maritime expertise''; and

(3) inserting a new paragraph (g)(5) to read: ''IMPLEMENTATION.—To the extent provided in advance in Appropriations Acts, the Corporation is authorized to create such legal vehicles as may be necessary for implementation of its authorities, which legal vehicles may be deemed non-Federal borrowers for purposes of the Federal Credit Reform Act of 1990. Income and proceeds of investments made pursuant to this section 234(g) may be used to purchase equity or quasi-equity securities in accordance with the provisions of this section, provided, however, that such purchases shall not be limited to the 4-year period of the pilot program; and provided further, that the limitations contained in section 234(g)(2) shall not apply to such purchases.''.

SEC. 6002. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking ''$1,607,000,000 for the 8-month period beginning October 1, 1998.'' and inserting ''$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking ''May 31, 1999,'' and inserting ''August 6, 1999,''.

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999, as amended, is further amended as follows: Delete the last proviso under the heading ''Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)'' and insert ''Provided further, That not more than $1,660,000,000 of funds limited under this heading may be obligated before the enactment of a law extending contract authorization for the Grants-in-Aid for Airports Program beyond August 6, 1999.''.

(d) MILITARY AIRPORT PROGRAM.—Section 47117(e)(1)(B) of title 49 is amended by striking ''for each of fiscal years 1997 and 1998''.

(e) RELEASE OF MWAA FUNDING.—Section 9(a) of the Interim Federal Aviation Administration Authorization Act (Public Law 106–6) is amended by striking ''(an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000'' and inserting ''for expenditure or obligation of up to $60,000,000''.

(f) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 of title 49, United States Code, is amended by striking ''May 31, 1999'' and inserting ''August 6, 1999''.

SEC. 6003. TITLE 49 RECODIFICATION CORRECTION.—Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

SEC. 6004. Section 3027(d)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 366) as added by section 360 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is redesignated as section 3027(c)(3).

SEC. 6005. It is the sense of the Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

This Act may be cited as the ''1999 Emergency Supplemental Appropriations Act''.

And the Senate agree to the same.

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
JOHN PORTER,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
RON PACKARD,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
JOHN P. MURTHA,
NORMAN D. DICKS,
ALLAN B. MOLLOHAN,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
JON KYL,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
FRANK R. LAUTENBERG,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1141 (H. Rept. 106–64) which is not changed by the Senate in the report accompanying S. 544 (S. Rept. 106–8), and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

The conferees have agreed to include in this conference report on H.R. 1141 matters addressed in the House version of H.R. 1664 as an expedient approach to getting appropriations enacted into law for the important requirements related to the conflict in Kosovo and Southwest Asia (Operation Desert Fox).

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

ADDITIONAL FARM ASSISTANCE

The conferees recognize the problems facing agricultural producers today and understand that the actual needs for disaster assistance funds provided last year likely will exceed the projections of the Department of Agriculture. The Department of Agriculture has projected that net farm income will decline $3 billion below last year. The conferees expect the administration to monitor the situation closely and if necessary, submit requests for additional funds to the Congress for consideration.

EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

The conference agreement provides $20,000,000 for emergency grants to assist low-income migrant and seasonal farmworkers instead of $25,000,000 as proposed by the Senate. The House had no similar provision. This program will provide assistance to farmworkers in areas of California and Florida impacted by natural disasters.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement does not include language proposed by the Senate providing additional funding for the agricultural marketing assistance and the rural business enterprise grant programs. The House had no similar provision. The conferees encourage the Department to give consideration to rural business enterprise grant applications from those States in the Northeast where apples and onions are grown. The conferees strongly encourage the Agricultural Marketing Service to consider applications for grants from these States to assist in the development of successful marketing strategies for apples and onions.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

The conference agreement provides $145,000,000 for activities under section 32 instead of $150,000,000 as proposed by the Senate. The conference agreement also includes language proposed by the Senate as a general provision allowing the Secretary of Agriculture to waive the limitation established under section 32 on the amount of funds that may be devoted during fiscal year 1999 to any one agricultural commodity or product. The House had no similar provisions.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides an additional $42,753,000 for salaries and expenses for temporary employees of the Farm Service Agency as proposed by both the House and the Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total of $109,609,000 for additional farm ownership loans, farm operating loans, emergency loans, and administrative expenses as proposed by both the House and the Senate, to remain available until September 30, 2000, as proposed by the House. The conference agreement also includes language to facilitate the repayment of funds re-directed from the Farm Service Agency Salaries and Expenses account in anticipation of supplemental funding, and to permit transfers between the farm operating and ownership guaranteed and direct lending programs subject to the prior approval of the House and Senate Committees on Appropriations.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides $28,000,000 for the Emergency Conservation Program instead of $30,000,000 as proposed by the Senate. The House had no similar provision. The conference agreement also includes statutory language to allow previously appropriated funds not needed for cost-sharing assistance to maple producers to replace taps and tubing to be available for other Emergency Conservation Program activities, and to allow funds to be used for certain streambank restoration.

The conferees are aware of a recent fire in Nebraska for which these funds may be available.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK INDEMNITY PROGRAM

The conference agreement provides $3,000,000 for the livestock indemnity program as proposed by the Senate, modified to state that the program shall be effective only for certain losses. The House had no similar provision.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $95,000,000 for Watershed and Flood Prevention Operations instead of $100,000,000 as proposed by the Senate, and deletes language proposed by the Senate regarding debris removal. The House had no similar provision. The conferees understand that authority currently exists for such debris removal activities.

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $30,000,000 for direct loans and grants to rural utilities, of which $25,000,000 shall be for grants, as proposed by the Senate. The House had no similar provision.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total of $1,534,000 for section 502 single-family housing loans and for section 504 housing repair loans to meet needs resulting from natural disasters as proposed by the Senate. The House had no similar provision.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $1,000,000 for very low-income housing repair to meet needs resulting from natural disasters as proposed by the Senate. The House had no similar provision.

GENERAL PROVISIONS, THIS CHAPTER

Senate Section 1101. The conference agreement does not include a general provision proposed by the Senate regarding the limitation established under Section 32 on the amount of funds devoted in a fiscal year to any one agricultural commodity or product. The House had no similar provision. This matter is addressed in the conference agreement under the heading ''Funds for Strengthening Markets, Income, and Supply (Section 32)''.

Senate Section 1102. The conference agreement includes language to allow assistance for certain multiyear crop losses for the years in which established loss thresholds were met. The Senate provision would have made losses in additional years eligible. The House had no similar provision.

Senate Section 1103. The conference agreement includes language which provides $28,000,000 in fiscal year 1999 and $35,000,000 in fiscal year 2000 through the Commodity Credit Corporation for technical assistance activities in carrying out the Conservation Reserve Program and the Wetlands Reserve Program. The Senate provision addressed fiscal year 1999. The House had no similar provision.

Senate Section 1104. The conference agreement includes language proposed by the Senate regarding commercial fisheries. The House had no similar provision.

Senate Section 1105. The conference agreement provides $70,000,000 for the livestock assistance program as proposed by the Senate, and adds language providing that the definition of livestock shall include reindeer. The House had no similar provision.

Senate Section 1106. The conference agreement does not include Section 1106, as proposed by the Senate, to extend the sales closing date for producers who applied for crop revenue coverage plus. The House had no similar provision. Similar provisions are included in Public Law 106–7.

Senate Section 4013. The conference agreement includes language proposed by the Senate regarding the Denali Commission Act of 1998, modified to include a contingent emergency declaration. The House had no similar provision.

CHAPTER 2

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

The conference agreement includes $80,000,000, as an emergency appropriation, to remain available until expended, as proposed in the House bill, for 2,945 additional detention beds for the detention of criminal aliens from Central America and illegal aliens from Central America apprehended at or near the border. The conferees understand that these funds are necessary to prevent criminal aliens from Central America from being released into the community while awaiting deportation and to provide for detention space at or near the border for apprehended illegal aliens from Central America and direct the Attorney General to administer these funds. The detention of aliens along the Southwest border serves as a major deterrent to potential illegal border crossings and is necessary to prevent large numbers of Central Americans from traveling north and illegally entering the U.S.

The conferees share the concerns raised in the House and Senate reports and strongly urge INS to address its management failures to adequately identify its detention needs, to request the necessary funds to prevent criminal aliens from being released, and to support the border enforcement strategy. The conferees recognize that the fiscal year 1999 budget request from INS only included minimal contract and State and local beds, approximately 100, necessitating the resource requirement that this supplemental attempts to address.

The conferees direct the INS to promptly deliver all previously requested and overdue reports.

OTHER PROVISIONS

Emergency Steel Loan Guarantee Act of 1999.—The Conference agreement deleted, without prejudice, the emergency steel loan guarantee program, as proposed by the Senate. No similar provision was included in the House bill.

Emergency Oil and Gas Guaranteed Loan Program Act.—The Conference agreement deleted, without prejudice, the emergency oil and gas guaranteed loan program, as proposed by the Senate. No similar provision was included in the House bill.

CHAPTER 3

Chapter 3 of the conference agreement recommends a total of $215,900,000 in new budget authority for the Department of Defense, instead of $194,900,000 as proposed by the House and $209,700,000 as proposed by the Senate, for disaster relief efforts resulting from Hurricanes Mitch and Georges in Central America.

The conferees agree to retain and amend language, as requested by the President and proposed by the House, which designates all appropriations as emergency requirements.

The following table provides details of the emergency supplemental appropriations in this chapter for disaster assistance related to Hurricanes Mitch and Georges.

DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

[In thousands of dollars]

	Budget	House	Senate	Conference
Military Personnel:				
Army Reserve	2,900	8,000	2,900	8,000
Army National Guard	6,000	7,300	7,300	7,300
Air National Guard	1,000	1,000	1,000	1,000
Total.				
Total	9,900	16,300	11,200	16,300
Operation and Maintenance:				
Army	69,500	69,500	50,000	50,000
Navy	16,000	16,000	16,000	13,900
Marine Corps	300	300	0	2,400
Air Force	8,800	8,800	8,000	8,800
Defense-Wide	46,500	46,500	21,000	21,000
Army National Guard	0	0	20,000	20,000
Overseas Humanitarian, Disaster, and Civic Aid	37,500	37,500	37,500	37,500
New Horizons Exercise Transfer Fund	0	0	46,000	46,000
Total	178,600	178,600	198,500	199,600
Grand Total	188,500	194,900	209,700	215,900

MILITARY PERSONNEL

The conferees recommend $16,300,000 as proposed by the House, instead of $11,200,000 as proposed by the Senate, to support National Guard and Reserve participation in the Enhanced New Horizons readiness training exercises in Central America. In addition, the conferees agree to retain House language which would make certain appropriations available to the Guard and Reserve subject to receipt of an emergency budget request by the President to the Congress.

OPERATION AND MAINTENANCE

The conferees agree to provide $199,600,000 for Operation and Maintenance costs associated with hurricane relief efforts in Central America, instead of $178,600,000 as proposed by the House and $198,500,000 as proposed by the Senate.

New Horizons Transfer Fund.—The conferees agree to provide $46,000,000 for the ''New Horizons Exercise Transfer Fund'', a new appropriations account proposed by the Senate. The conferees direct that the Department of Defense provide a report to the House and Senate Committees on Appropriations not later than June 30, 1999, which describes the allocation of funding from this account to the military services and defense-wide activities, and explains the specific projects and programs supported by this funding.

Operation and Maintenance, Marine Corps.—The conferees agree to provide $2,400,000. This amount reflects a technical correction needed to properly distribute funding which was originally requested for ''Operation and Maintenance, Navy''.

Operation and Maintenance, Defense-Wide.—The conferees agree to retain language proposed by the Senate which directs that $20,000,000 within this appropriation is only for the CINC Initiative Fund. The conferees also agree to delete language proposed by the Senate which rescinds $217,000,000 due to changes in the price of bulk fuel.

GENERAL PROVISIONS, THIS CHAPTER

The conferees agree to delete language proposed by the Senate which earmarks funds previously appropriated to the Department of Defense.

The conferees agree to retain and amend section 301, as proposed by the Senate, which waives the requirement for reimbursement of expenses for five additional foreign students at the military service academies.

The conferees agree to delete language proposed by the Senate which earmarks funds for the settlement of claims arising from the U.S. Marine Corps accident near Cavalese, Italy.

The conferees agree to retain section 302, as proposed by the Senate, which would allow military technicians to receive a per diem expense while deployed on active duty.

The conferees agree to delete language proposed by the Senate which authorizes the Department to obtain operational support aircraft through a multiyear lease.

The conferees agree to retain section 303, as proposed by the Senate, which authorizes the sale of 17,383 tons of zirconium ore.

The conferees agree to include section 304, which allows the Joint STARS program to use current year funds to adjust, record, and liquidate obligations associated with aircraft procured in fiscal years 1995 and 1996. The Joint STARS program refurbishes used aircraft before installing the new mission electronics. Unfortunately, these aircraft have been more difficult to refurbish than originally anticipated. Since the capability offered by Joint STARS is urgently needed to support military operations, disruptions to the delivery schedule through lack of funds would be detrimental to U.S. military capabilities. The general provision caps the authority to use previously appropriated funds at $50,700,000, and requires the Air Force to notify the congressional defense committees of the specific sources to be used for Joint STARS obligations. The provision further requires the Air Force to follow all normal reprogramming procedures.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $25,000,000 for the International Disaster Assistance account as proposed by the House. The Senate proposed $35,000,000.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $50,000,000 in the Economic Support Fund for Jordan, the same amount as proposed by both the House and the Senate.

CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY

DISASTER RECOVER FUND

The conference agreement appropriates $621,000,000 for the Central America and the Caribbean Emergency Disaster Recovery Fund (CACEDRF), the same amount proposed by the House. The Senate proposed $611,000,000 for the CACEDRF. The conference agreement includes language requiring the President to submit to Congress a specific budget request designating the entire amount as an emergency. The funds are to remain available until September 30, 2000.

The conference agreement provides transfer authority from the CACEDRF to several other accounts for the administrative and oversight costs of implementing the emergency recovery program in the region. For Operating Expenses of the Agency for International Development, the conference agreement appropriates up to $5,500,000 to remain available until September 30, 2000. The House provided $5,000,000 and the Senate provided $6,000,000.

For Operating Expenses of the AID Inspector General, the conference agreement appropriates up to $1,500,000, as proposed by the Senate, to be used for costs of audits, inspections, and other activities associated with the use of funds in the CACEDRF. The House proposed up to $2,000,000. The conference agreement provides up to $500,000 for the General Accounting Office to audit and monitor the use of CACEDRF funds, as proposed by the Senate. The House bill contained no provision on this matter.

The conferees continue to seek to prevent any misuse of U.S. foreign aid and have, therefore, made available funds from this account for the AID Inspector General and the General Accounting Office. In addition, the conferees believe that AID and GAO should help recipient governments play a central role in ensuring that this emergency assistance is utilized properly. The conferees encourage AID to support the efforts of recipient governments to engage independent private sector organizations to help improve institutional capability to resist corrupt practices and to report on the possible misuse of funds.

The conference agreement provides that not less than $2,000,000 from within the CACEDRF should be used for landmine clearing and the removal of unexploded ordinance

in Nicaragua and Honduras as proposed by the Senate amendment. The House bill contained no provision on this matter.

The conference agreement prohibits the use of non-project assistance from this account as proposed by the House. The Senate allowed non-project assistance subject to the regular notification procedures of the Appropriations Committee.

The managers concur with report language under this heading in both the Senate and House reports, and encourage OMB and AID to regularly consult with the Committees on implementation of recommendations and directives contained in the reports.

The Senate included bill language encouraging AID to promote reforestation and energy conservation. The House bill contained no similar provision. The conference report contains no bill language specifically related to these two issues, but the managers agree on the importance of energy and reforestation and believe that these priorities should be integrated into AID's overall relief and reconstruction efforts in the region. The conferees support funding to promote the critical energy sector through the use of energy-efficient services and technologies and, where feasible, renewable energy such as biomass. Prompt and full restoration of power generation facilities at the El Cajon Dam in Honduras is of special interest to the Conferees because of the foreign exchange and environmental costs of alternative sources. The managers expect the AID will undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage. Further, the managers agree on the importance of technology transfers in support of reforestation and agro-forestry.

The Senate included bill language providing up to $10,000,000 from within the CACEDRF to establish a scholarship fund at Zamorano Agricultural University in Honduras for low-to-middle income students. The House bill contained no provision on this matter. The managers believe greater access to education is essential to long-term development in Central America and encourage AID to assist Central American governments in increasing lower income student enrollment in the region's colleges and universities, especially at Zamorano University.

The conferees encourage the use of the Pan American Health Organization for the implementation and coordination of regional infectious disease prevention programs funded in this account.

The conference agreement includes language waiving certain laws relating to expenditure of funds by AID. The Senate bill provided broad authority to waive existing laws related to contracts, subject to AID reporting to Congress. The House contained no similar provision. While the conference agreement contains no waiver for AID contracting authority, the conferees believe that existing AID contracting and procurement regulations already permit AID to exercise significant latitude in making and amending contracts in urgent and compelling situations. The assistance provided in this account is to respond to urgent and compelling needs in the region and, therefore, AID should exercise its contracting waivers to help reduce delays in AID's procurement processes so that these supplemental funds can reach those in need more rapidly. The managers expect AID to keep the Committees on Appropriations informed of the use of contract and procurement waivers for projects funded from CACEDRF funds. The conference agreement allows AID to charge to the CACEDRF certain financial obligations made from other AID development accounts after April 30, 1999. The managers expect that, to the extent practicable, contracts and grants should be awarded to U.S. private organizations and individuals, including those linked with indigenous Central American counterparts, provided that such a preference does not delay or hinder the delivery of assistance. The conferees encourage the use of the private sector, especially in such technical areas as mapping, to the maximum extent possible. New base maps that identify future flood hazards are urgently needed to help mitigate risks associated with proposed reconstruction efforts.

At the request of the Administration, the agreement also includes bill language making inapplicable section 110 of the Foreign Assistance Act regarding host country contributions to certain U.S. development projects. The managers are aware that the governments of the affected nations bear the primary responsibility for their nations' reconstruction and have already dedicated enormous resources to relief and reconstruction efforts. These nations are expected to spend a considerable percentage of their annual government budget on reconstruction projects in upcoming years, making the need for section 110 cost sharing requirements unnecessary.

The conference agreement reiterates that all funds in the CACEDRF as well as funds appropriated in this Act which are in addition to funds made available under title II of the 1999 Foreign Operations Act, be subject to section 580 of the 1999 Foreign Operations Act, regarding the ceiling on overall population planning assistance. This is similar to the provision recommended by the House. The Senate bill contained no similar provision.

The conferees encourage AID to consider Costa Rica among those nations eligible for funds from this account as a result of the costs assumed by Costa Rica in providing refuge to hurricane victims from neighboring Central American nations.

The conference agreement also includes technical language to permit any transfer of funds to the Export-Import Bank to be used as subsidy credit authority under the Credit Reform Act of 1990.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $23,000,000 for anti-narcotics drug research and development programs as proposed by the Senate. Further, the conference agreement makes the funds available only after the President transmits to Congress a budget request that includes a designation of the funds as an emergency need. The House bill contained no similar provisions. The conferees expect that any future funding for drug research programs will be funded through the Office of National Drug Control Policy.

The conferees are aware that Central American and Caribbean nations are facing budget shortfalls in government anti-narcotics and drug interdiction programs created due to the redirection of funding to urgent reconstruction efforts. Since these supplemental funds will increase the overall resources available for the State Department narcotics control programs for fiscal year 1999, the conferees encourage the State Department to consider dedicating additional anti-narcotics resources to nations affected by the hurricanes.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

The conference agreement appropriates $41,000,000 for debt restructuring as provided by both the House and the Senate. The conference agreement requires that all funds for the Central America Emergency Trust Fund, administered by the World Bank, are subject to the regular notification procedures of the Committees.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $50,000,000 for Foreign Military Financing grants for Jordan, as provided by the House and Senate.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision designating funds in this chapter as an emergency under the Balance Budget and Emergency Deficit Control Act of 1985.

The conference agreement includes a general provision providing a supplemental appropriation of $6,500,000 for the Economic Support Fund for election monitoring and related activities for East Timor.

The conference agreement includes a general provision, similar to a provision in the Senate amendment, that transfers responsibility for certain counternarcotics research and development activities from the Department of Agriculture to the Department of State.

CHAPTER 5

The managers understand that the estimates, which form the basis for the emergency construction appropriations herein, are based on preliminary damage determinations. Refinements and re-estimates, that result in allocations different from preliminary projections, may be necessary. The managers expect funds to be provided consistent with established priorities. Before proceeding with final allocations to the field, the managers expect the agencies to provide a report that identifies all of the projects considered for funding, including any changes from earlier estimates.

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

The managers have provided $12,612,000 for construction, contingent on a Presidential declaration of emergency, as proposed by the Senate instead of no funding as proposed by the House. The amount included herein provides funds for emergency repairs associated with Federally-declared emergencies in the Pacific Northwest and for the full cost of emergency replacement of generating equipment at Midway Atoll National Wildlife Refuge.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

RECONSTRUCTION AND CONSTRUCTION

The managers have provided $5,611,000, contingent on a Presidential declaration of emergency, for reconstruction and construction to address damages from hurricane Georges and other natural disasters in Puerto Rico as proposed by the House instead of no funding as proposed by the Senate.

OTHER RELATED AGENCY

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

The managers have provided $2,000,000, contingent on a Presidential declaration of emergency, for the Holocaust Memorial Council to address security needs as proposed by the Senate instead of no funding as proposed by the House.

GENERAL PROVISION—THIS CHAPTER

Section 501.—The managers have modified language proposed by the Senate section

2319) dealing with compensation for Dungeness crab fishermen in Glacier Bay, Alaska and deferring National Park Service Construction funding. The deferral proposed by the Senate has been deleted. The modification to the compensation language is described below.

The managers have agreed to revisions to the Senate provision expanding the compensation program for those negatively affected by restrictions on commercial fishing. In addition, full funding of $26,000,000, contingent on a Presidential declaration of emergency, is provided to implement the compensation program. To provide a transition period for fishermen, crew, fish processors, communities, and others negatively affected, the managers have agreed to suspend the ban on commercial fishing through the upcoming fishing season to provide fishermen on additional season to fish. During the fishing season, the managers expect the Department of the Interior, after consulting fully with the State of Alaska, to expedite development of the compensation program so that compensation can be distributed no later than the end of the fishing season.

The managers have not included language as proposed by the Senate (section 1403) providing royalty reductions for oil and gas producers. The house had no similar provision.

CHAPTER 6

INDEPENDENT AGENCY

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Deletes language proposed by the Senate which would have rescinded $10,000,000 for research through the Climate Change Technology Initiative.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The conferees have agreed to provide $900,000,000 for disaster relief, instead of $372,000,000 as requested by the President in a letter dated may 10, 1999. This issue was not addressed by either the House or the Senate. Included in this amount are funds needed to allow FEMA to respond to the tornado-related damage in Oklahoma, Kansas, Texas, and Tennessee, including the repair and replacement of public buildings such as schools and public libraries. In addition, the amount provided should be sufficient to meet the immediate needs associated with any disaster events which occur in the remaining months of this fiscal year. The conferees are very troubled that the Congress was not notified in a timely manner of the fact that disaster close-out activities were resulting in a rate of obligation much faster than normal, which would have resulted in a year-end shortfall in the disaster relief fund absent supplemental appropriations. It is expected that the administration will monitor closely the obligation rate and provide timely and accurate data on the status of the disaster relief fund in the future. The amount provided is available only to the extent that an official budget request for a specific amount, which includes designation of the entire amount of the request as an emergency, is transmitted by the President to the Congress.

DISASTER ASSISTANCE FOR UNMET NEEDS

The conferees have provided $230,000,000 for disaster assistance for unmet needs instead of $313,600,000 as proposed by the Senate and no funds as proposed by the House. The conferees have included bill language intended to give the Director of the Federal Emergency Management Agency (FEMA) sufficient flexibility to respond to the unmet needs of Presidentially-declared disasters occurring during fiscal years 1998 and 1999.

Appropriations totaling $313,600,000 had previously been made to the Department of Housing and Urban Development (HUD) in order to address such unmet needs. However, the conferees are concerned with HUD's inability to move aggressively to implement an effective disaster relief program for such needs and have concluded that FEMA is the appropriate Federal agency to carry out this program. Accordingly, FEMA should make every effort to move expeditiously to provide for these unmet needs to the greatest extent possible.

In this regard, the conferees have provided flexibility beyond that normally available to FEMA to respond to Presidentially-declared events occurring during 1998 and 1999. Among these is the 1998 Northeast ice storm, which significantly damaged large areas of New York, Vermont, New Hampshire, and Maine. Except for Maine, the Director is urged to review promptly and respond to the needs of this area. In particular, the conferees are aware of the unprecedented impact of this storm on the electrical infrastructure of the region, and that the costs associated with restoring essential electric service constitutes the largest single unmet need.

In addition, FEMA is expected to work with Puerto Rico regarding the damage caused by Hurricane Georges, as well as the States of Mississippi and Kansas to address the damage resulting from recent floods in those states. The conferees understand that damage estimates provided by Mississippi total some $66,000,000 for buy-outs and other assistance. Similarly, the conferees note the devastation caused by the 1998 Halloween flood in Kansas, and strongly urge FEMA to provide sufficient funds for buy-out assistance and appropriate compensation for homeowners and businesses in Butler, Cowley, and Sedgwick counties. Such buy-out requirements have been estimated to be $20,000.000.

Finally, the conferees urge FEMA to respond promptly to the appropriate disaster needs of the City of Kelso, Washington.

TITLE II—EMERGENCY NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The conference agreement provides an additional $149,200,000 for assistance under title II of Public Law 480 for humanitarian food aid in the Balkans and other regions of need. The House and the Senate had no similar provision.

CHAPTER 2

DEPARTMENT OF STATE

ADMINISTRATIVE OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $17,071,000, as an emergency appropriation, to remain available until expended, as proposed in the House bill.This amount provides for the costs of diplomatic efforts related to the Kosovo crisis, including the costs of shutting down embassy operations in Belgrade and enhancing security at posts in the region.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $50,500,000, as an emergency appropriation, to remain available until expended, as provided in the House bill. Of this amount, $45,500,000 is provided above the request, and release of any portion of this funding is contingent upon a Presidential emergency designation. The amount above the request is provided for the costs of constructing fully secure State Department facilities in the Kosovo region, including, if applicable, costs of constructing Marine Security Guard quarters. Prior to the expenditure of any portion of the funds provided above the request, the Department is directed to submit a notification to the Senate and House Committees on Appropriations containing project spending plans. The conferees agree that any such spending plans shall address the highest priority security construction needs in the region and result in at least one embassy facility in the region that fully meets existing State Department security standards.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $2,929,000, as an emergency appropriation, to remain available until expended, as proposed in the House bill. The conference agreement includes language transferring $500,000 to the Peace Corps and $450,000 to the U.S. Information Agency for the costs of evacuating personnel and dependents of those agencies.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

Chapter 3 of the conference agreement recommends a total of $10,196,495,000 in new budget authority for the Department of Defense, for costs resulting from ongoing contingency operations in Southwest Asia and Kosovo, as well as other urgent high priority military readiness matters.

The following table provides details of the emergency supplemental appropriations in this Chapter for contingency operations and military readiness.

DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

[In thousands of dollars]

	Request	House	Conference
Military Personnel:			
Army	2,920	2,920	2,920
Navy	7,660	7,660	7,660
Marine Corps	1,586	1,586	1,586
Air Force	4,303	4,303	4,303
Total	16,469	16,469	16,469
Operation and Maintenance:			
Overseas Contingency Operations Transfer Fund.			
Readiness	3,907,300	3,907,300	3,907,300
Munitions	684,300	.....	.....
Readiness/Munitions	850,000	1,311,800	1,100,000

DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS—Continued

[In thousands of dollars]

	Request	House	Conference
Total	5,441,600	5,219,100	5,007,300
Procurement:			
Weapons Procurement, Navy (Tomahawk)		431,100	431,100
Aircraft Procurement, Air Force (ALE–50)		40,000	40,000
Missile Procurement, Air Force (CALCM)		178,200	178,200
Procurement of Ammunition, Air Force (JDAM)		35,000	35,000
Subtotal		684,300	684,300
Operational Rapid Response Transfer Fund		400,000	300,000
Total		1,084,300	984,300
General Provisions:			
Sec. 2007 (Spare Parts)		1,339,200	1,124,900
Sec. 2008 (Depot Maintenance)		927,300	742,500
Sec. 2009 (Recruiting)		156,400	100,000
Sec. 2010 (Readiness Training/OPTEMPO)		307,300	200,200
Sec. 2011 (Base Operations)		351,500	182,400
Sec. 2012 (Personnel Programs)		1,838,426	1,838,426
Total		4,920,126	4,188,426
Grand Total	5,458,069	11,239,995	10,196,495

The conferees note that the funding provided in the conference agreement for Operation Allied Force will increase the deficit for fiscal year 1999 excluding the surpluses generated by the Social Security trust funds. The conferees urge the committees of jurisdiction to develop legislation that will provide that the first claim on any surplus generated by the Federal government excluding the Social Security trust funds in fiscal years 2000 and 2001 be used to cover the fiscal year 1999 outlays resulting from the conference agreement for the cost of Operation Allied Force.

REPORTING REQUIREMENTS

The conferees agree to the reporting requirements directed in House Report 106–125 regarding obligation of funds provided in this chapter.

MILITARY PERSONNEL

The conferees agrees to provide $16,469,000, as recommended in the budget request and proposed by the House, for additional military personnel pay and allowances in support of contingency operations in Southwest Asia.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

The conferees agree to provide $5,007,300,000, instead of $5,219,100,000 as proposed by the House, for the ''Overseas Contingency Operations Transfer Fund'' for costs relating to Operation Allied Force and related NATO activities concerning Kosovo, and operations in Southwest Asia. Of this amount, $3,907,300,000 is provided for personnel and operations costs stemming from these operations. An additional $1,100,000,000 is provided on a contingent emergency basis to meet expected munitions and readiness-related Kosovo expenses, and will be made available only to the extent funds are requested in a subsequent budget request by the President.

PROCUREMENT

The conferees agree to provide $984,300,000 instead of $1,084,300,000 as proposed by the House, for requirements associated with operations in Kosovo and Southwest Asia. Of this amount, the conferees agree to provide $684,300,000 to various procurement accounts, for programs specified in the President's request to Congress, to replenish inventories of munitions used during the conduct of these operations. An additional $300,000,000 is provided in a new account, the ''Operational Rapid Response Transfer Fund'', instead of $400,000,000 as proposed by the House.

READINESS ENHANCEMENT

The conferees agree to provide $2,350,000,000 in contingent emergency appropriations, instead of $3,081,700,000 as proposed by the House, to rectify emerging readiness concerns. This funding includes: $1,124,900,000 for spare parts and associated logistical support needed to improve the mission capable rates of various weapons systems: $742,500,000 for unfunded depot maintenance requirements; $100,000,000 necessary for recruiting initiatives; $200,200,000 for readiness related training programs; and $182,400,000 for unfunded expenses related to base operations support.

With respect to the funding provided for spare parts and logistics, depot maintenance, and readiness-related training programs, the conference agreement provides that these funds shall be allocated by the Secretary of Defense and is subject to prior notification to the congressional defense committees. The conferees are aware that out of area operations have caused our regional commanders to experience significant shortages and dislocations. The conferees expect the Secretary to give priority to meeting the unfunded requirements of the regional commanders in chief in allocating these amounts. The conferees recognize the dynamic nature of requirements in these areas, and believe it prudent to provide the Secretary with sufficient flexibility to meet time-urgent demands in order to ensure that overall readiness is not degraded. The conference agreement provides funding for these areas with authority to transfer the funds as required to the appropriate accounts. The conferees direct that the Secretary of Defense provide written notification to the congressional defense committees 15 days prior to the transfer of any funds provided by these sections.

PERSONNEL PROGRAMS

The conference agreement includes $1,838,426,000 for the military personnel accounts for military pay and retirement costs, as proposed by the House. The obligation of these funds would be subject to the enactment of subsequent authorizing legislation and the designation of the funds as an emergency appropriation by the President.

CLASSIFIED PROGRAMS

The conference agreement concerning classified activities is contained in a classified annex to this statement of managers.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 2001, as proposed by the House, which provides for an increase in the fiscal year 1999 transfer authority available to the Department of Defense.

The conferees agree to retain section 2002, as proposed by the House, which provides that $10,000,000 of the funds provided in this Act may be available to the common funded budgets of NATO.

The conferees agree to retain and amend section 2003, as proposed by the House which provides authorization for funds for intelligence activities.

The conferees agree to retain and amend section 2004, as proposed by the House, which extends special authorities for contracts awarded or modified for the Joint Direct Attack Munition (JDAM) program.

The conferees agree to retain section 2005, as proposed by the House, which requires the President to seek an equitable reimbursement from the North Atlantic Treaty Organization (NATO), member nations of NATO, and other appropriate organizations and nations for the costs incurred by the United States government in connection with Operation Allied Force.

The conferees agree to retain section 2006, as proposed by the House, which directs that within thirty days of enactment of this Act, the President shall transmit to Congress a report, in both classified and unclassified format, on current United States government operations involving Kosovo,

The conferees agree to retain and amend section 2007, as proposed by the House, which appropriates $1,124,900,000, designated as contingent emergency appropriations, only for urgent shortfalls in Department of Defense spare and repair parts and associated logistical support.

The conferees agree to retain and amend section 2008, as proposed by the House, which appropriates $742,500,000, designated as contingent emergency appropriations, only for urgent shortfalls in the depot level maintenance and repair requirements of the Department of Defense.

The conferees agree to retain and amend section 2009, as proposed by the House which appropriates $100,000,000, designated as contingent emergency appropriations, only for urgent shortfalls in Department of Defense recruiting programs.

The conferees agree to retain and amend section 2010, as proposed by the House which appropriates $200,200,000, designated as contingent emergency appropriations, only for urgent readiness related training and operations tempo requirements of the Department of Defense.

The conferees agree to retain and amend section 2011, as proposed by the House which appropriates $182,400,000, designated as contingent emergency appropriations, only for urgent base operations support requirements of the Department of Defense.

The conferees agree to retain section 2012, as proposed by the House which appropriates

$1,838,426,000, designated as contingent emergency appropriations, for the military personnel accounts, only for military pay and retirement costs.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $163,000,000, as proposed by the House, for ''International Disaster Assistance''. to remain available until expended. The entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. The Senate amendment did not address this matter.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $105,000,000, as proposed by the House, for ''Economic Support Fund'', to remain available until September 30, 2000, for assistance for Albania, Macedonia, Bulgaria, Bosnia-Herzegovina, Montenegro, and Romaina, and for investigations and related activities in Kosovo and in adjacent entities and countries regarding war crimes. These funds shall be available notwithstanding any other provision of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)). In addition, the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in subsection (b)(3) of section 533 shall be deemed to be satisfied if the Committees on Appropriations are notified at least 10 days prior to the obligation of such funds.

The House bill included the same language, except that the requirement for a notification was reduced to 5 days. The Senate amendment did not address this matter.

WAR CRIMES

The conference agreement includes authority to provide funding to the International Criminal Tribunal for the Former Yugoslavia for investigations and prosecutions of war crimes in Kosovo, and for related activities. The managers note that the number of victims of war crimes in Kosovo may far exceed what is currently known. The managers believe the Administration's request of $5,000,000 for the War Crimes Tribunal is inadequate, and strongly recommend that up to an additional $13,000,000 be made available to meet the full request of the Tribunal, in consultation and coordination with other donors. In addition, the managers strongly recommend that $10,000,000 be provided to the State Department's Human Rights and Democracy Fund, to promptly obtain information from fleeing refugee victims and witnesses, to assist in providing identity documents to refugees whose papers and property titles have been confiscated, to provide counseling to rape victims, and for related purposes. Funds for these purposes may be derived from other appropriation accounts provided under this chapter.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $120,000,000 for ''Assistance for Eastern Europe and the Baltic States'', to remain available until September 30, 2000, of which up to $1,000,000 may be used for administrative costs of the U.S. Agency for International Development. Funds appropriated under this heading are subject to the regular notification procedures of the Committees on Appropriations.

The House bill included the same language, but appropriated $75,000,000. The Senate amendment did not address this matter.

LONG-TERM DEVELOPMENT AND RECONSTRUCTION

The managers agree that none of the funds appropriated under this heading or in this chapter are to be used to implement a long-term, regional program of development or reconstruction in Southeastern Europe. These funds are appropriated for emergency support of refugees and displaced persons and the local communities directly affected by the influx of refugees. The appropriation for the Economic Support Fund is intended for short-term, emergency balance of payments support for the countries listed in the bill language, and for investigations of war crimes.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $266,000,000 for ''Migration and Refugee Assistance'', to remain available until September 30, 2000, of which not more than $500,000 is for administrative expenses. The entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. In addition, funds made available for the Office of the United Nations High Commissioner on Refugees (UNHCR) are subject to the regular notification procedures of the Committees on Appropriations, but the regular requirement for a 15 day notification prior to the obligation of funds is reduced to 10 days. The managers' intent is that the notification requirement applies only to funds appropriated in this account by this Act.

The House bill included $195,000,000 for this account. The Senate amendment did not address this matter.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $165,000,000 for ''United States Emergency Refugee and Migration Assistance Fund''. The entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

The House bill included $95,000,000 for this account. The Senate amendment did not address this matter.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision designating funds in this chapter as an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement includes a general provision proposed by the House that provides that the value of commodities and services authorized by the President through March 31, 1999, to be drawn down under the authority of section 552(c)(2) of the Foreign Assistance Act of 1961 to support international relief efforts relating to the Kosovo conflict shall not be counted against the ceiling limitation of that section. In addition, such assistance may be made available notwithstanding any other provision of law.

The managers note that funds provided in this Act as supplemental appropriations for the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, are subject to section 526 of said Act.

DONATED EQUIPMENT

The conferees are aware that a large number of computers and computer equipment have been donated to various international agencies and non-governmental organizations to assist with the refugee crisis in the Balkans. The conferees support the use of emergency supplemental funds to assist organizations such as the National Technology Alliance for on-site computer network development, hardware and software integration, and to assess the urgent on-site computer needs of organizations assisting refugees. In addition, the conferees encourage the use of these funds for the development and implementation of reliable systems to register refugees and provide identification cards and other document processing.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes an appropriation of not to exceed $100,000,000 for costs related to assisting in the temporary resettlement of displaced Kosovar Albanians who have recently come to this country. The agreement provides that the appropriation is designated an emergency requirement under the Budget Act. No funds were included for this in either the House or Senate bills. The conferees have included these funds in response to an unofficial request from the Administration to address the refugee emergency that has arisen as a result of the conflict in the Balkans.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

The conferees have established a ''Military Construction Transfer Fund'' in the amount of $475,000,000, contingent on the Presidential declaration of an emergency. This fund is to be used for construction of mission, readiness and force protection items in relation to the conflict in the Balkans, and other contingencies throughout the region. The Secretary of Defense is given the authority to determine the individual items to be provided by this appropriation and to transfer these funds only to the appropriate military construction accounts. The Under Secretary of Defense (Comptroller) is directed to submit an after the fact notification of transfers from this fund and the individual projects to be provided to the appropriate committees of Congress.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

The conference agreement provides an emergency appropriation of $200,000,000 for Coast Guard ''Operating expenses'', to address ongoing readiness requirements. The conferees expect the Coast Guard to use these funds for activities such as the military pay raise, compensation parity (basic allowance for housing), DOD authorization act entitlements, military health care, recruiting, workforce readiness tools, DOD parity, intermediate and depot-level maintenance, and additional staffing. These funds are made available until September 30, 2000, and are only available upon designation by

the President of an emergency requirement. The conferees direct that requests to obligate these funds be submitted to the Congress under the normal reprogramming procedures. The House and Senate bills proposed no similar appropriation.

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM FUND

TOPOFF Exercise.—The conferees understand the need for clarification of how the TOPOFF exercise should occur. In addition to the direction provided in previous Committee reports, contracting for this effort should be done with those organizations who have a known track record with Weapons of Mass Destruction (WMD) exercises. This exercise should be co-chaired and administered without notice by the Attorney General and the Director of the Federal Emergency Management Agency (FEMA). The no-notice feature of this exercise should be modeled on the manner in which such exercises have been conducted by the Department of Defense. In order to fairly and accurately represent an actual event, both the FBI and the Office of Justice Programs should have one representative participating in the planning of the exercise. This planning will not include the time and date of the exercise.

National Domestic Preparedness Office.—The effects of terrorism are felt at the local level. Local law enforcement and emergency first responders will be the first on the scene of any domestic terrorist event. The conferees are aware of the need expressed by State and local first responders to have a coordinated Federal preparedness effort to eliminate confusion, overlap and duplication among Federal programs. To address this need, the Department of Justice has proposed to create a new office, the National Domestic Preparedness Office (NDPO), to serve as the entity to coordinate the Federal efforts for assisting emergency responders in domestic preparedness. The NDPO is proposed to include representatives from the Department of Justice's Office of Justice Programs (OJP), the Departments of Defense, Health and Human Services, Energy and Transportation, FEMA, and the Environmental Protection Agency, as well as representatives of State and local government. The conferees believe that full participation among all Federal, State and local entities is critical, and that the NDPO must recognize and build upon, rather than re-invest, existing programs, structures and capabilities.

While the conferees commend the Attorney General for her leadership on this matter and support the creation of a single office to coordinate interagency activities to maximize domestic preparedness efforts and eliminate duplication, the conferees are aware that some confusion and concerns exist regarding the functions and responsibilities of this office, particularly in relation to ongoing efforts at the Federal, State and local levels. The conferees note that final approval has not yet been given for the creation of the NDPO, and believe it is important that these issues be resolved. Therefore, the conferees direct the Attorney General to submit a final blueprint for the NDPO, developed in coordination with all other Federal, State and local participants, to the Committees on Appropriations no later than June 15, which clearly defines the roles of all agency participants in the office. In particular, the final blueprint shall include, but not be limited to, the following: (1) a detailed plan for consultation with the States in the development and implementation of a national strategy for domestic preparedness which builds on the existing all-hazard emergency management capabilities of local, State and Federal agencies, including designations of a single point of contact from each State and territory to interact with the NDPO; (2) establishment of a State and Local Advisory Group to provide input into program strategy and development which represents the various State and local disciplines involved in domestic terrorism response, including fire and rescue, HAZMAT, emergency medical and health services, emergency management, and State and local governments; and (3) a detailed plan outlining each Federal agency's role in the development and delivery of training and technical assistance, and their relationship to the NDPO. Such plan should fully utilize existing resources, programs and standards, including the National Domestic Preparedness Consortium, whenever possible. The conferees direct no further action be taken to augment the NDPO until approval has been given subject to standard reprogramming procedures.

State and local preparedness.—The consequences of terrorist acts, especially those involving chemical, biological, or unconventional explosive devices, may spread beyond the local community or city where the event occurred. A successful response to such an incident will depend upon the development of a closely coordinated and balanced local-State-Federal partnership. The conferees recognize the need for enhanced State-level involvement in consequence management and training preparedness activities, and urge that all Federally-funded activities be coordinated at both the local and State levels. To ensure effective coordination, the conferees expect the Attorney General to request that the Governor of each State designate a lead state agency or other entity to develop and coordinate a comprehensive State-level domestic preparedness plan that is consistent with the national strategy. Such State strategies should be developed with input from the State and local emergency management, fire, law enforcement, emergency medical services and public health disciplines. To ensure maximum coordination and use of resources, the conferees expect each such State to be based on a State-level needs assessment which both identifies the needs of local and State first responders, and assesses the resources currently available at the local, State, and Federal level.

The conferees note that the fiscal year 1999 Department of Justice Appropriations Act included significant new funding to assist State and local first responders in becoming equipped and trained. To ensure that these resources meet the needs of the maximum number of communities possible and to ensure no duplication of effort, funding also was provided to conduct a comprehensive needs assessment. This needs assessment has not yet been completed. The conferees reiterate the importance of this needs assessment, and urge the Department to continue its activities in this area. In the interim, the conferees expect the Office of Justice Programs to submit to the Committees on Appropriations, no later than June 1, 1999, a plan for the distribution of funding provided in fiscal year 1999 to provide the maximum number of communities with a basic defensive (Tier One) capability to respond to domestic terrorist incidents. Such plan shall, at a minimum, require that in order to qualify to receive equipment funds, a grant applicant must certify that: (1) their application has been coordinated and developed in consultation with the fire, EMS, HAZMAT and law enforcement agencies operating within the jurisdiction; and (2) equipment purchased with grant funds will be deployed consistent with all mutual aid agreements.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

It is the intent of the conferees that unobligated funding available from fiscal year 1999 and prior year appropriations not required for current construction projects shall be used for partial site and planning for three facilities to house non-returnable criminal aliens being transferred from the Immigration and Naturalization Service. It is expected that one of these facilities will be located in a state in the Mid-Atlantic region.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $1,300,000 for costs of the World Trade Organization Ministerial Meeting to be held in Seattle, Washington, from November 30–December 3, 1999. The House and Senate bill did not include this funding.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

In response to a request, not formally transmitted, from the Administration, the conference agreement includes $44,900,000 for additional activities necessary to ensure that the Bureau is fully prepared to implement a full enumeration in the 2000 Census as mandated by the recent Supreme Court decision. The conference agreement designates funds to be provided for the following purposes: $10,900,000 is for additional costs to establish 520 Local Census Offices; $4,200,000 is for preparation of training and field deployment kits for census enumerators; $2,000,000 is for additional contract support and infrastructure costs for the Telephone Questionnaire Assistance program; $9,100,000 is for automated data processing and telecommunications to support increased field enumeration; $3,700,000 is for administrative systems to support additional field enumeration activities; and $15,000,000 is for increased advertising and promotion programs. Language is also included requiring the President to submit a revised budget for the fiscal year 2000 costs associated with the completion of the 2000 Census. The conferees continue to be concerned with the adequacy and timelessness of the budget justification materials previously provided by the Bureau to support their budget submissions for the decennial census. Therefore, the conferees expect the revised budget submission for fiscal year 2000 by June 1, 1999, to contain the detailed justification necessary to support the revised submission.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $1,880,000 to support research, management and enforcement of new regulations in the Northeast Multispecies fishery, instead of $3,880,000 as proposed by the Senate, of which $1,880,000 was for this activity and $2,000,000 was for the acquisition of shoreline data, and instead of no funding as proposed by the House.

The conference agreement does not include bill language designating $2,000,000 for a regional applications program, which was proposed in the Senate bill. The House bill did not contain a similar provision.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $921,000 to enhance the capacity of the Supreme

Court Police, as proposed in both the House and Senate bills.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conferees reiterate that, of the total amount provided under this heading in Public Law 105–277, $2,000,000 shall be for the Office of Defense Trade Controls, as previously stated in the Statement of Managers accompanying that Act. As provided in that Statement of Managers, this funding shall support the hiring of additional senior personnel (GS–13 through GS–15) and support staff to improve scrutiny of export license applications.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCITON, GENERAL

The conference agreement deletes language proposed by the Senate appropriating $500,000 for technical assistance related to shoreline erosion at Lake Tahoe, Nevada.

The conference agreement deletes language propose by the Senate rescinding $5,500,000 from the Lackawanna River, Scranton, Pennsylvania, project.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement deletes language proposed by the Senate appropriating $5,000,000 for repairs to the Headgate Rock Hydroelectric Project.

The conference agreement includes language appropriating $1,500,000 for the purchase of water to restore water levels at the San Carlos Lake in Arizona.

CHAPTER 3

DEPARTMENT OF STATE

NATIONAL COMMISSION ON TERRORISM

The conference agreement appropriates $839,500 for necessary expenses of the National Commission on Terrorism as authorized in the fiscal year 1999 Foreign Operations Act.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The conference agreement appropriates $3,000,000 for necessary expenses of the United States Commission on International Religious Freedom as authorized by the International Religious Freedom Act of 1998 (Public Law 105–292).

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement appropriates $1,500,000 for the operation and expenses of the International Financial Institution Advisory Commission and the International Monetary Fund Advisory Committee as authorized in the fiscal year 1999 Foreign Operations Act. The funds are to remain available until September 30, 2000.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The managers have agreed to a modification of the Senate language providing for the use of $1,000,000 in previously appropriated funds for management of lands and resources for the processing of permits in the Powder River Basin for coalbed methane activities. The modification requires a written agreement between the coal mine operator and the gas producer prior to permit issuance if the permitted activity is in an area where there is a conflict between coal mining operations and coalbed methane production. The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATIONS OF INDIAN PROGRAMS

(TRANSFER OF FUNDS)

The managers have agreed to the transfer of $1,136,000 for operation of Indian programs for spruce bark beetle control in Washington State as proposed by the Senate but have identified a different funding source. The source of these funds is the Forest Service National Forest System account instead of the Forest Service Wildland Fire Management account as proposed by the Senate. The House had no similar provision.

The managers expect that these funds will be deducted from appropriations otherwise available for the Forest Service's Washington, DC headquarters general administration activity. The specific reductions must be approved, in advance, by the House and Senate Appropriations Committees. The managers suggest that the reduction should come from the recently proposed headquarters staffing increases in the office of communications and the financial analysis office.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The managers have provided $21,800,000 for Federal trust programs as proposed by the House instead of $6,800,000 as proposed by the Senate.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

The managers have agreed to the use of $100,000,000 in fiscal year 1998 unobligated carryover funds from the Wildland Fire Management account to repay funds previously advanced from the Knutson-Vandenberg (KV) fund for firefighting emergencies. The balance owed to the KV fund for prior year borrowing will still be $393,000,000 after this partial repayment. The managers believe that the Administration should regularly transfer carryover funds from the wildland fire management account to the KV fund until the previously borrowed funds have been repaid in full.

GENERAL PROVISIONS—THIS CHAPTER

Section 3001.—The managers have modified language as proposed by the Senate authorizing the transfer of previously appropriated funds to Auburn University in Alabama for construction of a new forestry research facility. This language is a clarification of the fiscal year 1999 Forest Service reconstruction and construction appropriation. The modification removes the proviso that only $4,000,000 be transferred during fiscal year 1999. The House had no similar provision.

Section 3002.—The managers have included language as proposed by the Senate restricting the issuance of a final rule on hardrock mining on Federal lands pending completion of a study being conducted by the National Academy of Sciences and an ensuing period for public comment on the rule. The House had no similar provision.

Section 3003.—The managers have included language as proposed by the Senate extending the moratorium on the issuance of a final rulemaking on crude oil valuation until October 1, 1999 or until there is a negotiated agreement, whichever comes first. The House had no similar provision.

The managers have not included language as proposed by the Senate (section 2307) prohibiting implementation of a reorganization in the Office of the Special Trustee for American Indians for the balance of fiscal year 1999. The House had no similar provision.

The managers are concerned that the Department of the Interior may have strayed from the vision of the American Indian Trust Fund Management Reform Act of 1994, P.L. 103–412 (1994 Act) in a number of areas. The 1994 Act created the Office of the Special Trustee for American Indians in order to establish an ''entity with the knowledge and authority to ensure that reform takes place and coordiantes that action.''

On March 3, 1999, the Senate Committee on Indian Affairs and the Senate Committee on Energy and Natural Resources held a joint hearing on trust management practices in the Department and the reorganization of the Office of the Special Trustee by the Secretary of the Interior without consultation with the Special Trustee.

The managers are also concerned with the lack of consultation with individuals and Indian tribal account holders who were assured that the Special Trustee would provide an authoritative and independent voice representing their concerns within the Department.

The General Accounting Office (GAO) recently expressed strong concerns that the Department has also failed to accomplish one of the Act's goals: the creation of a ''strategic plan for all phases of trust management to ensure the Secretary's trust responsibilities are properly discharged.'' Although the Secretary has indicated that the Department's July 1998 High Level Implementation Plan provides such a strategic plan, numerous individuals and entities have expressed strong reservations about the Plan.

Based on these concerns, the Chairman of the Committee on Indian Affairs has indicated that he intends to make continued monitoring and compliance with the 1994 Act a significant part of the Committee's oversight efforts. The managers, therefore, are reserving judgment on futures appropriations. The managers expect the Department to ensure that the resources dedicated for purposes of trust improvements are indeed well spent in compliance with the 1994 Act.

Section 3004.—The managers have included language as proposed by the Senate clarifying that the fiscal year 1999 moratorium on new and expanded self-determination contracts applies only to the Bureau of Indian Affairs and the Indian Health Service. The House had no similar provision.

The managers have not included language as proposed by the Senate (section 2323) regarding Class III Indian gaming. The House had no similar provision.

Section 3005.—The managers have included language as proposed by the Senate which requires that funds provided in fiscal year 1999 for the Borough of Ketchikan to participate in a cooperative study on the feasibility and dynamics of manufacturing veneer products in Southeast Alaska, including the establishment of a veneer operation in Ketchikan, shall be paid in lump sum and be considered a direct payment for the purposes of all applicable laws, but may not be used for lobbying. This section also includes language proposed by the Senate similarly treating payments to the City of Colorado Springs using funds previously appropriated for reconstruction of the Pike's Peak Summit House in Colorado. The House had no similar provisions.

The House managers have not agreed to language proposed by the Senate (section 2328) banning implementation of regulations restricting fishing in Glacier Bay National Park pending the resolution of the State of Alaska's anticipated lawsuit concerning ownership and jurisdiction relating to Glacier Bay waters, so that provision has been deleted.

Section 3006.—The managers have included a provisions restricting the implementation of the Department of the Interior Solicitor's opinion of November 7, 1997 concerning millsites under the general mining law with respect to the Crown Jewel project and to patent applications and plans of operation submitted prior to the date of enactment of this Act.

The managers are very concerned about the effect of the Solicitor's opinion dealing with the implementation of the Mining Law of 1872 in that it limits the number of millsites to one five-acre millsite per patent. Executive Departments typically implement laws through regulation. The regulatory process allows all affected parties to express their views through an open, public comment process. in the case of a solicitor's opinion, there is no public comment or appeal process before implementation.

This opinion is particularly troubling because both the Bureau of Land Management and the Forest Service have been approving patents with more than one five-acre millsite per patent based on procedures outlined in their operations manuals. To ascertain the impact of this opinion, the managers direct the Department of the interior and the Forest Service to provide a report to the House and Senate Committees on Appropriations no later than August 31, 1999. The report should detail by State all past, present and pending mining operations, including all grandfathered mineral patent applications and plans of operation, that could be impacted by the Solicitor's opinion of November 7, 1997.

The managers considered but did not adopt a provision that would have prohibited the listing of the Alabama sturgeon under the Endangered Species Act and the designation of critical habitat for the balance of fiscal year 1999. The Director of the United States Fish and Wildlife Service has assured the managers that neither she nor the Secretary of the Interior will accelerate the decision process for this candidate species. The managers understand, based on a letter from the Director, that there are several other species ahead of the Alabama sturgeon in the processing queue for listing consideration and that a decision with the respect to the Alabama sturgeon will not be made prior to March 2000. The mangers expect the Secretary and the Service to live up to those commitments and to work carefully with the State on conservation planning efforts for the Alabama sturgeon.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $1,000,000 to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board. The Senate bill included $1,400,000 for this purpose. The House did not include funding for this activity in its bill and the President did not request funding.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $56,377,000 for Concentration grants under the Title I program as a fiscal year 2000 advance appropriation to become available on October 1, 1999 for academic year 1999–2000.

The conferences understand that the Department of Education has interpreted a ''hold harmless'' provision included in the fiscal year 1999 appropriations bill to apply only to school districts that first quality for Concentration grants on the basis of the percentage or number of poor children within the school district. Only after a school district meets the eligibility criteria would the Department apply the hold harmless and award the Concentration grant. Under the Department's interpretation, over 1500 school districts would lost their Title I Concentration grant in academic year 1999–2000.

The conference agreement includes language that clarifies the fiscal year 1999 appropriations law to direct the Department of Education to hold harmless all school districts that received Title I Concentration grants in fiscal year 1998. The conference agreement further clarifies that the allocations made through applying this hold harmless will not be taken into account in determining allocations under other education programs that use the Title I formula as a basis for funding distribution. Neither the House nor the Senate bills contained these provisions.

HIGHER EDUCATION

(TRANSFER OF FUNDS)

The conference agreement transfers $1,500,000 from the Education Research, Statistics, and Improvement account to the Higher Education account to be used to provide funding for the University of the District of Columbia. UDC has recently qualified for funding under the Historically Black Colleges and Universities program and this funding level is the amount they are due under the HBCU funding formula.

RELATED AGENCY

CORPORATION FOR PUBLIC BROADCASTING

The conference agreement includes a total of $48,000,000 in fiscal years 1999 and 2000, the same as the President's request, to enable National Public Radio, through the Corporation for Public Broadcasting, to proceed with contract negotiations for replacement satellite services. The agreement provides $30,700,000 in fiscal year 1999 and $17,300,000 in 2000.

The House bill provided $48,000,000 for the replacement satellite, with $30,600,000 made available in fiscal year 1999 and the remainder in fiscal year 2000. The Senate provided $18,000,000 in fiscal year 1999 and report language stating that the balance of resources would be provided during the regular fiscal year 2000 appropriations process.

GENERAL PROVISION, THIS CHAPTER

WHITE RIVER SCHOOL DISTRICT, SOUTH DAKOTA

The conference agreement includes bill language directing the Secretary of Education to provide, from unobligated balances in the Impact Aid program, not more than $239,000 to the White River School District #47–1, White River, South Dakota to repair damage caused by water infiltration at the White River High School. This provision is the same as in the Senate bill.

The House bill contains no similar provision and the President did not request funding for this activity.

CHAPTER 6

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

SALARIES, OFFICERS AND EMPLOYEES

(RESCISSION)

The conferees have included a rescission of funds of $3,521,000 and an appropriation of an identical amount to remain available until expended. This action will provide resources for replacing a House payroll system that cannot be completed in FY 1999.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDING AND GROUNDS

HOUSE OFFICE BUILDING

HOUSE PAGE DORMITORY

The conferees have included $3,760,000 for the House Page Dormitory as contained in the House bill, amended to omit designation of a special location. If locations other than 501 1st St., S.E., are taken under serious consideration, the Architect of the Capitol is directed to inform the Committee on Appropriations concerning cost and related considerations. It is expected that, in addition to the House Office Building Commission and the Page Board, the Architect of the Capitol will consult with the Committee on Appropriations, the Committee on Transportation and Infrastructure, and the Committee on House Administration on matters within their jurisdiction regarding the Page Dormitory project.

O'NEILL HOUSE OFFICE BUILDING

The conferees have provided $1,800,000 for life safety renovations at the O'Neill House Office Building as contained in the House bill.

ADMINISTRATIVE PROVISIONS

The conferees have included two administrative provisions as contained in the House bill. The conferees have added a provision regarding certain lump sum House leadership allowances.

In addition, the conferees have established a pilot program in 1999 under the leadership of the Librarian of Congress to bring up to 3,000 emerging Russian political leaders to the United States for no more than 30 days each. The Senate is transferring $10 million of its own funds to finance the program during fiscal year 1999. The purpose of the program is to give Russian leaders from all levels of government first hand exposure to the American free market economic system and operation of American democratic institutions. Various local governments and organizations throughout the United States would be hosts to the Russians.

The Librarian is given the authority to administer the program in the first year to expedite the establishment of the program. The President would designate an executive branch agency to administer the program in subsequent years.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

The conferees have provided a total of $31,400,000 for storm related damage to facilities and family housing improvements. Offsets to cover the cost of these are included in Title IV of this Act. The projects are as follows:

[In thousands of dollars]

Army National Guard: Tennessee, Jackson: Limited Army Aviation Support Facility	$6,400
Family Housing, Army: Puerto Rico, Ft. Buchanan: Improve 215 units	25,000

CHAPTER 8

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $2,300,000 for the National Transportation Safety Board for expenses resulting from the crash of TWA Flight 800. These funds will cover rental costs associated with the housing of the wreckage in Calverton, New York. The conferees do not plan to continue funding rental expenses at the Calverton facility in future fiscal years. The House and the Senate proposed no similar provision.

CHAPTER 9

DEPARMTNET OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide an appropriation of $4,500,000 for the Bureau of Alcohol, Tobacco and Firearms for the expansion

of the National Tracing Center, to remain available until expended.

U.S. POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

The conferees agree to provide an appropriation of $29,000,000 for reimbursements to the Postal Service as authorized by 39 U.S.C. 2401(d), as proposed by the House instead of no appropriation, as proposed by the Senate.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING PROGRAMS

The conferees agree to provide an additional $2,500,000 for the High Intensity Drug Trafficking Areas Program, instead of no appropriation, as proposed by the House and $1,250,000, as proposed by the Senate. The conferees direct that these funds be targeted as follows: $750,000 to the New Mexico HIDTA for Rio Arriba County, Santa Fe County, and San Juan County, New Mexico; $500,000 for national anti-methamphetamine efforts; $750,000 for the Arizona HIDTA to be provided to the U.S. Border Patrol for assistance in counterdrug efforts related to illegal immigration along the border in southern Cochise County, Arizona, subject to prior approval of the Committees on Appropriations; and $500,000 for the Washington-Baltimore HIDTA for support of the Cross-Border Initiative between Washington, DC and Prince George's County, Maryland. The conferees emphatically support linking funding to a program's performance, and therefore support evaluation efforts underway at ONDCP. Therefore, the conferees expect that the performance of the HIDTAs funded through this appropriation will be subject to the same performance standards and measures to be applied to the HIDTA program overall.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

Deletes language proposed by the Senate delaying the availability of $350,000,000 for expiring or terminating section 8 contracts until October 1, 1999.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

Inserts language reallocating $3,446,000 of unobligated, no-year funds in the CDBG account for which there is no identified use. HUD is directed to provide these funds for unfunded service coordinator programs that did not receive funding in the original Notice of Funding Availability (NOFA).

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

Increases the commitment level for the Federal Housing Administration's Mutual Mortgage Insurance Fund from $110,000,000,000 to $140,000,000,000. The additional authority is needed because HUD projections indicate that the existing limitation could be exceeded before the end of the fiscal year

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

Increases the commitment authority for the Government National Mortgage Association from $150,000,000,000 to $200,000,000,000. The additional authority is needed because 78 percent of the existing authority has been committed, and HUD projects that the existing limitation could be exceeded before the end of the fiscal year.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Deletes language proposed by the Senate rescinding $3,400,000 from HUD's salaries and expenses account and transferring it to the CDBG account for service coordinators and congregate services.

OFFICE OF INSPECTOR GENERAL

Deletes bill language as proposed by the Senate. The conferees direct the Office of Inspector General (OIG) and the General Accounting Office (GAO) to conduct an audit of HUD to assess the extent that HUD has been in compliance with the Department of Housing and Urban Reform Act of 1989 during the last two years. The conferees direct the OIG and GAO to produce a report on this matter within six months of enactment and a final report within 12 months of enactment, and to transmit them to the House and Senate Committees on Appropriations.

INDEPENDENT AGENCY

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

Inserts new language requiring that during fiscal year 2000, gross obligations of the Central Liquidity Facility (CLF) for the principal amount of new direct loans to member credit unions shall not exceed the statutory limitation. The conferees take this action only to deal with the unlikely scenario that credit unions could experience excessive withdrawals as a result of the millennium date change and may need additional liquidity resources. Furthermore, the conferees intend that prudent and appropriate administrative remedies should be devised as quickly as possible by the National Credit Union Administration, working with the Federal Reserve and the Department of the Treasury, to guarantee that a strong safety net is in place to deal with any potentially unusual Y2K circumstances.

GENERAL PROVISIONS—THIS CHAPTER

Inserts language proposed by the House for targeted economic initiatives to Project Restore and the Los Angeles City Civic Center Trust. The conferees have agreed to include a technical correction to language included in Public Law 105–276 which clarifies that $250,000 is for the Los Angeles Civic Center Public Partnership to revitalize the Civic Center neighborhood, and that $100,000 is for the Southeast Rio Vista Family YMCA to develop a child care center in Huntington Park, California. The Senate did not include a similar provision.

Inserts new language clarifying that funds made available in Public Law 105–276 shall be made available to the Maryland Department of Housing and Community Development for work associated with building Caritas House and with expanding the St. Ann Adult Medical Day Care facility.

Inserts new language allowing retention of land disposition proceeds associated with an Urban Renewal Project in the Township of North Union, Pennsylvania.

Inserts language proposed by the Senate which clarifies that funds appropriated in Public Law 105–276 under the Environmental Protection Agency, State and Tribal Assistance Grants to meet sewer infrastructure needs associated with the 2002 Winter Olympics shall be provided to Wasatch County, Utah, for both water and sewer infrastructure needs.

Inserts language proposed by the Senate which transfers $1,300,000 of funds appropriated in Public Law 105–276 under the Environmental Protection Agency, Environmental Programs and Management for Project SEARCH, to State and Tribal Assistance Grants for Project SEARCH water and wastewater infrastructure needs in the State of Idaho through the Region IV Development Association in Twin Falls, Idaho.

Inserts new language which clarifies that funds appropriated in Public Law 105–276 under the Environmental Protection Agency, State and Tribal Assistance Grants to meet wastewater infrastructure needs for Grand Isle, Louisiana, may also be used for drinking water supply needs.

CHAPTER 11

GENERAL PROVISIONS, THIS TITLE

Senate Section 2304. The conference agreement includes language proposed by the Senate clarifying administrative costs in the honey program, with a technical correction to a citation. The House had no similar provision.

Senate Section 2309. The conference agreement does not include language to extend chapter 12 bankruptcy authorization as proposed by the Senate. The House had no similar provision. Similar language was enacted as part of Public Law 106–5.

Senate Section 2310. The conference agreement includes language proposed by the Senate that amends the Consolidated Farm and Rural Development Act by deleting the statutory reference to the capital replacement reserve requirement for guaranteed farm loans, and by reinstating a statutory reference for a ten percent cash flow margin for restructuring direct farm loans. The House had no similar provision.

Senate Section 2318 and House Section 2002. The conference agreement includes language proposed by both the House and the Senate regarding loan deficiency payments for club wheat producers.

Senate Section 2322. The conference agreement does not include Section 2322, as proposed by the Senate, expressing the Sense of the Senate regarding a pending sale of wheat to Iran. The House had no similar provision. Recent actions by the Administration have addressed sanctions policy on commercial sales of agricultural commodities to certain countries, including Iran.

Sec. 3021.—The conference agreement includes a provision, modified from language proposed in the Senate bill, allowing the Attorney General to transfer up to $4,300,000 from funds available to the Department of Justice to pay the remaining claims for restitution as required by the Civil Liberties Act of 1988, and as pursuant to the court order issued in the case of Carmen Mochizuki et al v. United States (case No. 97–294C, United States Court of Federal Claims). The conferees expect this provision to be implemented in accordance with sections 107 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999. The House bill did not address this matter.

Sec. 3022.—The conference agreement includes a provision, slightly modified from language included in the Senate bill, to prohibit the taking of Cook Inlet beluga whales under the Marine Mammal Protection Act prior to October 1, 2000, unless pursuant to a cooperative agreement between the National Marine Fisheries Service and affected Alaska Native organizations. The House bill did not contain a similar provision.

Sec. 3023.—The conference agreement includes a provision repealing Section 626 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 to provide full year availability for appropriations provided in that Act. Neither the House nor Senate bills addressed this matter.

Sec. 3024.—The conference agreement includes a provision to allow the payment of available funds to facilitate the payment of grants to victim service organizations and public agencies that will provide emergency

or ongoing assistance to the victims of the bombing of Pan Am flight 103 and their families. The provision would include assistance to family members for travel to the Netherlands for the trial of the defendants in the bombing case. Neither the House nor Senate bills addressed this matter.

Sec. 3025.—The conference agreement includes a provision, not included in the House bill, to modify section 617 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, to make permanent the moratorium on the entry of new factory trawlers into the Atlantic herring and mackerel fishery until certain actions are taken by the appropriate fishery management councils.

The conference agreement includes a provision proposed in the House bill, and not included in the Senate bill, amending the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, to extend the availability of funds included for the Commission on Holocaust Assets in the United States to September 30, 2000.

The conference agreement includes a provision, modified from language proposed in the Senate bill, making technical corrections to the American Fisheries Act (Title II, Division C of Public Law 105–277).

The conference agreement includes a provision, modified from language proposed in the Senate bill, which makes corrections to section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, relating to eligibility of Alaska Native organizations for Department of Justice grants.

The conferees agree to retain section 3029, as proposed by the Senate, which authorizes the use of funds received pursuant to housing claims for construction of an access road and for real property maintenance projects at Ellsworth Air Force Base.

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes language proposed by the Senate directing a statutory reprogramming of $800,000 for preliminary work associated with a transfer of Federal lands to certain tribes and the State of South Dakota and for cultural resource protection activities, amended to delete language proposed by the Senate providing funds to the Lower Brule Sioux Tribe and the Cheyenne River Sioux Tribe.

PROHIBITION ON TREATING ANY FUNDS RECOVERED FROM TOBACCO COMPANIES AS AN OVERPAYMENT FOR THE PURPOSES OF MEDICAID

The conference agreement includes language proposed by the Senate which amends section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) to prohibit any Medicaid-related funds recovered or paid to a State as part of a settlement or judgment reached in litigation the State initiated or pursued against one or more tobacco companies being treated as a overpayment for purposes of the Medicaid statute. The House bill contained no similar provision.

The conferees recognize that, absent Congressional action, the issue of the Federal share of funds recovered under such settlements or judgments would be subject to litigation over the next several years, delaying the availability of these funds and putting planned State uses on hold. The conferees have adopted the Senate language in order to permit States which are delaying their plans for the use of these funds the certainty they need to plan their initiatives. The conferees encourage the States to use a significant portion of any tobacco settlement or judgment on smoking cessation and prevention programs, as well as other critical public health programs, such as expanding health care benefits to low income children and adults.

FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM

The conference agreement does not contain a Sense of the Senate provision regarding the sequential billing policy for home health payments under Medicare as proposed by the Senate.

The Balanced Budget Act of 1997 shifted funding for certain home health visits under Medicare from part A (Hospital Insurance) to part B (Medical Insurance). In a Sense of the Senate resolution, included in the Senate bill, the Senate indicated that certain Health Care Financing Administration regulations and administrative decisions have slowed down claims processing resulting in the financial hardship and closing of home health agencies.

The House bill contained no similar provision.

FIREFIGHTERS PAY

The conferees agree to include a provision making a technical change to the treatment of firefighters under section 628(f) of the fiscal year 1999 Treasury and General Government Appropriations Act, as proposed by the Senate, instead of no provision, as proposed by the House.

HOWELL T. HEFLIN POST OFFICE BUILDING

The conferees agree to a provision designating a United States Postal Service facility under construction at Tuscumbia, Alabama as the ''Howell T. Heflin Post Office Building''.

SAN JOAQUIN, CALIFORNIA

The conferees agree to include language which corrects the terms of a land conveyance in San Joaquin, California that was included in Public Law 105–277.

FERGUS FALLS, MINNESOTA

The conferees agree to direct the Administrator of the General Services Administration to purchase from the Postal Service the building in Fergus Falls, Minnesota where the U.S. Bankruptcy Court and the U.S. District Court sit.

TITLE IV—RESCISSIONS AND OFFSETS

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The conference agreement does not include language proposed by the Senate rescinding $700,000 from amounts appropriated under this heading. The House had no similar provision.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

(RESCISSION)

The conference agreement rescinds $1,250,000,000 of the balance of food stamp funds projected to remain unspent at the end of the fiscal year instead of $521,000,000 as proposed by the Senate. The House had no similar provision.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The conference agreement does not include language proposed by the House rescinding $30,000,000 from amounts appropriated under this heading. The Senate had no similar provision.

DEPARTMENT OF STATE AND RELATED AGENCIES

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

BUYING POWER MAINTENANCE

(RESCISSION)

The conference agreement includes a rescission of $20,000,000 from unobligated balances under this heading, as proposed in the House bill. The balances in this account result from exchange rate gains over the past several years, and exceed the potential requirements on the fund prior to the consolidation of the Agency into the Department of State on October 1, 1999.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

The conference agreement deletes language proposed by the House rescinding $150,000,000 of the funding provided to the Department of Energy in Public Law 105–277 for Russian programs relating to the disposal of excess plutonium and uranium from nuclear weapons.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

(RESCISSION)

The conference agreement includes a rescission of $25,000,000 from funds appropriated for the Global Environment Facility in Public Law 105–277.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

The conference agreement includes a rescission of $5,000,000 in funds appropriated to the Economic Support Fund in Public Law 105–277 and in prior acts making appropriations for foreign operations, export financing, and related programs.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

The managers have agreed to the rescission of $6,800,000 from management of lands and resources as proposed by both the House and the Senate.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes a reduction in this account of $22,400,000, instead of $21,000,000 as proposed by the House and $17,400,000 as proposed by the Senate.

The agreement includes a reduction of $17,400,000 from the Unemployment Insurance Contingency Account, the same level as the Senate. The House bill reduced this account by $16,000,000 and the President requested a reduction of $5,700,000.

The agreement also includes a reduction of $5,000,000 from the Unemployment Insurance Postage account, the same level as in the House bill. The President did not request a reduction in this account and the Senate did not include one in its bill.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

FEDERAL CAPITAL LOAN PROGRAM FOR NURSING

(RESCISSION)

The conference agreement includes a rescission of $2,800,000 from the Federal Capital Loan Program for Nursing, the same level as in the House bill. The President requested no rescission from this account and the Senate did not include a rescission in its bill. The amounts rescinded are unobligated balances in an account that has been inactive for more than eight years.

DEPARTMENT OF EDUCATION

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

(RESCISSION)

The conference agreement rescinds $6,500,000 from this account, instead of $6,800,000 as proposed by the House and $8,000,000 as proposed by the Senate. The President proposed no rescission for this account. The $6,500,000 will be taken from funds which the Administration has indicated are in excess of what is necessary for an evaluation of voluntary national test development.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(RESCISSIONS)

The conferees recommend rescissions totaling $31,400,000 in fiscal year 1999 funds. These reflect inflation and foreign currency fluctuation savings of $25,000,000 and $6,400,000 from the Base Realignment and Closure Account, Part IV.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $815,000 in contract authority provided for ''Small community air service'' by Public Law 101–508 for fiscal years prior to fiscal year 1998, as proposed by the House. The Senate bill contained no similar rescission.

FEDERAL HIGHWAY ADMINISTRATION

STATE INFRASTRUCTURE BANKS

(RESCISSION)

The conference agreement includes a rescission of $6,500,000 from the state infrastructure bank program, as proposed by the House. The Senate bill contained no similar rescission.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF TRANSIT PROGRAMS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $665,00 in contract authority from the trust fund share of transit programs provided in Public Law 102–240 under 49 U.S.C. 5338(a)(1), as proposed by the House. The Senate bill contained no similar rescission.

INTERSTATE TRANSFER GRANTS—TRANSIT

The conference agreement includes a rescission of $600,000 in unobligated balances of interstate transfer grants—transit, as proposed by the House. The Senate bill contained no similar rescission. The conferees direct the Federal Transit Administration to reduce only those available balances for projects for which funds were allocated before fiscal year 1995.

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to a provision rescinding $4,500,000 from amounts previously made available under this heading in Public Law 105–277 for the expansion of the National Tracing Center.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

The conferees agree to include a rescission of $10,000,000 from amounts previously appropriated under this heading in Public Law 101–130, the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, as proposed by the House, instead of no rescission, as proposed by the Senate.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

The conferees agree to include no rescission from the Special Forfeiture Fund, as proposed by the House, instead of a rescission of $1,250,000, as proposed by the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Inserts new language rescinding $350,000,000 in unobligated and unexpended section 8 recaptures. Because the section 8 renewal account was fully funded in fiscal year 1999, these funds are not necessary during the current fiscal year.

In fiscal year 2000, section 8 renewal needs are $13,522,000,000. As proposed by the President, these recaptured funds could offset the fiscal year 2000 request, thereby reducing the total appropriation for fiscal year 2000. Clearly, the conferees understand that the section 8 renewal account must be fully funded in order to protect the homes of those families who rely on this assistance.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

(RESCISSION)

Rescinds $230,000,000 of unobligated balances for disaster relief instead of $313,600,000, as proposed by the Senate. The House did not include a similar provision. The conferees note that funds have included in FEMA's account to deal with issues relating to disaster relief. The Department is directed to award the remaining funds in accordance with announcements made heretofore by the Secretary, including allocations made pursuant to the March 10, 1999 notice published in the Federal Register, as expeditiously as possible.

GENERAL PROVISION—THIS TITLE

Senate Section 3001. The conference agreement does not include language proposed by the Senate repealing Division B, title V, chapter 1 of Public Law 105–277 providing emergency appropriations to the Agricultural Research Service for counter-narcotics research proposed by the Senate. The House had no similar provision. The conference agreement rescinds $22,466,000 of these funds, reflecting the obligation of $534,000 of these monies. Additional provisions regarding counter-narcotics research are included elsewhere in this report.

TITLE V

TECHNICAL CORRECTIONS

The conference agreement includes four technical corrections related to the Agriculture portion of Public Law 105–277 proposed by both the House and the Senate, with modifications.

House Section 3002. The conference does not include language proposed by the House extending the availability of counter-drug research funds. The Senate had no similar provision.

The conference agreement includes four technical corrections to the fiscal year 1999 Appropriations Act for the Department of the Interior and Related Agencies as proposed by the Senate. The House had similar provisions for three of these corrections. The Senate added a provision revising an earmark in the operation of Indian Programs account.

The conference agreement deletes a provision included in both the House and Senate versions of the bill regarding design of a CD ROM product.

The conferees have included two technical corrections as contained in the House bill and the Senate amendment for the Legislative Branch.

The conferees have included language, proposed by the Senate, which makes a technical correction to the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) under the heading ''Family Housing, Navy and Marine Corps'' to include Hurricane George.

The conference agreement includes a provision proposed by the Senate that clarifies the scope of certain bus and bus facilities projects contained in the Federal Transit Administration's capital investment grants program in fiscal year 1999. The House bill contained no similar provision. The conferees direct that funds provided for the Canton-Akron-Cleveland commuter rail project in the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1999 shall be available for the purchase of rights-of-way in addition to conducting a major investment study to examine the feasibility of establishing commuter rail service.

The conference agreement includes a provision proposed by the Senate that increases the obligation limitation for the federal-aid highways ferry boat and terminal program in fiscal year 1999 from $38,000,000 to $59,290,000 to reflect the sum of both fiscal years 1998 and 1999 program funding levels. The House bill contained no similar provision.

The conferees have agreed to include a technical correction to the Federal Vacancies Reform Act of 1998 as proposed by the Senate. The House had no similar provision.

TITLE VI—GENERAL PROVISIONS, THIS ACT

The conference agreement includes provisions which extend the Federal Aviation Administration's airport improvement program (AIP) and war risk insurance program through August 6, 1999 at the same rate as included in the Department of Transportation and Related Agencies Appropriations Act, 1999. Under current law, the authorization for the AIP program will expire on May 31, 1999.

It is the conferees' understanding that this provision will cause no increase in fiscal year 1999 budget authority or outlays. The conference agreement also includes provisions releasing an additional $30,000,000 in passenger facility fee/airport development project grant funding to the Metropolitan Washington Airports Authority to continue the authority's capital development programs. The Senate bill proposed to extend the airport improvement program and the war risk insurance program through May 31, 1999. The house bill contained no similar provisions.

The conference agreement includes a provision proposed by the Senate that extends the Secretary of Transportation's authority to set Alaskan mail rates. The House bill contained no similar provision.

The conference agreement deletes a provision proposed by the House that would have made funds available to continue the national advanced driving simulator in fiscal year 1999 from funds previously appropriated to the National Highway Traffic Safety Administration. The Senate bill contained no similar provision. The provision is no longer necessary as funding to continue the national advanced driving simulator in fiscal year 1999 was addressed in a reprogramming recently approved by the House and Senate Committees on Appropriations.

The conference agreement includes a provision proposed by the House that re-designates a section number in the Transportation Equity Act for the 21st Century. The Senate bill contained no similar provision.

The conferees agree to retain section 6004, as proposed by the House, which expresses

the sense of the Congress that there be parity in the adjustments to compensation between military personnel and civilian employees.

The conference agreement deletes language proposed by the Senate providing relief to certain natural gas producers in Kansas.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 budget estimates, and the House and Senate bills for 1999 follows:

(In thousands of dollars)

Budget estimates of new (obligational) authority, fiscal year 1999	$7,796,524
House bill, fiscal year 1999	13,221,669
Senate bill, fiscal year 1999	−2,424,691
Conference agreement, fiscal year 1999	13,145,246
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1999	+5,348,722
House bill, fiscal year 1999	−76,423
Senate bill, fiscal year 1999	+15,569,937

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
JOHN PORTER,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
RON PACKARD,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
JOHN P. MURTHA,
NORMAN D. DICKS,
ALLAN B. MOLLOHAN,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
JON KYL,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
FRANK R. LAUTENBERG,
BARBARA H. MIKULSKI,
HARRY REID,
HERB KOHL,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

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 Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, on May 17.

Mr. WHITFIELD, for 5 minutes, on May 17.

Mr. EHLERS, for 5 minutes, today.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 59 minutes p.m.), the House adjourned until Monday, May 17, 1999, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1998 and the first quarter of 1999 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during first quarter of 1999, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Chairman, Apr. 26, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to the United Kingdom, Belgium, Russia and Czech Republic, November 30–December 10, 1998:											
Delegation expenses	12/2	12/4	Belgium						507.48		507.48
Committee total									507.48		507.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, Apr. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Larry Combest	1/7	1/9	Venezuela		$553.50		(3)				$553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.00		(3)				1,070.00
Tom Sell	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1.208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.00		(3)				1,070.00
Hon. Collin Peterson	2/20	2/21	Marshall Islands		185.00		(3)				185.00
Hon. Bob Etheridge	2/12	2/14	United Kingdom		623.28		(3)				623.28

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/14	2/16	Jerusalem		558.00		(3)				558.00
	2/16	2/17	Turkey		102.00		(3)				102.00
	2/17	2/19	Bahrain		490.64		(3)				490.64
	2/19	2/19	Kuwait				(3)				
	2/19	2/20	Turkey		228.31		(3)				228.31
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Greg Walden	3/29	4/2	China		967.25		(3)				967.25
	4/2	4/3	Taiwan		409.50		(3)				409.50
Committee total					9,490.98						9,490.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

LARRY COMBEST, Chairman, Apr. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joseph Knollenberg	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		480,000		(3)				480.00
Timothy L. Peterson	1/23	2/2	New Zealand		1,200.00		(3)				1,200.00
Commercial airfare							7,438.00				7,438.00
John T. Blazey	1/21	2/2	New Zealand		1,400.00						1,400.00
Commercial airfare							7,439.00				7,439.00
Richard E. Efford	1/23	2/2	New Zealand		1,200.00						1,200.00
Commercial airfare							7,458.40				7,458.40
Hon. Jay Dickey	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. David L. Hobson	1/10	1/12	Hungary		497.00						497.00
	1/22	1/12	Bosnia-Herzegovina								
	1/12	1/13	Germany		192.00						192.00
	1/13	1/15	Belgium		582.00						582.00
Commercial airfare							5,184.77				5,184.77
Elizabeth C. Dawson	1/10	1/12	Hungary		497.00						497.00
	1/12	1/12	Bosnia-Herzegovina								
	1/12	1/13	Germany		192.00						192.00
	1/13	1/16	Belgium		873.00						873.00
Commercial airfare							3,877.89				3,877.89
Donald McKinnon	1/15	1/16	Bolivia		164.00						164.00
	1/16	1/18	Argentina		744.00						744.00
Commercial airfare							3,534.90				3,534.90
John G. Shank	1/24	1/26	Nicaragua		440.50						440.50
	1/26	1/28	Colombia		514.70						514.70
Commercial airfare							1,952.40				1,952.40
Scott Lilly	1/24	1/26	Nicaragua		452.00						452.00
	1/26	1/28	Colombia		770.00						770.00
Commercial airfare							1,952.40				1,952.40
Mark Murray	1/24	1/26	Nicaragua		452.00						452.00
	1/26	1/29	Colombia		770.00						770.00
Commercial airfare							1,952.40				1,952.40
Frank M. Cushing	2/14	2/17	Italy		1,221,92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Martin O. Sabo	2/14	2/17	Italy		1,286,32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Robert E. (Bud) Cramer, Jr.	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Elizabeth C. Dawson	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Todd Tiahrt	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. David L. Hobson	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Roger F. Wicker	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Robert D. Aderholt	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Sam Farr	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Charles Parkinson	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. John W. Olver	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Forhan	2/14	2/17	Italy		1,221.92		([3])				1,221.92
	2/17	2/17	Bosnia-Herzegovina				([3])				
	2/18	2/19	Turkey		394.00		([3])				394.00
	2/20	2/21	Ireland		264.00		([3])				264.00
Hon. Frank R. Wolf	2/14	2/15	Albania		117.50						117.50
	2/15	2/16	Macedonia		117.50						117.50
	2/16	2/17	Kosovo		117.50						117.50
	2/17	2/18	Macedonia		117.50						117.50
Commercial airfare							2,237.96				2,237.96
Hon. Maurice D. Hinchey	2/16	2/17	Israel		116.00						116.00
	2/17	2/19	Bahrain		336.00						336.00
	2/19	2/20	Turkey (Istanbul)		133.00						133.00
	2/20	2/21	Ireland		264.00						264.00
Commercial airfare							2,945.64				2,945.64
Elizabeth C. Dawson	3/18	3/22	England		800.00						800.00
Commercial airfare							4,761.86				4,761.86
Brian L. Potts	3/19	3/21	England		150.00		([3])				150.00
Hon. David L. Hobson	3/19	3/21	England		150.00		([3])				150.00
Douglas Gregory	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		([3])				364.00
Charles Flickner	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		([3])				364.00
Elizabeth Dawson	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		([3])				364.00
Hon. Sam Farr	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		([3])				364.00
Hon. David L. Hobson	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		([3])				364.00
Hon. Todd Tiahrt	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		([3])				364.00
Hon. Roger Wicker	3/13	3/16	Russia		1,150.00		([3])				1,150.00
Hon. Robert E. (Bud) Cramer, Jr.	3/13	3/16	Russia		1,150.00		([3])				1,150.00
Total					45,614.39		50,735.62				96,350.01
Committee Appropriations, Surveys and Investigation Staff:											
R.W. Vandergrift, Jr	2/14	2/18	Italy		1,196.75		2,457.00		288.08		3,941.83
	2/18	2/20	Turkey		294.00						294.00
	2/20	2/21	Ireland		267.50						267.50
Committee total					1,758.25		2,457.00		288.08		4,503.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL YOUNG, Chairman, Apr. 27, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Morocco, Kuwait, Saudi Arabia, Spain and Portugal, January 7–19, 1999:											
Hon. Floyd D. Spence	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Hon. Solomon P. Ortiz	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Hon. James V. Hansen	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Hon. Owen B. Pickett	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/15	Germany								
	1/15	1/19	Portugal		1,192.00						1,192.00
Commercial airfair							1,330.87				1,330.87
Hon. John M. McHugh	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Peter M. Steffes	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Maureen P. Cragin	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Visit to China and Japan, January 11–16, 1999;											
Hon. Robert A. Underwood	1/11	1/15	China		1,118.00						1,118.00
	1/15	1/15	Japan								
Commercial airfare							5,585.06				5,585.06
Mieke Y. Eoyang	1/11	1/15	China		1,118.00						1,118.00
	1/15	1/16	Japan		313.00						313.00
Commercial airfare							6,617.20				6,617.20
Delegation expenses	1/11	1/15	China						399.38		399.38

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Panama, Honduras and Costa Rica, January 13–18, 1999:											
Hon. Herbert H. Bateman	1/13	1/15	Panama		434.00						434.00
	1/15	1/15	Honduras								
	1/15	1/18	Costa Rica		678.00						678.00
Christian P. Zur	1/13	1/15	Panama		434.00						434.00
	1/15	1/15	Honduras								
	1/15	1/18	Costa Rica		678.00						678.00
Visit to Bosnia and Germany, January 13–16, 1999:											
Hon. Gene Taylor	1/13	1/15	Bosnia								
	1/15	1/16	Germany		49.10						49.10
Commercial airfare							4,286.48				4,286.48
Dudley L. Tademy	1/13	1/15	Bosnia								
	1/15	1/16	Germany		49.10						49.10
Commercial airfare							4,286.48				4,286.48
Visit to Honduras, Costa Rica, Panama, Equador, Curacao and Aruba, February 17–23, 1999:											
Hon. Gene Taylor	2/17	2/17	Honduras								
	2/17	2/18	Costa Rica		226.00						226.00
	2/18	2/20	Panama		434.00						434.00
	2/20	2/21	Equador		137.00						137.00
	2/21	2/22	Curacao		341.00						341.00
	2/22	2/23	Aruba		391.00						391.00
George O. Withers	2/17	2/17	Honduras								
	2/17	2/18	Costa Rica		226.00						226.00
	2/18	2/20	Panama		434.00						434.00
	2/20	2/21	Equador		137.00						137.00
	2/21	2/22	Curacao		341.00						341.00
	2/21	2/23	Aruba		391.00						391.00
Visit to the United Kingdom, Jerusalem, Turkey, Bahrain, Kuwait and Ireland, February 12–21, 1999:											
Hon. Bob Riley	2/12	2/14	United Kingdom		623.28						623.28
	2/12	2/16	Jerusalem		558.00						558.00
	2/16	2/17	Turkey		102.00						102.00
	2/17	2/19	Bahrain		490.64						490.64
	2/19	2/19	Kuwait								
	2/19	2/20	Turkey		228.31						228.31
	2/20	2/21	Ireland		264.00						264.00
Thomas M. Donnelly	2/12	2/14	United Kingdom		623.28						623.28
	2/14	2/16	Jerusalem		558.00						558.00
	2/16	2/17	Turkey		102.00						102.00
	2/17	2/19	Bahrain		490.64						490.64
	2/19	2/19	Kuwait								
	2/19	2/20	Turkey		228.31						228.31
	2/20	2/21	Ireland		264.00						264.00
Delegation expenses	2/16	2/20	Turkey				490.70		1,721.81		2,212.51
Visit to Italy, March 3–8, 1999:											
Hon. Herbert H. Bateman	3/5	3/8	Italy		828.00						828.00
Hon. Solomon P. Ortiz	3/5	3/8	Italy		828.00						828.00
Hon. James V. Hansen	3/5	3/8	Italy		828.00						828.00
Hon. Owen Pickett	3/5	3/8	Italy		828.00						828.00
Hon. Don Sherwood	3/5	3/8	Italy		828.00						828.00
Hon. Jim Turner	3/5	3/8	Italy		828.00						828.00
Peter M. Steffes	3/5	3/8	Italy		828.00						828.00
Dudldy L. Tademy	3/5	3/8	Italy		828.00						828.00
Joseph F. Boessen	3/5	3/8	Italy		828.00						828.00
Maureen P. Cragin	3/5	3/8	Italy		828.00						828.00
Diane W. Bowman	3/5	3/8	Italy		828.00						828.00
Visit to Russia, March 13–16, 1999:											
Hon. Curt Weldon	3/13	3/16	Russia		1,150.00						1,150.00
Hon. Roscoe G. Bartlett	3/13	3/16	Russia		1,150.00						1,150.00
Hon. John N. Hostettler	3/13	3/16	Russia		1,150.00						1,150.00
Hon. Jim Turner	3/13	3/16	Russia		1,150.00						1,150.00
Committee total					49,031.66		22,596.79		2,121.19		73,749.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Apr. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bruce Vento	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		480.00		(3)				480.00
Hon. Carolyn Maloney	2/10	2/12	Netherlands		586.00		623.47				1,209.47
Hon. Joseph Engelhard	3/11	3/17	France		1,992.00		957.18				2,949.18
Committee total					4,636.00		1,580.65				6,216.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM LEACH, Chairman, Apr. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
FOR HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Apr. 22, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Cliff Stearns	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		480.00		(3)				480.00
Hon. Edward Markey	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		408.00		(3)				480.00
Hon. Tom Sawyer	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/17	Austria		240.00		[4] 2,852.79				3,092.79
Hon. Barbara Cubin	2/13	2/14	El Salvador		210.00		(3)				210.00
	2/14	2/15	Panama		217.00		(3)				217.00
	2/15	2/16	Peru		306.00		(3)				306.00
	2/16	2/18	Bolivia		328.00		(3)				328.00
	2/18	2/21	Mexico		852.00						852.00
Hon. Tom Coburn	3/18	3/19	Albania				5,439.16				5,439.16
	3/19	3/20	Greece		213.00						213.00
	3/20	3/22	Macedonia		380.00		202.00				582.00
Hon. Bart Gordon	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00		(3)				332.00
	2/18	2/20	Belgium		582.00		(3)				582.00
Hon. Joe Barton	2/18	2/21	Mexico		1,107.00		[4] 211.27				1,318.27
Hon. James Greenwood	1/10	1/11	Korea		136.00		(3)				136.00
	1/11	1/14	Indonesia		699.00		[4] 2,936.25				3,635.25
Hon. Peter Deutsch	3/8	3/9	Honduras				[4] 452.80				452.80
Committee total					12,391.00		12,094.27				24,485.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military and commercial air transportation.

TOM BLILEY, Chairman, Apr. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Schaffer	3/11	3/16	Russia		1,150		(3)				1,150
Committee total					1,150						1,150

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL GOODLING, Chairman, Apr. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tony P. Hall	1/8	1/18	Thailand, Burma, Laos		1,969.00		3,897.40				5,866.40
Hon. Sue Myrick	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00						332.00
	2/18	2/20	Belguim		582.00						582.00
Hon. Tony P. Hall [4]	11/7	11/15	S. Korea, N. Korea, Japan				11,200.00		700.00		11,900.00
Codel Solomon [5]	8/17	8/18	Mongolia						7,199.64		7,199.64
Committee total					3,978.00		15,097.40		7,899.64		26,975.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Additional expenditures to 4th (1998) quarter report.
[5] Additional expenditures to 3rd (1998) quarter report.

DAVID DREIER, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner	2/13	2/18	England and the Netherlands		1,095.00		4,672.00				5,767.00
	3/27	3/31	Korea				4,816.00				4,186.00
Nick Smith	3/27	3/31	Korea				4,816.00				4,186.00
Todd Schultz	2/13	2/18	England and the Netherlands		1,095.00		4,672.00				5,767.00
	3/27	3/31	Korea				4,816.00				4,186.00
Committee total					2,190.00		21,902.00				24,092.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, Apr. 27, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 30, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES TALENT, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LAMAR SMITH, Chairman, Apr. 21, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Archer	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. Phil English	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. E. Clay Shaw, Jr.	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. William J. Jefferson	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/12	Chile		906.00		[4] 1,776.20				2,682.20
Hon. Wes Watkins	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. Karen Thurman	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. Angela Ellard	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. Timothy Reif	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. Karen Humbel	1/7	1/9	Venezuela		553.50		[3]				553.50
	1/9	1/13	Chile		1,208.00		[3]				1,208.00
	1/13	1/16	Brazil		1,070.65		[3]				1,070.65
Hon. Michael McNulty	1/10	1/12	Finland		568.00		[3]				568.00
	1/12	1/14	Germany		508.00		[3]				508.00
	1/14	1/16	France		502.00		[3]				502.00
	1/16	1/18	Austria		480.00		[3]				480.00
Hon. Ron Lewis	3/11	3/16	Russia		1,150.00		[3]				1,150.00
	2/12	2/14	United Kingdom		623.28		[3]				623.28
	2/14	2/16	Jerusalem		558.00		[3]				558.00
	2/16	2/17	Turkey		102.00		[3]				102.00
	2/17	2/19	Bahrain		490.64		[3]				490.64
	2/19	2/19	Kuwait				[3]				
	2/19	2/20	Turkey		228.31		[3]				228.31
	2/20	2/21	Ireland		264.00		[3]				264.00
Committee Total					29,590.93		1,716.20				31,367.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial airfare.

BILL ARCHER, Chairman, Apr. 27, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON U.S. NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
FOR HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS COX, Chairman, Apr. 26, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO GERMANY, BELGIUM, LITHUANIA, UNITED KINGDOM, AND IRELAND, EXPENDED BETWEEN MAR. 26 AND APR. 3, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Scott Palmer	3/27	3/29	Germany	1,325.87	741.00						
Bill Inglee	3/27	3/29	Germany	1,325.87	741.00						
Christy Surprenant	3/27	3/29	Germany	1,325.87	741.00						
Martha Morrison	3/27	3/29	Germany	1,325.87	741.00						
Ralph Hellmann	3/27	3/29	Germany	1,325.87	741.00						
Sam Lancaster	3/27	3/29	Germany	1,325.87	741.00						
John Feehery	3/27	3/29	Germany	1,325.87	741.00						
David Hobbs	3/27	3/29	Germany	1,325.87	741.00						
Mark Murray	3/27	3/29	Germany	1,325.87	741.00						
Dan Turton	3/27	3/29	Germany	1,325.87	741.00						
Dwight Comedy	3/27	3/29	Germany	1,325.87	741.00						
Tola Thompson	3/27	3/29	Germany	1,325.87	741.00						
Hon. J. Dennis Hastert	3/27	3/29	Germany	1,325.87	741.00						
Hon. David Obey	3/27	3/29	Germany	1,325.87	741.00						
Hon. Robert (Bud) Cramer	3/27	3/29	Germany	1,325.87	741.00						
Hon. Tom Ewing	3/27	3/29	Germany	1,325.87	741.00						
Hon. Mac Collins	3/27	3/29	Germany	1,325.87	741.00						
Hon. Peter King	3/27	3/29	Germany	1,325.87	741.00						
Hon. Carrie Meek	3/27	3/29	Germany	1,325.87	741.00						
Hon. Bobby Rush	3/27	3/29	Germany	1,325.87	741.00						
Hon. Ray LaHood	3/27	3/29	Germany	1,325.87	741.00						
Hon. Kay Granger	3/27	3/29	Germany	1,325.87	741.00						
Hon. Ed Pease	3/27	3/29	Germany	1,325.87	741.00						
Hon. John Shimkus	3/27	3/29	Germany	1,325.87	741.00						
Hon. J. Dennis Hastert	3/29	3/31	Lithuania	2,570	644.00						
Hon. David Obey	3/29	3/31	Lithuania	2,570	644.00						
Hon. Robert (Bud) Cramer	3/29	3/31	Lithuania	2,570	644.00						
Hon. Tom Ewing	3/29	3/31	Lithuania	2,570	644.00						
Hon. Mac Collins	3/29	3/31	Lithuania	2,570	644.00						
Hon. Peter King	3/29	3/31	Lithuania	2,570	644.00						
Hon. Carrie Meek	3/29	3/31	Lithuania	2,570	644.00						
Hon. Bobby Rush	3/29	3/31	Lithuania	2,570	644.00						
Hon Ray LaHood	3/29	3/31	Lithuania	2,570	644.00						
Hon. Kay Granger	3/29	3/31	Lithuania	2,570	644.00						
Hon. Ed Pease	3/29	3/31	Lithuania	2,570	644.00						
Hon. John Shimkus	3/29	3/31	Lithuania	2,570	644.00						
Scott Palmer	3/29	3/31	Lithuania	2,570	644.00						
Bill Inglee	3/29	3/31	Lithuania	2,570	644.00						
Christy Surprenant	3/29	3/31	Lithuania	2,570	644.00						
Martha Morrison	3/29	3/31	Lithuania	2,570	644.00						
Ralph Hellman	3/29	3/31	Lithuania	2,570	644.00						
Sam Lancaster	3/29	3/31	Lithuania	2,570	644.00						
John Feehery	3/29	3/31	Lithuania	2,570	644.00						
David Hobbs	3/29	3/31	Lithuania	2,570	644.00						
Mark Murray	3/29	3/31	Lithuania	2,570	644.00						
Dan Turton	3/29	3/31	Lithuania	2,570	644.00						
Dwight Comedy	3/29	3/31	Lithuania	2,570	644.00						
Tola Thomason	3/29	3/31	Lithuania	2,570	644.00						
Hon. J. Dennis Hastert	3/31	4/1	United Kingdom	223.50	365.00						
Hon. David Obey	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Robert (Bud) Cramer	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Tom Ewing	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Mac Collins	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Peter King	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Carrie Meek	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Bobby Rush	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Ray LaHood	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Kay Granger	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Ed Pease	3/31	4/1	United Kingdom	223.50	365.00						
Hon. John Shimkus	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Scott Palmer	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Bill Ingles	3/31	4/1	United Kingdom	223.50	365.00						
Christy Surprerant	3/31	4/1	United Kingdom	223.50	365.00						
Martha Morrison	3/31	4/1	United Kingdom	223.50	365.00						
Ralph Hellmann	3/31	4/1	United Kingdom	223.50	365.00						
Sam Lancaster	3/31	4/1	United Kingdom	223.50	365.00						
John Feehery	3/31	4/1	United Kingdom	223.50	365.00						
David Hobbs	3/31	4/1	United Kingdom	223.50	365.00						
Mark Murray	3/31	4/1	United Kingdom	223.50	365.00						
Dan Turton	3/31	4/1	United Kingdom	223.50	365.00						
Dwight Comedy	3/31	4/1	United Kingdom	223.50	365.00						
Tola Thompson	3/31	4/1	United Kingdom	223.50	365.00						
Hon. J. Dennis Hastert	4/1	4/3	Ireland	370.33	512.00						
Hon. David Obey	4/1	4/3	Ireland	370.33	512.00						
Hon. Robert (Bud) Cramer	4/1	4/3	Ireland	370.33	512.00						
Hon. Tom Ewing	4/1	4/3	Ireland	370.33	512.00						
Hon. Mac Collins	4/1	4/3	Ireland	370.33	512.00						
Hon. Peter King	4/1	4/3	Ireland	370.33	512.00						
Hon. Carrie Meek	4/1	4/3	Ireland	370.33	512.00						
Hon. Bobby Rush	4/1	4/3	Ireland	370.33	512.00						
Hon. Ray LaHood	4/1	4/3	Ireland	370.33	512.00						
Hon. Kay Granger	4/1	4/3	Ireland	370.33	512.00						
Hon. Ed Pease	4/1	4/3	Ireland	370.33	512.00						
Hon. John Shimkus	4/1	4/3	Ireland	370.33	512.00						
Scott Palmer	4/1	4/3	Ireland	370.33	512.00						
Bill Ingles	4/1	4/3	Ireland	370.33	512.00						
Christy Surprenant	4/1	4/3	Ireland	370.33	512.00						
Martha Morrison	4/1	4/3	Ireland	370.33	512.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO GERMANY, BELGIUM, LITHUANIA, UNITED KINGDOM, AND IRELAND, EXPENDED BETWEEN MAR. 26 AND APR. 3, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ralph Hellmann	4/1	4/3	Ireland	370.33	512.00						
Sam Lancaster	4/1	4/3	Ireland	370.33	512.00						
John Feehery	4/1	4/3	Ireland	370.33	512.00						
David Hobbs	4/1	4/3	Ireland	370.33	512.00						
Mark Murray	4/1	4/3	Ireland	370.33	512.00						
Dan Turton	4/1	4/3	Ireland	370.33	512.00						
Dwight Comedy	4/1	4/3	Ireland	370.33	512.00						
Tola Thompson	4/1	4/3	Ireland	370.33	512.00						
Total					54,288.00						54,288.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, May 3, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM AND ALBANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 8, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Wolf		3/4	United States								
	4/4	4/4	Belgium								
	4/4	7/4	Albania		477.85						477.85
	7/4	8/4	Belgium								
	8/4		United States								
Total					477.85						477.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK R. WOLF, May 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO BELGIUM AND ALBANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 8, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles E. White		3/4	United States								
	4/4	4/4	Belgium								
	4/4	7/4	Albania		477.85						477.85
	7/4	8/4	Belgium								
	8/4		United States								
					477.85						477.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES E. WHITE, Apr. 4, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Iprodione; Pesticide Tolerance [OPP–300807; FRL 6064–5] (RIN: 2070–AB78) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2102. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP–300846; FRL–6074–9] (RIN: 2070–AB78) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2103. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [OPP–300835; FRL–6073–5] (RIN: 2070–AB78) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2104. A letter from the the Comptroller General, the General Accounting Office, transmitting an updated report on the previous compilation of historical information and statistics regarding rescissions proposed by the exectuive branch and rescissions enacted by the Congress through October 1, 1998; (H. Doc. No. 106–65); to the Committee on Appropriations and ordered to be printed.

2105. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106–64); to the Committee on Appropriations and ordered to be printed.

2106. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a technical violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

2107. A letter from the Office of General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2108. A letter from the Office of General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determination—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2109. A letter from the Office of General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—[Docket No. FEMA–7280]—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio; Designation of Areas for Air Quality Planning Purposes; Ohio [OH121–2; FRL–6337–5] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of New Source Review Provisions Implementation Plan for Nevada State Clark County Air Pollution Control District [NV 030–0015; FRL–6336–5] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(I), Program

Submittal; State of Alaska; Amendment and Clarification [FRL–6316–7] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2113. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins and Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry [AD–FRL–6338–3] (RIN: 2060–AH47) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2114. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Substitutes for Ozone—Depleting Substance [FRL–6332–3] (RIN: 2060–AG12) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2115. A letter from the Special Assistant 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 (Des Moines, Iowa and Bennington, Nebraska) [MM Docket No. 98–187 RM–9371] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2116. A letter from the Special Assistant, Office of Bureau Chief, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b),FM Table of Allotments, FM Broadcast Stations. (Hamilton, Meridian, and Marble Falls, Texas) [MM Docket No. 97–174 RM–9146 RM–9262] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2117. A letter from the Chief, Competitive Pricing Division, Federal Communications Commission, transmitting the Commission's final rule—Defining Primary Lines [CC Docket No. 97–181] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2118. A letter from the Chief, Policy and Program Planning Division, Federal Communications Commission, transmitting the Commission's final rule—Policy and Rules Concerning the Interstate, Interexchange Marketplace [CC Docket No. 96–61] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2119. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Codes and Standards: IEEE National Consensus Standard (RIN: 3150–AF96) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2120. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside the United States; Extension of Compliance Date [Release Nos. IC023814; IS–1193; File No. S7–23–95] (RIN: 3235–AE98) received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2121. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to New Zealand (Transmittal No. 08–99), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2122. A letter from the Director, Defense Security Cooperation Agency, transmitting notice of proposed lease to the North Atlantic Treaty Organization for defense articles (Transmittal No. 11–99), pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2123. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to a joint venture between Norway, Ukraine, Russia, Cayman Islands, Denmark and the United Kingdom (Transmittal No. DTC–6–99), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2124. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2125. A letter from the Secretary of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2126. A letter from the Secretary Of The Interior, transmitting the Department of the Interior's annual performance plan for FY2000; to the Committee on Government Reform.

2127. A letter from the Acting 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, Pacific Cod in the Gulf of Alaska [Docket No. 990304063–9062–01; I.D. 033099B] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2128. 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 Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program [Docket No. 981221311–9096–02; I.D. 113098C] (RIN: 0648–AL21) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2129. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in the Northeastern Coastal States; Marine Fisheries Initiative (MARFIN) [Docket No. 990309066–9066–01; I.D. 030299A] (RIN: 0648—ZA62) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2130. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Carrier Automated Tariff Systems [Docket No. 98–29] received May 3, 1999; to the Committee on Transportation and Infrastructure.

2131. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 99–NM–50–AD; Amendment 39–11152; AD 99–09–19] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2132. A letter from the Program Analyst, Office of the Chief Council, Department of Transportation, transmitting Establishment of Temporary Restricted Area, Idaho [Airspace Docket No. 98–ANM–22] (RIN: 2120–AA66) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2133. A letter from the Program Analyst, Office of the Chief Council, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace, Toccoa, GA [Docket No. 99–ASO–3] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2134. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class C Airspace and Revocation of Class D Airspace, Austin-Bergstrom International Airport, TX; and Revocation of Robert Mueller Muncipal Airport Class C Airspace; TX [Airspace Docket No. 97–AWA–4] (RIN: 2120–AA66) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2135. A letter from the Program Support Speccialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–100–AD; Amendment 39–11154; AD 99–09–51] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2136. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series [Docket No. 98–NM–202–AD; Amendment 39–11151; AD 99–09–18] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2137. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of Funds for Source Water Protection [FRL–6336–7] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2138. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revised Allotment Formulas for State and Interstate Monies Appropriated Under Section 106 of the Clean Water Act [FRL–6332–1] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2139. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 222, 222B, and 222U Helicopters [Docket No. 98–SW–49–AD; Amendment 39–11153; AD 99–09–20] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2140. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Establishment of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation of the Cincinnati/Northern Kentucky International Airport Class C Airspace Area; KY [Airspace Docket No. 93–AWA–5] (RIN: 2120–AE97) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2141. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Des Moines, IA; Correction [Airspace Docket No. 98–ACE–55] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2142. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation

Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Newton, KS [Airspace Docket No. 99–ACE–3] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2143. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Springfield, MO [Airspace Docket No. 99–ACE–8] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2144. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Kirksville, MO [Airspace Docket No. 99–ACE–9] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2145. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace, West Union, IA [Airspace Docket No. 99–ACE–12] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2146. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Department's final rule—Amendment to Class E Airspace; Cresco, IA [Airspace Docket No. 99–ACE–13] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2147. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Rock Rapids, IA [Airspace Docket No. 99–ACE–15] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2148. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Shenandoah, IA [Airspace Docket No. 99–ACE–16] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2149. A letter from the Acting Associate Administrator For Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Administrative Revisions to the NASA FAR Supplement received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2150. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's ''Major'' final rule—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Substantial Gainful Activity Amounts (RIN: 0960–AE98)—received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2151. A letter from the Deputy Under Secretary of Defense, Science and Technology, Office of the Director of Defense Research and Engineering, transmitting a report on the Strategic Environmental Research and Development Program, pursuant to Public Law 101–510, section 1801(a) (104 Stat. 1755); jointly to the Committees on Armed Services and Science.

2152. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting Fiscal Year 1998 Annual Report to Congress covering significant accomplishments in civil rights enforcement in education; jointly to the Committees on Education and the Workforce and the Judiciary.

2153. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the Environmental Protection Agency's (EPA) Fiscal Year 1998 implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act; jointly to the Committees on Commerce and Armed Services.

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 calendar, as follows:

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 1141. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes (Rept. 106–143). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself, Ms. ESHOO, and Mrs. MALONEY of New York):

H.R. 1817. A bill to improve cellular telephone service in selected rural areas and to achieve equitable treatment of certain cellular license applicants; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. FATTAH, and Mr. DAVIS of Florida):

H.R. 1818. A bill to amend the Federal Election Campaign Act of 1971 to improve the efficiency of the Federal Election Commission, to authorize appropriations for the Commission for fiscal year 2000, and for other purposes; to the Committee on House Administration.

By Mr. MCDERMOTT (for himself, Mr. ROGAN, Mr. STARK, Mr. GRAHAM, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mrs. THURMAN, Mrs. EMERSON, Ms. KILPATRICK, Mr. FROST, Mr. INSLEE, Mr. SHOWS, Mr. MCHUGH, and Ms. PELOSI):

H.R. 1819. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are not eligible to participate in employer-subsidized health plans a refundable credit for their health insurance costs; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 1820. A bill to amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. ROMERO-BARCELO, Mr. BARRETT of Wisconsin, Mrs. THURMAN, Mr. FROST, Ms. KILPATRICK, Mr. BLAGOJEVICH, Mr. MEEKS of New York, Ms. CARSON, Mr. DAVIS of Illinois, Mrs. MEEK of Florida, Mr. OLVER, Mr. ROEMER, Mr. JACKSON of Illinois, Ms. BERKLEY, Mr. GEPHARDT, Mr. KENNEDY of Rhode Island, Ms. VELAZQUEZ, Mr. PHELPS, Mrs. CLAYTON, Ms. WATERS, Mr. CUMMINGS, Mr. DIXON, Mr. FORD, Mr. HILLIARD, Mr. RUSH, Mr. TOWNS, Mrs. JONES of Ohio, Mr. OWENS, and Ms. BROWN of Florida):

H.R. 1821. A bill to authorize the President to award a gold medal on behalf of the Congress to Jesse L. Jackson, Sr. in recognition of his outstanding and enduring contributions to the Nation; to the Committee on Banking and Financial Services.

By Mr. REGULA (for himself, Mr. NEY, Mr. CALLAHAN, and Mr. ADERHOLT):

H.R. 1822. A bill to establish an emergency loan guarantee program for steel and iron ore companies; to the Committee on Banking and Financial Services, and in addition to the Committee on the Budget, 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. ROGAN:

H.R. 1823. A bill to authorize the sponsor of the Burbank-Glendale-Pasadena Airport in California to impose noise restrictions on operations at the airport without the approval of the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. TALENT (for himself, Mr. WOLF, Mr. MASCARA, Mrs. JOHNSON of Connecticut, Mr. LATOURETTE, Mr. ENGLISH, Mr. PETERSON of Pennsylvania, Mr. MOORE, Mr. PAUL, Mr. EHLERS, Mr. KLINK, Mr. MURTHA, Mr. WYNN, Mr. HALL of Ohio, Mrs. EMERSON, Mr. MANZULLO, and Mr. KOLBE):

H.R. 1824. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

69. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4014 praying that the members of Congress increase federal funding for stroke research; to the Committee on Commerce.

70. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4004 praying that the United States support increased federal funding for prostate cancer research; to the Committee on Commerce.

71. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to Public Law 11–22 creating minimum wage review committees for the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 1825. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Lucky Dog*; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Florida:

H.R. 1826. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *The Enterprize*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. METCALF.

H.R. 21: Mr. SHOWS, Mr. RAHALL, Mr. NETHERCUTT, Mr. THORNBERRY, Mr. COOK, Mr. MATSUI, Mr. SPENCE, Mr. SESSIONS, and Mr. TANNER.

H.R. 24: Mr. FORBES and Mr. KING.

H.R. 175: Mr. BARRETT of Wisconsin, Mr. PETERSON of Pennsylvania, Mr. THOMAS, Mr. PASCRELL, Mr. SMITH of New Jersey, Ms. RIVERS, Mr. CAMPBELL, Mr. LEACH, Mr. COOK, Mr. SOUDER, Mr. HUNTER, Mr. SHUSTER, Mrs. MORELLA, Mr. TALENT, Mr. STRICKLAND, Mr. CANADY of Florida, Mr. KILDEE, Mr. PAYNE, Mr. CUMMINGS, Mr. WISE, and Mr. DAVIS of Virginia.

H.R. 351: Mr. ORTIZ.

H.R. 444: Mr. COOK.

H.R. 519: Mrs. EMERSON.

H.R. 531: Mr. HOYER, Mr. ISAKSON, Mr. CANADY of Florida, and Mrs. THURMAN.

H.R. 580: Mr. MCDERMOTT and Mr. RAMSTAD.

H.R. 710: Mr. GALLEGLY, Mr. GONZALEZ, Mr. SWEENEY, Mr. UPTON, Mr. HUTCHINSON, Mr. SHERMAN, Ms. BROWN of Florida, and Mr. SUNUNU.

H.R. 724: Mr. FRANK of Massachusetts and Mr. WU.

H.R. 745: Mr. THOMPSON of Mississippi.

H.R. 750: Mr. YOUNG of Florida.

H.R. 920: Mr. WU.

H.R. 976: Mr. LEWIS of Georgia, Mr. ROMERO-BARCELO, and Mr. OWENS.

H.R. 980: Mr. ADERHOLT, Mr. NUSSLE, Mr. DICKEY, Mr. GARY MILLER of California, Mr. HALL of Texas, Mr. MEEKS of New York, Mr. JENKINS, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. LEWIS of Kentucky, Mr. COOK, Mr. ABERCROMBIE, Mr. PHELPS, Mr. SIMPSON, Mr. CLEMENT, Ms. DEGETTE, Mr. WELDON of Florida, Mrs. NORTHUP, Mr. BLUNT, Mr. CANADY of Florida, Mr. WHITFIELD, Mr. SUNUNU, Mr. WICKER, Mr. METCALF, Mr. KNOLLENBERG, Mr. SANDLIN, Mr. GALLEGLY, Mr. NETHERCUTT, Mr. SCHAFFER, Mr. DIXON, Mr. ROHRABACHER, Ms. PELOSI, Mr. MCCOLLUM, Mrs. MORELLA, and Mr. CONDIT.

H.R. 1070: Mr. NORWOOD and Mr. PICKERING.

H.R. 1073: Mr. SESSIONS and Mr. BEREUTER.

H.R. 1092: Mr. BECERRA and Mr. GREEN of Texas.

H.R. 1122: Mr. MANZULLO, Mr. HOSTETTLER, Mr. GOODLATTE, Mr. GREENWOOD, and Mr. MEEHAN.

H.R. 1180: Mr. GILCHREST.

H.R. 1187: Mr. GILCHREST, Mr. ROYCE, Mr. NETHERCUTT, Mr. SKELTON, Mr. GOODLING, Ms. KILPATRICK, Mr. GORDON, Mr. REYES, and Mr. VISCLOSKY.

H.R. 1248: Mr. GREEN of Texas, Mr. FOLEY, Mr. LAFALCE, Mr. CAPUANO, Mrs. MEEK of Florida, Mr. BALDACCI, and Mrs. CHRISTENSEN.

H.R. 1299: Mr. JOHN.

H.R. 1310: Mr. RAMSTAD, Mr. CAMP, Mr. BISHOP, Mr. PASTOR, Mr. RODRIGUEZ, Mr. NETHERCUTT, Mrs. BONO, Mr. KOLBE, Mr. METCALF, Mr. EHLERS, Ms. KILPATRICK, Mr. BEREUTER, Mr. SCHAFFER, and Mrs. MYRICK.

H.R. 1311: Mr. RAMSTAD, Mr. CAMP, Mrs. THURMAN, Mr. BISHOP, Mrs. KELLY, Mr. WAXMAN, Mr. PASTOR, Mr. NETHERCUTT, Mrs. BONO, Mr. KOLBE, Mr. METCALF, Mr. EHLERS, Mr. DAVIS of Florida, and Mr. MILLER of Florida.

H.R. 1336: Mr. HOBSON and Ms. PRYCE of Ohio.

H.R. 1363: Mr. PETERSON of Minnesota.

H.R. 1387: Mr. LUTHER.

H.R. 1388: Mr. HORN and Mr. LAZIO.

H.R. 1485: Mrs. NAPOLITANO.

H.R. 1491: Mr. LEVIN.

H.R. 1525: Mr. OWENS, Mr. BROWN of Ohio, and Mr. BERMAN.

H.R. 1567: Mr. HOBSON.

H.R. 1579: Mr. ROGAN and Mr. JACKSON of Illinois.

H.R. 1594: Mr. ROMERO-BARCELO, Ms. ESHOO, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mr. CUNNINGHAM, Mr. CAMPBELL, Mr. UNDERWOOD, and Mr. WEINER.

H.R. 1622:‘ Mr. LAMPSON.

H.R. 1734: Mr. FORST and Mr. FILNER.

H.R. 1736: Mr. MATSUI, Mr. KLECZKA, Mr. WAXMAN, Mr. LEVIN, Mr. BROWN of Ohio, and Mr. FARR of California.

H. Con. Res. 60: Mrs. MALONEY of New York, Mr. WEINER, and Mr. ROTHMAN.

H. Con. Res. 97: Mr. FRANK of Massachusetts and Ms. SCHAKOWSKY.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

Under clause 2 of rule XV, the following Members added their names to the following discharge petition:

Petition 1 by Mr. TURNER on House Resolution 122: OWEN B. PICKETT and TIM HOLDEN.

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, FRIDAY, MAY 14, 1999 *No. 70*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, give us the patience that frees us to work with joy and peace. We affirm John Adams' words: ''Patience, Patience, Patience! The first, and last, and the middle virtue of a politician.'' We agree, but we need Your spirit to develop patience within us. Many of us want everything yesterday. Some of us are distressed by people who are quick to speak and slow to change. Others of us chafe under the laborious process of progress. Still others are really impatient with themselves.

Today, remind us that this life is but a small part of eternity. Give us an acute sense of the shortness of time and the length of eternity. Reorder our priorities and help us to live with a relaxed trust in You. Since there is no panic in Heaven, replace our panic over little things with the peace of Your power to deal with the big things that truly matter. Today, guide the Senate to come to an agreement on legislation for gun control that is best for our Nation. Through our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator, the chairman of the Judiciary Committee, is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume consideration of the juvenile justice legislation. There will be two back-to-back votes at approximately 9:40 a.m. The first will be on or in relation to the Hatch-Craig amendment, with a second vote on or in relation to the Schumer Internet firearms amendment immediately following. Additional amendments are anticipated, and therefore further votes are expected throughout today's session of the Senate. The cooperation of Senators is appreciated as the bill's managers work to finish this important legislation.

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. Also, under the previous order, 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 and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

Pending:

Hatch/Craig amendment No. 344, to provide for effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows.

Schumer amendment No. 350, to amend title 18, United States Code, to regulate the transfer of firearms over the Internet.

AMENDMENT NO. 344

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate on the Hatch-Craig amendment No. 344, the time to be equally divided in the usual form.

Who yields time?

Mr. HATCH. Mr. President, the Hatch-Craig amendment is an amendment that corrects a number of problems in this particular bill that people have complained about that we believe need to be corrected, but we also do a number of other things as well. We have more aggressive prosecution of violent minors who are going to continue to do violence unless we pass the accountability and the prevention efforts in this bill. It has enhanced penalties for the use of firearms, something that we need. It is probably the only thing that is going to make a real difference with regard to firearms. That is important. The amendment has increased maximum penalties for the use of firearms, and that is important as well. It has expanded protection for children.

For instance, we have the juvenile Brady bill within the underlying bill, but we are passing it again so everybody will know that all of this complaining by those who have tried to defeat this bill is just political posturing. The fact is we are going to prevent any juvenile who has used a gun in the commission of a crime from ever having a gun henceforth. That is the juvenile Brady bill.

Last, but not least, we are expanding the background checks. A couple of days ago Senator CRAIG tried to do a voluntary background check with incentives, which was a step forward in resolving this issue. However, the Democrats wanted a very bureaucratic, very Government-oriented bill to do these background checks. The Hatch-Craig amendment provides for mandatory background checks and provides for more background checks than the Democratic alternative. We have a more stringent amendment than what the Democrats came up with, and we have offered this amendment in order to try to resolve the animosities and the problems that have existed on this gun show issue.

Last, but not least, I may get a little uptight with people who try to make the whole juvenile justice issue an issue about guns. Guns may be a part of it, and there is no question they are, and we are doing the things that are right with regard to guns. However,

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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anyone who tries to reduce all of these juvenile justice problems in our society to guns is not only exaggerating but they are misreading the American people. The people realize that juvenile justice encompasses a lot more than just gun issues.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Unfortunately, much of this has become about guns. As the distinguished chairman knows, one of the things in this amendment is a section that dismisses pending State and Federal lawsuits, overrides all the State legislatures, all the State courts, just dismisses them on behalf of gun sellers and manufacturers.

I yield 1 minute to the distinguished Senator from New York and the remaining time to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from Vermont.

This proposal is as riddled with loopholes as the previous Craig proposal. No. 1, you can buy guns at gun shows without any background check through the new provision of special licensees. No. 2, criminals can buy guns at pawnshops without any background check—a step backward. No. 3, there is still immunity in lawsuits. But most importantly, anyone who thinks that we close the gun show loophole with this amendment is mistaken, because special licensees neither have to make a background check nor file any reports.

Please do not think that we are closing the gun show loophole with this amendment. I urge my colleagues in strong terms to oppose it. We should pass the Lautenberg amendment. That does close the gun show loophole. You cannot have it both ways. You cannot say you are closing it and leave a huge, wide open loophole. This is a Swiss cheese amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I oppose the Hatch-Craig loophole amendment. I am calling it that deliberately. Unfortunately, this amendment goes exactly in the wrong direction. Instead of closing the gun show loophole, it creates several new loopholes that will help criminals get even more guns.

We look here on this chart at a licensed dealer: Background check? Voluntarily. Special license: They don't even have to ask whether or not there is any evidence that this individual shouldn't have any permit for a gun.

The first choice was my amendment to really close the gun show loopholes, and that is what the public wants. We see it all the time. We heard it all over TV, and last night on a show called ''Extra,'' they showed how penetrable the rules are in a gun show where a 15-year-old and 17-year-old were able to buy guns under the table. I hope they will respond here today to the American people, 87 percent of whom said close the gun show loopholes. I hope we will do that and have the courage to stand up to the NRA.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 2 minutes and also if the other side needs an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. For both sides?

Mr. HATCH. Yes.

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

Mr. HATCH. Mr. President, that just plain is not true. The language does correct those loopholes he is talking about, but just to guarantee it, I send a modification to the desk that certainly clarifies and corrects those loopholes.

Mr. SCHUMER. Reserving the right to object.

Mr. HATCH. Do we want to get this done or don't we?

Mr. LEAHY. Let's let the Senate run this and not the gun lobbies run this Senate Chamber.

Mr. HATCH. This is not the gun lobby, this is Senator HATCH sending a modification to the desk.

Mr. SCHUMER. I object.

Mr. HATCH. You object to doing what is right here?

Mr. SCHUMER. I object until I have a chance to read it.

Mr. HATCH. You object to closing the so-called loophole?

Mr. SCHUMER. The Senator——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I withdraw it. It is amazing to me——

Mr. LAUTENBERG. We object.

Mr. LEAHY. No one has seen it.

Mr. SCHUMER. I ask unanimous consent——

The PRESIDING OFFICER. The Senator from Utah has the floor at this point. Does the Senator yield?

Mr. SCHUMER. I do not.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. There will be 2 minutes on the other side.

Mr. LEAHY. I ask unanimous consent that the Senator from Utah be given time to read what his modification is, and whatever time that takes, this side be given equal time. Does that help the chairman?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Let me tell you, I am so tired of this unnecessary argument. I want a juvenile justice bill. I have insisted on making these changes so we can get rid of these political arguments made on the other side, and I am tired of it.

What we are trying to do this morning is make it absolutely clear—even though we think it is clear in the bill as it is—with this modification. I hate to say this, but I really believe there is an effort by some in this body to never have a juvenile justice bill. I am going to do everything in my power to get it.

Under current law, anyone who engages in the business of selling firearms at a gun show must have a license. The loophole of current law lets gunsmiths and other individuals go to gun shows as nonlicensed individuals to sell guns with no instant check. That is current law. We are trying to solve that. Others are trying to exploit this issue, and I think very unfairly so.

As long as the gunsmiths do not sell so many firearms as to be engaged in the business of firearms dealing, they are not classified as firearms dealers. Thus, they can sell a limited number of firearms at a gun show without a license. This is also a loophole in existing law.

The Craig amendment which the Senate adopted on Wednesday provided that the gunsmiths who wanted to engage in the business of selling firearms, but just at gun shows, could do so, but have to be licensed to do so—a step in the right direction. It was not enough, apparently, and so we have been willing to change that.

The Craig amendment provided for a special license that would last for only 3 days. By becoming, in effect, a temporary dealer, the gunsmith was subject to all the provisions of the Gun Control Act to which dealers are subject, including the recordkeeping requirements, the requirement to be subject to inspection by Federal officials, and the requirement to perform background checks—a step in the right direction.

While the Craig amendment exempted special registrants who only conducted background checks and did not engage in the business of selling firearms from the dealer recordkeeping requirements, it expressly provided that the special licensee would be subject to the recordkeeping requirements of the Gun Control Act.

The Hatch-Craig amendment, which we are going to vote on in a few minutes, which we offered yesterday, simply changed the voluntary background check for individual sellers at gun shows to a mandatory background check. It did not affect the special licensing requirements. Thus, after the Hatch-Craig amendment, an individual who desires to obtain a firearm at a gun show must submit to a background check whether he purchases the firearm from a regular dealer, a special licensee, or another individual.

It is my desire to ensure that any gun sale that takes place at any gun show has a background check. That is what we are doing here, and we are doing it because of the complaining on both sides of the aisle, and I have insisted on it.

My colleague, Senator CRAIG, and I now agree on this. I believe the current language clearly, clearly accomplishes

this, without this modification I have sent to the desk. However, if my colleagues want to make the language to the special licensee even more express, that is why I expressed a desire to work with them. I am glad to work with them. I sent a modification to the desk to make it absolutely superabundantly clear. Since we have the same goals here, there is no reason to play politics on this issue. Let's get the job done.

Last but not least, we have asked the Justice Department and others to cooperate with us and help to know what they want here. Not one word in 2 years, other than political crticism. The President bad-mouthed this all day yesterday for political purposes, and I am tired of that because I am one of those who is insisting on making these changes. I am one of those who wants to accommodate my colleagues on the other side. If they have any substantive problems, bring them to us, but their amendment certainly does not do as much as ours does. I cannot solve every problem here, but this I think we can solve.

The modification basically says:

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 subsection (m) the following: In subsection (m), amend paragraph 1 by adding the new subparagraph as follows: Subparagraph (f), except as provided in subparagraph (d) a special licensee shall—

Not may, shall—

be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

I do not think that is necessary, but my colleagues do, and I want to accommodate my colleagues on the other side. I cannot accommodate——

Mr. LAUTENBERG. Mr. President, what was the unanimous-consent agreement?

Mr. HATCH. Sufficient time to explain this amendment.

Mr. LEAHY. We will get equal time.

Mr. HATCH. They have equal time.

The PRESIDING OFFICER. The Senator from Utah has used 4 minutes.

Mr. HATCH. Right. Our colleagues have been complaining here for 2 days. We are doing what I think they and others on our side would like to have done. And the National Rifle Association has not had a thing to do with it. I don't care whether they accept it or don't accept it. These things are done by us. Frankly, to try to make them the terrible organization that some on the other side try to do bothers me. They represent millions of decent, law-abiding, honest sports people.

I think it is time to start talking about these things in earnest with clarity and with decency. I think, more important, this is not all about guns. Guns are a part of the juvenile justice bill, but it is not all about guns. There are so many other things this bill does that will help us in this society to resolve the problems of violent juveniles that it is a crying shame we have had to play around with this bill over the last number of days like we have. I have tried to move these amendments forward and will continue to do so, but there is only so much time this bill can be given.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. HATCH. I will be happy to yield.

Mr. LEAHY. Let's stay somewhat within the unanimous consent agreement.

Mr. MCCAIN. Isn't it true that it has been brought to the attention of all that there is a loophole that needs to be closed and this is a good-faith effort to do that?

Mr. HATCH. This is a good-faith effort to accommodate our colleagues on the other side who I believe have raised legitimate objections. They have tried to make it look like our side is in frantic shape about doing it. I just want to get it done.

Mr. MCCAIN. Isn't it also true——

Mr. LEAHY. Regular order.

Mr. MCCAIN. I ask unanimous consent that I be allowed 3 minutes to question the Senator from Utah.

Mr. LEAHY addressed the Chair.

Mr. MCCAIN. Do you object or not object?

Mr. LEAHY. Mr. President, let the Senator from Arizona——

Mr. MCCAIN. I repeat my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I will not object if, following the earlier unanimous consent agreement to accommodate the Senator from Utah——

Mr. HATCH. He did.

Mr. LEAHY. At which time the Senator from Arizona was not on the floor and does not realize that we have equal time over here.

Mr. HATCH. He did.

Mr. MCCAIN. I withdraw my unanimous consent.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Let me just end with this. I believe my colleagues are sincere on the other side. I know the distinguished ranking member on the Judiciary Committee has been working diligently with me to get this bill passed. I compliment him and I honor him for that.

I believe the distinguished Senator from New Jersey is doing his best to try to make sure that loopholes are closed. I appreciate that. I have tried to accommodate him. I did not like his amendment because I thought it was too bureaucratic and too heavyhanded. On the other hand, he was sincere in presenting it. If he had not presented it, we probably would not be here today trying to accommodate him.

With regard to my friend from New York, there are very few people in this body who understand this issue any better than he does. And I respect him.

But I am serving notice, I am getting tired of the spurious arguments that have been made by some against what we are trying to do. And I am a little impatient because I think they are trying to artificially paint this gun show amendment like a National Rifle Association amendment. I can tell you right now, I did not talk to the National Rifle Association about this amendment; and I had a lot to do with changing the previous voluntary background check to a mandatory background check for sales at gun shows. And to his credit, Senator CRAIG has cooperated every step of the way.

Now, this mandatory gun show check is to accommodate our colleagues. This is to solve this gun show problem. We cannot solve every problem in this bill, but we are certainly trying to solve as many as we can. And this is a very small part of this total juvenile justice bill that we need to pass. We will never get it passed unless we get some cooperation from both sides of the aisle. I am asking for that.

We have been debating this juvenile justice bill for 3 days. This is a bill that should have been passed in 1 day. Every one of us should have been very, very happy to get this bill passed. Most everybody on this floor knows that this bill is a very, very well-thought-out bill. It is bipartisan, and it is time for us to get it passed. But we have to quit playing political games around here. Let's start worrying about the young people in this society, the families and our society as a whole.

That is all I need to say about it. I apologize if I have offended any of my colleagues on the other side, but I am tired of having arguments made that are not constructive when I am trying to meet the needs of the very people who have made these arguments.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Chair at this point will——

Mr. HATCH. Could I yield——

Mr. CRAIG. Very briefly, as a cosponsor of the bill, half a minute?

Mr. HATCH. I ask unanimous consent that he be given a half a minute.

Mr. LEAHY. And that be added to the time over here.

Mr. CRAIG. Of course.

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

Mr. CRAIG. The Senator from New York has pointed out consistently through the bill where there might be corrections or where in some instances there were deletions that were not intended. Last night he expressed there was a loophole.

I pointed out in the law that we had placed this new category directly into the law to comply with all of the law which included background checks. They were apprehensive. We went back and reviewed it and confirmed with many attorneys exactly what we believe to be true.

But this morning, in good faith, we have offered this. You can accept it or reject it at your will. But it is very clear what we intend. I think the chairman of the Judiciary Committee has made that intention clear: Temporary

licensees, for the purpose of convenience and also security at gun shows, will do background checks.

Thank you.

The PRESIDING OFFICER. The Chair will now explain the parliamentary situation based on the unanimous consent.

Based on the previous unanimous consent, the Senator from Utah has 1 minute 5 seconds; the Senator from Vermont has 12 minutes 53 seconds. That is arrived at by the 2 minutes the Senator from Vermont had previously from a previous unanimous consent, plus the 10 minutes 53 seconds the Senator from Utah consumed in explaining his position.

So to restate, the Senator from Utah has 1 minute 5 seconds; the Senator from Vermont has 12 minutes 53 seconds.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I think the modification I have sent to the desk does close the loophole in a way that hopefully will please my colleagues on the other side. I hope they will grant unanimous consent to do that. If they do not grant unanimous consent, then I will try to do that by amendment later, which we will have to vote on, I suppose.

But all I am trying to do is to accommodate them. I sometimes wonder if unfair political advantage isn't what is being sought here, instead of a bill. Everybody ought to be happy to have this additional language. The Hatch-Craig amendment closes the gun show background check loophole. This additional language makes it even more express than the bill makes it express at this time.

I hope my colleagues will permit the unanimous consent request to modify the amendment. To the degree we can work on other problems that they are concerned about, we will be happy to try to do that during the course of the debate on this bill.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first, I commend the distinguished Presiding Officer for his usual fairness, something I have expressed before. I say to my good friend from Utah that nobody would ever accuse you of being uptight. I don't know where you ever got that idea. The Senator from Utah and I have worked very closely on this and will continue to do so.

But on this particular amendment, I do have some grave concerns. When it was first brought up, I said on this floor that there were serious problems with it, as did the Senator from New York. The proponents basically told us we didn't know what we were talking about, and it was rammed through on basically a party-line vote.

The next day they came back and said: Oh, by the way, you were right. We're really sorry about that. We want to do it over again.

Well, in my religion we believe in redemption, and I assume that is at least partial redemption. But it shows what can happen if they could get away with it. It was going to go through, but it was discovered. The objections that the Senators from New York and New Jersey and I raised were heard, and so they came back.

Now, at the eleventh hour, the last minute, they come out with another amendment which still does not close loopholes and does nothing to stop what I have raised on this floor for several days now; and that is the question of doing away with State courts and Federal courts—basically a court-stripping bill.

The Senator from Utah is right when he says there should be bipartisan concern on juvenile justice. And I believe there is. But if he is worried about what is taking a lot of time—when we have all of these provisions, and when presented by Democrats they are all voted down on a party-line vote, and then the next day they are brought up in a Republican amendment and now they are OK—maybe we would do it a little bit quicker if we would vote on them irrespective of which side brought them up and be able to vote on them only once.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 10 minutes 15 seconds.

Mr. LEAHY. I yield 5 minutes to the distinguished Senator from New Jersey, and then 5 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont.

What we see here—and I apologize if we have exhausted the patience of the Senator from Utah, but we have been in this situation before where patience runs out. I heard the Senator from Utah, who is one of the most concerned people about children and family that I know. But he said: This isn't about guns; it is not all guns. I agree. It is about life. It is about saving people's lives. But we do not focus on that. The argument against the Lautenberg amendment, as originally presented, was: It is bureaucratic and we ought to do more law enforcement.

If we are going to do more law enforcement, I assume that means bigger government, I assume that means spending more money for the Bureau of Alcohol, Tobacco and Firearms personnel. Unfortunately, what we see is this persistent backpedaling, trying to make it up. Aha, the public caught us. They caught us with a mistake, with another error that protects those who want to avoid having background checks, so we had better fix it.

They worked like the devil to keep people from voting for the original Lautenberg amendment, which said: Close all the loopholes in the gun shows that permit people to buy guns without background checks.

I refer, just for 1 more minute, to the poll which says 87 percent of the people in the country say that all people who buy guns at the gun shows should have background checks.

Sixty percent of Americans blame the tragedy in Littleton in significant measure on the availability of guns. That is what we are talking about.

As mistakes were made in the presentation on the other side, nevertheless, before I leave the subject, six Republicans voted on the Lautenberg amendment positively, but now we see the errors creep in.

First, the statement was made that only 2 percent of the guns bought at gun shows were bought without background checks. Then there was a realization. The distinguished Senator from Idaho said, no, he was wrong. It was 40 percent. It is close—2 percent, 40 percent. How many guns is that? It is a lot when there are 4,000 gun shows a year.

Then we had another presentation yesterday that said we are closing the loopholes. Well, we have attempted to close one of the loopholes, but every time they get caught with an error or a decision not to close another loophole, they come back again, because it gets exposed on television. It gets exposed in the newspapers.

Last night, there was a program on ABC called ''Extra,'' and they showed a film, a camera secreted in a hidden spot, of a 15-year-old girl and a 17-year-old boy buying guns. He said, I am 17; she said, I am 15. They were able to buy those guns.

Why can't we shut it down once and for all?

I have a letter here. The Senator from Utah said there was no response from the administration. It is addressed to Senator LOTT. It was sent by Secretary Rubin and Attorney General Reno. It says:

> This amendment would seriously impede the effectiveness of the national instant criminal background check system. It would reduce from 3 business days to just 24 hours the period of time that law enforcement has to ensure that firearms sold at gun shows are not being sold to felons and other prohibited persons.

There is flaw after flaw, and the Senator from Utah said that is why we are here; we are fixing them.

We will never fix it that way. Anyone who knows Senate procedure knows that you fix the flaws in the committee or you fix the flaws in a private discussion on the floor. You don't suddenly throw up an amendment and say, I ask unanimous consent to modify my amendment. If you are caught with your hand in the cookie jar, then, by goodness, step back and say, OK, let's find out what we did wrong. Let's find out if we can agree on closing all the loopholes.

This may be an exhausting procedure, but it is more exhausting for

those people who are threatened by the casual presence of guns all over. We don't need to add to that quantity by not requiring background checks. We close one loophole, but there are others. There is the pawnshop loophole. There is the one that says all records have to be destroyed after 24 hours. What kind of a database do we have that we can refer to?

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. LAUTENBERG. Mr. President, I hope we will defeat this and have a chance to reconsider this proposition.

The PRESIDING OFFICER. The Senator from New York is recognized for the balance of the time.

Mr. SCHUMER. I thank the Chair and thank the Senators from Vermont and New Jersey for their consideration and leadership on this issue.

Let me say, again, even with the new Hatch-Craig amendment, which I understand the Senator from Utah has offered in the best of faith, there are three and possibly four major problems.

No. 1, it does not close the pawnshop loophole. Felons will flock to pawnshops and get guns. Why are we taking a step backward less than a month after Littleton? Why are we telling criminals around the country, you can go to a pawnshop, get a gun, no questions asked? How can this body vote for that given what just happened in Littleton? What is the justification? What is the reason to allow pawn dealers to give guns to criminals, no questions asked? There is absolutely none.

All of America is scratching its head and saying, what is going on in this Chamber? Some say it is not the gun lobby. Well, I would like to know what it is that is making us do the most irrational, ridiculous things that make it easier for criminals to get guns after what we have seen happen.

No. 2, this modification puts a stranglehold on the Brady law. It sets a 24-hour time limit for gun show sale background checks, only 24 hours. Do you know what the FBI says they need? They say they need 3 days. That is what Federal licensed dealers get. When the FBI says give us 3 days, they get it. But not at a gun show. So if they can't find the records within 24 hours, the gun will go right to a criminal. What kind of loophole is that? Why do we need it? Again, if it is not the gun lobby that is pushing us to do this, then who is it?

Finally—this is not even about the modification that was mentioned—the bill undermines the law by weakening prohibitions on interstate sales. Dealers would now be able to go to gun shows outside their States and sell firearms directly to residents of other States, even though they may not know the firearms law of that State. Why is that? Why are we allowing gun dealers who have been previously limited to their own State on the grounds that they know the laws of the State, that they know the people of the State, to go across the Nation to sell their guns? If it is not the gun lobby, my colleagues, then what is it?

So even with the modification that the Senator from Utah has so graciously offered—and I will get to that in a minute—you have pawnshops being able to sell guns to criminals with impunity. You have no kinds of checks when the FBI says it might be a criminal, give us the time, the 72 hours. And you allow gun dealers to go from one end of the country to the other and sell out of the State for the first time.

Then, finally, on the gun show loophole, if you really wanted to fix this, you would pass the bill we had before us 2 days ago, the bill that was sponsored by the Senator from New Jersey, cosponsored by me.

Let me say this: 2 days ago I brought up on the floor to the Senator from Idaho that there were mistakes in the bill. The next morning they said, yes, there were. They were corrected; some of them, not all. Last night, I went quietly over to the Senator from Utah in the hallway and said that you have a major loophole in this called ''special licensees.'' If I or the Senator from New Jersey or the Senator from Vermont were trying to obfuscate, we would have just laid in wait, not brought that up to you and not looked at the correction.

I say this: It is only fair to give us some time to look at the language here, because twice what we were told was in the bill was not in the bill. I think something is going on here. We are trying to act as if we are being tough on gun control but then put so many loopholes in the bill that we can say to our friends on the other side, hey, see, we really didn't mean it. It is sort of a Dr. Jekyll and Mr. Hyde.

I am also told, in all fairness, by the Senator from Utah—and I don't know, because the language hasn't been analyzed—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CAMPBELL. Mr. President, each year half a million guns are stolen and thousands of violent crimes are committed with stolen guns. Furthermore, approximately half of the juvenile gun related crimes in this country involve stolen guns.

To address this problem, I am pleased the amendment pending before the Senate to S. 254, includes provisions to increase the maximum prison sentence for existing stolen gun laws. This provision is based on S. 728, the Stolen Gun Penalty Enhancement Act of 1999, which I introduced on March 25, 1999.

The extent of this problem was recently underscored by several news reports and studies. Reports indicate that almost half a million guns are stolen each year. Each year, the Federal Bureau of Investigations alone receives an average of over 274,000 official reports of stolen guns. A large number of stolen guns also go unreported. Bureau of Alcohol, Tobacco and Firearms studies note that convicted felons often choose to steal firearms as a way to avoid mandatory background checks.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this March, the Bureau had a total of 36,000 guns on its unrecovered stolen firearms list, with about one-third of them being handguns.

As I mentioned earlier, the stolen gun problem is especially widespread and alarming among young people. A Justice Department study of juvenile inmates shows that over 50 percent of them had stolen a gun.

Clearly, with half a million guns being stolen each year, those criminals and juveniles stealing guns must not be very deterred by the current penalties. A provision within the bill before us today would address this problem by increasing prison sentences for violating current stolen firearms law provisions from a maximum of 10 years to a maximum of 15 years imprisonment.

Specifically, under current federal law, it is illegal to steal a firearm from any person including licensed firearm collectors, dealers, importers, and manufacturers. It is also illegal to knowingly transport, ship, receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition. Current sentencing guidelines cap the penalty for violating these stolen gun laws at a maximum of 10 years imprisonment. My provision calls for increasing the maximum prison sentence from 10 years to 15 years, and directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

While I am a strong supporter of the rights of law abiding gun owners, I also firmly believe we need tougher penalties for criminals who steal guns or use stolen guns to commit crimes. This stolen gun penalty enhancement provision will send a clear signal to criminals that stealing or using stolen guns is something we take very seriously.

I urge my colleagues to join me in supporting this provision.

Thank you Mr. President. I yield the floor.

Mr. HATCH. Mr. President, let us see if I can bring some order to this. We did say last night we were going to try to come up with language that would address Senators' concerns.

I hesitate to say this, but the distinguished Senator from New York had the language before I did. It was only a matter of minutes, but he did. It is only a one-paragraph thing. But rather than continue the heated debate, I will ask my colleague, the distinguished Senator from Vermont, if he will work with me. Let us see if we can work out this language so that we can solve this, so that your side is happy with it. I am personally happy with the Hatch-Craig amendment. But to the extent we can do that, we will do that.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Utah and I have had a chance to discuss this during the debate. I think this is the wise way, to go ahead and vote on the amendment before us without the modification. The Senator from Utah and I will work during the morning. We are stuck here like everybody else this weekend so let us work on this. It has come in at such a late time and this is such a technical issue.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the amendment.

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 amendment of the Senator from Utah.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is attending a funeral.

I further announce that, if present and voting the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. MOYNIHAN) would each vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—48

Abraham	Domenici	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Bunning	Gregg	Roth
Burns	Hagel	Santorum
Byrd	Hatch	Sessions
Campbell	Helms	Shelby
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Jeffords	Specter
Craig	Kyl	Stevens
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich

NAYS—47

Akaka	Enzi	Leahy
Baucus	Feingold	Levin
Bayh	Feinstein	Lieberman
Biden	Fitzgerald	Lincoln
Bingaman	Graham	Mikulski
Boxer	Harkin	Murray
Bryan	Hollings	Reed
Chafee	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dorgan	Kohl	Schumer
Durbin	Landrieu	Smith (NH)
Edwards	Lautenberg	Thomas
Thompson	Torricelli	Wellstone
	Warner	Wyden

NOT VOTING—5

Breaux	Inhofe	Moynihan
Dodd	Inouye	

The amendment (No. 344) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 350

The PRESIDING OFFICER. Under the previous order, there is now 5 minutes debate on the Schumer amendment, to be equally divided in the usual form. Who yields time?

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Will Senators please clear the aisle and take their conversations off the floor.

The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is a very simple one. It requires Internet web sites which offer at least 10 guns for sale to be federally licensed firearm dealers—no more, no less. It closes the loophole which has allowed unlicensed, and only unlicensed, gun brokers to set up web sites offering thousands of guns for sale.

Right now, if you punch into the web you will see legitimate gun dealers who will continue just as they have been, and you will see lots of unlicensed gun dealers.

Mr. CRAIG. Mr. President, the Senate is not in order. The Senator from New York deserves to be heard on this issue, as will I.

The PRESIDING OFFICER. The Senate is not in order.

Mr. CRAIG. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Again, this bill has no effect on chat rooms, on newspaper want ads, or on licensed dealers in any way. It does not restrict advertising or the sale of guns on the Internet. It is a very simple and modest measure which says that unlicensed dealers cannot—cannot—sell guns on the Internet. If they wish to become a dealer, which is relatively easy, then they will be able to.

The entire nature of the black market in guns will make a quantum leap if we do not deal with this problem. The Internet has already become for some, and will become for many, the method of choice by which children, criminals, and the mentally incompetent get guns. Presently the unlicensed dealers sell their guns completely on the honor system. Let me quote one, GunSource.com:

Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be.

That is how a 17-year-old Alabama boy got a semiautomatic last month.

The Weapons Rack:

It is the sole responsibility of the seller and buyer to conform to regulations.

My colleague from Idaho said last night there are laws on the books. You can't enforce them on the Internet unless you have a dealer, because if somebody says on the Internet that he is 22 and gets a gun mailed to him and he is really 14, the post office is not going to open every piece of mail that might have a gun. We wouldn't want them to.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. I ask unanimous consent for 30 seconds to finish my point.

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

Mr. SCHUMER. Just this morning we did not close the gun show loophole. Maybe we will, but we have not. Let us not say the same about the Internet loophole. We can easily close it by simply requiring everyone who sells to be a licensed dealer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, Senators who just voted for the immediate past amendment have voted to clarify and limit advertising on the Internet, both for guns and explosive materials. Remember, the Internet is an advertising medium. Guns do not materialize through the screen of the computer if you order them. In fact, if you order a gun on the Internet, here is what American Guns says:

Please note, a buyer must first call the seller of the gun, confirm the price available, arrange for a Federal-firearms-licensed dealer in your State to receive shipment. Your FFL dealer must send a copy of their license to the seller.

The Senator from New York mentioned the 17-year-old Alabama boy. If that happened—and I am not saying it did not happen; he has the news story—three laws were broken. Three laws were broken. The teenager attempting to buy the gun broke a law. The person who trafficked the gun, transported it, broke a law—you cannot transport a gun through the mail service, through a common carrier. There has to be contact in these relationships or laws are broken.

I must also tell you, although I am not a constitutional attorney, he walks all over commercial speech. This is advertising. We have corrected those kinds of things in our bill to make sure we keep the Internet clean, but we went one step further, we went after the explosive materials and the kinds of devices that were used in Littleton. I think all of us want that corrected. That is what you voted for. Let's not trample on the marketing that goes on, advertising on the Internet. Let's keep this bill and the Internet clean and protect those kinds of rights.

I yield my time.

Mr. HATCH. Mr. President, is all time yielded back?

The PRESIDING OFFICER. Thirty seconds remain.

Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I do hope this amendment will be tabled. I intend

to move to table it. I know my colleague is very sincere about it, but I am concerned about decent, law-abiding people and having these onerous burdens placed upon them.

Mr. President, I move to table. 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 agreeing to the motion to table amendment No. 350.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. BENNETT), and the Senator from Florida (Mr. MACK) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. MOYNIHAN) would each vote ''no.''

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—50

Abraham	Enzi	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bayh	Gramm	Roberts
Bingaman	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Domenici	Lincoln	Thurmond
Edwards	Lott	

NAYS—43

Akaka	Fitzgerald	Mikulski
Baucus	Graham	Murray
Biden	Harkin	Reed
Boxer	Hollings	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Torricelli
Daschle	Lautenberg	Voinovich
DeWine	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Feingold	Lugar	
Feinstein	McCain	

NOT VOTING—7

Bennett	Inhofe	Moynihan
Breaux	Inouye	
Dodd	Mack	

The motion was agreed to.

Mr. CRAIG. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BROWNBACK). The distinguished majority leader.

Mr. LOTT. Mr. President, for the information of all Senators—and I see there are a few still interested in what the schedule may be; a few have decided they will worry about it next week—I will propound a unanimous consent agreement now that would allow for a list of amendments to be locked in and passage time of this vital piece of legislation.

I know that Senator HATCH and Senator LEAHY, Senator BIDEN, and Senator SESSIONS have spent a lot of time trying to craft this legislation, and there are some good features in here. I am sure there are a lot of Senators who have agreed or disagreed with certain parts of it, but there are a lot of good things that have been included. If this agreement can be entered into, then this vote that would be coming up would be the last vote until Tuesday morning. If the agreement cannot be reached, then we have no other alternative but to keep going forward today and have votes to try to dispense with this legislation.

I think it is important that we get the list locked in and find a way to bring it to a reasonable conclusion, with Senators being able to offer amendments and have debate during the day today and on Monday, and then we would have votes on Tuesday and Tuesday night.

It is very hard for the leadership to try to honor all Senators' requests. First of all, all Senators knew that we would be having votes today, and yet a lot of them have complained about it and have now left. It is very hard to get amendments accommodated and voted on when Senators say: I do not want to vote Thursday night. Or when we have Senators that say: I have to be gone Friday. Or when we have Senators say: I have amendments I want to offer, but I don't want to do it Thursday night, Monday or Friday. I want to do it Tuesday afternoon when it is convenient for me, even though it may inconvenience 99 other Senators.

I am asking Senators, please, be reasonable. I know on both sides there has been an effort to narrow down the list and get a way that we could have votes on key amendments and bring it to a conclusion. But it is very hard when you have that kind of attitude with Senators saying: I don't want to do it on Thursday night or I don't want to do it on Friday or I don't want to do it on Monday. I would like to do it at my pleasure, Wednesday afternoon.

I hope we can at least lock in amendments where they won't continue to grow. We have had a lot of good debate and a lot of good amendments.

I now ask consent the following amendments be the only remaining first-degree amendments in order, with relevant second-degree amendments in order only after a vote on or in relation to the amendment and the amendments limited to time agreements where noted, all to be equally divided in the usual form.

I further ask that all first-degree amendments be offered and debated on Friday and Monday's session of the Senate, with votes stacked to occur in the order offered beginning at 9:45 a.m. on Tuesday, with 5 minutes for debate equally divided prior to each vote.

I further ask that following the disposition of the listed first-degree amendments, the bill be advanced to third reading and passage to occur, all without any intervening action or debate.

I do have a list of amendments and I need to, I believe, read and submit them. I will just send it to the desk.

I believe Senators REID and DASCHLE have a list of amendments on their side they would like—are you going to submit those to the desk now?

Mr. DASCHLE. Mr. President, if the majority leader has propounded a unanimous consent request, reserving the right to object, let me just respond first by sympathizing with his lament about scheduling votes. It is extraordinarily difficult, and both of us are confronted daily with requests for certain prerequisites with regard to votes that make it increasingly difficult for us to schedule legislative debate. There are people who are objecting to votes now even on Friday mornings. I remember Senator Mitchell once lamenting to me personally that the only time he could absolutely schedule a vote without any criticism was Wednesday afternoon. I think there is a lot of truth to that. Now I know fully what he meant. And that is before 7:00.

We have been on this bill for 3 days. We have had 15 amendments offered, and there have been good debates. There have been time limits associated, as I understand it, with each one of the amendments. There have been 14 rollcall votes. Our side alone began with a list of 89 amendments, and I do not in any way diminish the importance of any one of those amendments. I think that they are all worthy amendments. Not one of them was dilatory, not one of them was irrelevant to this bill. The problem, however, is that with the extraordinary work of Senator REID and Senator DORGAN, we have now been able to persuade our colleagues to reduce that list. Many of them have waited patiently with the expectation that if they waited patiently, they would get their turn. In many cases, they have waited now 3 or 4 days to be able to offer their amendment.

Now what we are telling them is that we want you to offer them today or Monday, even though we have spent 3 days and we have only been able to get through 15 amendments. We have been able to get our list down to around 30 amendments, as I understand it. So it would be very difficult, without further cooperation on both sides, to accommodate the unanimous consent request that the majority leader has understandably propounded.

So we will have to object to his request. We would be more than willing to enter into an agreement that would require a complete listing of all the amendments to be offered with time limits. We will offer amendments today and Monday, filling the day today, and then on Monday, in an effort to move this legislation along, and then stack votes on Tuesday, as the majority leader has requested.

What we can't agree to, given where we are right now, is any time certain for final passage—recognizing the majority leader's desire to work through a number of other bills yet next week. At least right now, that is not something that we can agree to. I hope, at the very least, as the majority leader suggested, we can submit the list, work on that list, and we can even tighten up the time limits. I think that is all doable.

So I have to object to the request as it was propounded.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I will have another suggestion on what we might be able to do in a moment. I want to remind Senators that next week we have the Y2K liability issue that we need to have concluded. The House has voted on that. The clock is running. This is not an issue we can leave unclarified any longer, because we are fast approaching the time when this liability question has to be known and dealt with in one way or the other because we are fast approaching the turn of the clock into the next millennium. We also have, after a lot of difficulty, the supplemental appropriations bill, which we have waiting in the wings. We need to bring that up. We also have the bankruptcy bill that is scheduled for next week—a bill that has overwhelming bipartisan support on both sides. That bill is beginning now to be squeezed out of the picture because of other bills.

I want to complete this bill. Two years of effort has been put into juvenile justice, and we need to have some decision made in that area. We have had amendments, and more will be offered, on violence in the schools and how we deal with it, and violence in the movies, and the gun issue. So we need to try to find a way to conclude it.

I will then propound another UC, the same as the earlier one, with votes occurring on Tuesday morning, stacked. Those amendments that had been debated on Friday and Monday, beginning at 9:45, with 5 minutes of debate; and instead of asking that following disposition of the listed first-degree amendments the bill be advanced to third reading and passage occur all without any intervening action or debate, I will modify that to say we will go to third reading and final passage at 5 o'clock on Tuesday. That way, we would have the debate on amendments the rest of today, on Monday, votes on Tuesday morning, more amendments and debate with time limits, and final passage to occur no later than 5 o'clock on Tuesday afternoon.

Then we would be prepared to have a vote on the Y2K liability issue and go to the supplemental on Thursday, hopefully completing it. Although the supplemental can't be completed probably in just a couple of hours; it will take a little longer. Then we would go to bankruptcy after that. I will make that request. The Senator suggested that we go ahead and use the bulk of Tuesday. I think that is fair, and I hope we can get this agreed to.

Remember, I made a commitment to call up this bill so we could have this debate, and I made a commitment to bring it up on last Tuesday, I guess. Actually, we started on Monday. We agreed we would work to try to complete it on Thursday. That effort has been made by Senator DASCHLE, along with Senator REID, and I appreciate that. We haven't been able to achieve that. So we will have other amendments and debate on Friday, Monday, votes on Tuesday morning, more debate, amendments and votes Tuesday afternoon, but finish it up Tuesday. That will have been a full week. That will have been 7 days we will have spent on it. I believe that we will have been able to craft, hopefully, a good bill, and we have all been able to make our case and get to a conclusion. I make that request.

Mr. DASCHLE. Mr. President, reserving the right to object, first of all, I failed to mention my admiration for our two managers and the excellent job they have done in getting us to this point. This has not been easy. They have worked diligently on both sides to bring us to this point. I want to reiterate my gratitude for the effort they have made to get us here.

In the 103rd Congress, we spent 11 days on a bill of this kind. It was a very important piece of legislation—I guess it was 12 days. So it is difficult to bring up a bill of this complexity and controversy without having the opportunity to spend some time on it. As the majority leader noted, he has brought this up, as he promised he would, open to amendment. I have indicated that if we were to do that, I would work as hard as I could to ensure that we stayed on the bill and worked diligently to ensure that it is completed in a reasonable time. My hope was that we could do it this week. I think we will get it done in a reasonable time early next week.

I am unable to agree to that time limit just because, again, we don't know what the circumstances will be Tuesday. But I will promise this: We will continue to make the effort we have made over the last few hours to lock in time limits on all of the amendments and to make sure there is no quorum call, or any other intervening time that would be dilatory. We want to back these up, one after the other. So we will agree to a list and time limits, but I will have to object to a time certain for final passage.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I yield to the chairman.

Mr. HATCH. Mr. President, I have listened carefully to the minority leader, and I appreciate his usual courtesy. But just stop and think about this. There has been all this time on this bill. If we were to vote on it today, it would pass overwhelmingly. It would make a tremendous amount of difference to this country at a time when that tremendous amount of difference needs to be made.

We all know how this game works around here. If we don't put a finality to it—and our leader has tried to do that—in this very tight time-constrained situation, with Y2K and all the other bills that have to come up, defense bills, the supplemental appropriations bills, and other types of appropriations bills, we will wind up spending another 4 or 5 days, or maybe even 2 weeks, on this bill. I know the majority leader does not have that much time and neither do we on this side.

If we wind up without a juvenile justice bill this year after we have come this far, I think it would be catastrophic for this Nation. The next time we have another situation like the Columbine massacre, I wonder what kind of excuse we are going to use at that time if we didn't do the very best we could.

I hope my colleagues on the other side will think this through. We are seeing a situation that could bring this bill down because we don't have the time to play politics with it. To have everybody bring up their amendments—we could go on for years with amendments on juvenile justice. We have done that for 2 years now. I know the distinguished ranking member of the Judiciary Committee has worked closely with me to get this to a conclusion.

I think this is a pretty fair offer. I understand the minority leader may not be able to get his people together on this at this particular time. But let me tell you, I can't blame our majority leader if he has to pull this down and get the other bills done under these circumstances. I am very concerned.

Mr. LOTT. Mr. President, in view of the objection, I will get the amendments locked in.

I ask unanimous consent, then, that the following amendments be the only first-degree amendments in order, with relevant second-degree amendments in order, only after a vote on or in relation to the amendment and the amendments limited to time agreements, where noted, all to be equally divided in the usual form.

I have sent to the desk my list of amendments.

The list is as follows:

JUVENILE JUSTICE AMENDMENTS

B. Smith—relevant.
B. Smith—relevant.
B. Smith—judges/felons

B. Smith—gun lawsuits
Stevens—parenting; 20 minutes.
Stevens—brain dev.
Stevens—relevant.
Helms—relevant.
Helms—relevant.
Ashcroft—IDEA
Chafee—trigger lock.
Chafee—prevention.
Chafee—site and sound separation.
Chafee—title 1 of the bill.
Specter—prevention.
Bond—film industry.
Hatch/Feinstein—gangs.
Frist—victims rights
Santorum—Aimee's law; 20 minutes.
Craig—Fed Grants, gun safety.
Craig—self defense prevention.
B. Smith—2nd amdment right protection act.
McConnell—fed prop/violent movies; 30 minutes.
Ashcroft—try juvenile as adults; 20 mintues.
Inhofe—prohibit violent video games.
Gregg—ID for NC 17 movies.
Gregg—faith based intervention.
McCain/Lieberman—National YV Comm.
Abraham—locker searches; 20 minutes.
Sessions—disclaimer.
Allard—memorials school property; 30 minutes.
Lott—4 relevant.
Hatch—2 relevant.
Gramm—relevant.
Gramm—Family law.
Sessions—Hotline.

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Akaka—gun registry.
Biden—Cops.
Bingaman—School security.
Boxer—After school programs.
Boxer—No guns until 18 years old.
Byrd—Sale of alcohol to minors.
Byrd—Relevant.
Daschle—Relevant.
Daschle—Relevant.
Daschle—Relevant.
Dodd—Truancy.
Dodd—Conflict resolution.
Dorgan—Son of Sam laws.
Durbin—Child access prevention.
Durbin—Waiting period.
Feinstein—Gun industry package.
Feinstein—Separation (w/Chafee).
Feinstein—Gangs (combined w/4 and 5 as 1 amdt)
Feinstein—body armor.
Feinstein—Bomb-making.
Harkin—School counseling.
Harkin—IDEA.
Kennedy—Labor.
Kerrey (NE)—Gun shows.
Kerrey (NE)—State advisory committees.
Kerry (MA)—Early childhood development demo project.
Kohl—Child safety locks.
Kohl—Prevention block grants.
Lautenberg—Juvenile mentoring program.
Lautenberg—Gun shows.
Leahy—Relevant—Managers amendment.
Leahy—Relevant.
Leahy—Relevant.
Leahy—Relevant.
Leahy—Relevant.
Levin—Semi automatic.
Lieberman—National youth violence commission.
Moynihan—black powder.
Moynihan—Explosives.
Reid—Relevant.
Schumer—Prohibition sales handguns, semiauto/large capacity.
Torricelli—Gun kingpin penalty act.
Torricelli—Explosives.
Wellstone—Mental health treatment.
Wellstone—Mental health treatment.
Wellstone—Access to legal representation.
Wellstone—Disproportionate minority requirement.
Wellstone—Welfare tracking.
Wellstone—Integration mental health into ESEA programs.
Wellstone—SEED money states for mental health providers school.

Mr. LOTT. Mr. President, do we have Senator DASCHLE's list of amendments?

Mr. DASCHLE. Yes. We submitted it.

Mr. ASHCROFT. Reserving the right to object, is there a list of amendments?

Mr. LOTT. Yes. Senator ASHCROFT's amendment is on the list.

Mr. ASHCROFT. I have no objection.

Mr. WELLSTONE. Reserving the right to object, I want to make sure I know what is on the list.

The PRESIDING OFFICER. Is there objection to the request by the majority leader?

Without objection, it is so ordered.

Mr. LOTT. Thank you, very much, Mr. President. At least we have locked in the amendments where they will not continue to multiply. But I don't view this as a positive development. It is unfortunate. If Senators are waiting to see if there are any now, there will not be any further rollcall votes today. The next rollcall vote will occur probably at 9:30 Tuesday morning. But we will need to make sure, and we will make the Democratic leader aware of the exact time and the vote. I presume that vote will be on Y2K.

I yield to Senator LEAHY.

Mr. LEAHY. Mr. President, I think the distinguished majority leader is saying it is not a positive development. Of course it is. We have cut back very substantially on the number of amendments. On this side, we cut out two-thirds of our amendments. We have worked very closely. I have not had a single Senator on the Democratic side who failed to agree to a time agreement every time the distinguished majority managing Senator wanted it. They have agreed, in fact, to each and every single one. In fact, we have had Senators who brought up amendments who took less time to debate the amendments than some of the rollcalls have taken while we have waited to see who had to leave.

Mr. LOTT. If I could respond, just to show you what I am talking about, at least this stops them from multiplying. But this is a pathetic accomplishment. There are 100 Senators, and we have about 75 amendments left. Please, let's get serious. Every Senator doesn't have to offer an amendment. We can make our case about what we think is positive juvenile justice and what is causing the violence in our country and the violence in our schools. I think it is a societal and a cultural problem. I don't think it is as a result of guns in this country. It is why these things are happening, not what and who.

This is very minimal. It is a very, very disappointing accomplishment. We will have to evaluate now how to proceed.

Mr. LEAHY. Mr. President, if the Senator could respond on that, he said there are 100 Senators, and they don't all have to put them in.

In 1994 we had the crime bill. It was on the floor for 12 days—over 3 weeks. There were 99 amendments. Maybe there was one Senator who did not have one. I mention that only because of what the Senator from Mississippi said. But there were 99 amendments, a great bulk of them coming from the other side. And in no way did the then Democrat majority seek to cut them down. It took 12 days—over 3 weeks. The predecessor to this is S. 10. The Judiciary Committee, under the distinguished leadership of the Senator from Utah, met in the summertime for over 6 weeks to work on 55 amendments.

Mr. LOTT. If I might respond.

Mr. LEAHY. We can clip through these things.

Mr. LOTT. If we have to spend a month on a bill, or 6 weeks on a bill, how many bills are we going to be able to take up that are important to our country? The defense authorization bill is one that we have to take up next week. It is extraordinarily important, because here we are with our troops engaged in combat at this very moment. We have to get that work done.

It is a very interesting crossfire you get into when we are saying, wait a minute, we have to have 99 amendments, we have to have 6 weeks, or 11 days, on this piece of legislation.

Mr. LEAHY. I am not suggesting that.

Mr. LOTT. Then the argument is, why aren't we doing more bills? You can't have it both ways.

Give it a reasonable time, give it full debate, have reasonable amendments, and then vote.

I, frankly, feel used and put upon. I thought we were going to have a good debate, have amendments, and complete this by Thursday night. I understood there was good effort being made. We said, OK, we will be in on Friday, debate all day on Friday, and debate all day on Monday, with votes Tuesday, and all day Tuesday. There has to be an end to this. There has to be some reasonableness.

But look, we made our point, and now that we have the amendments locked in, hopefully the managers and others can find a way to figure out how to end this. When they do, give me a call.

Mr. SESSIONS. Mr. President, will the majority leader yield?

Mr. LOTT. I would be glad to yield.

Mr. SESSIONS. I just want to say to the majority leader how much I appreciate his leadership, and that of Senator HATCH. One reason we ought not to have so many amendments is that Senator HATCH, in managing this bill, has worked to accomplish and accommodate as many amendments as there could possibly be. I am just concerned that we don't have a final time agreement. I think that reflects and suggests there are some in this body who do not want a bill passed. I think it would not be helpful. We need to pass

this legislation. And we have accommodated greatly those who have differing views. I think it is a good bill, and it will be a tragedy if we do not complete it. I know you have to have at some point a time limit or we cannot continue with it. I hope the Members of the other party will agree to a time limit.

Thank you.

Mr. WELLSTONE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. LOTT. Yes.

Mr. WELLSTONE. Mr. President, first of all, as the majority leader knows, there are some of us who have waited patiently. We have amendments that are right on point with this legislation. We are concerned about things like disproportionate minority confinement, some of the sort of sentencing that has to do with race, some of what is very weak in this bill in addressing that. My colleague from Alabama says it would be a tragedy if this bill didn't pass. Some of us think it would be a tragedy—let me finish if I could.

Mr. LOTT. I want to make it clear that I didn't yield the floor but I would be glad to yield to the Senator for his comments.

Mr. WELLSTONE. Thank you.

Some of us think it would be a tragedy if this bill passed in its present form without an opportunity to try to make this a much better bill. I gave one example. I can talk about the amendments that deal with juvenile justice and mental health. There has been very little focus on that. I think there has to be a full-scale debate and discussion about what it means when so many kids of color are disproportionately incarcerated. What does that mean in America? And what kind of legislation is this that does not allow States to do the kind of investigation they need to do, or that really doesn't give the States the encouragement to do that kind of investigation so we can understand it better?

There are a lot of key issues here that are directly relevant to this piece of legislation. Nobody is talking about 6 weeks. Nobody is talking about 1 month. But in all due respect, you brought the bill out. It is called the juvenile justice legislation.

I would like to have an opportunity to vote on this on the justice part. There are a lot of serious human rights abuses in some of these facilities. I have visited some of these facilities in this country, some of which are snake pits. I would like to make sure that these kids, even if incarcerated, are treated in such a way that it is correctional.

Don't tell me that the kinds of amendments I have in mind aren't on point. I think we would be willing to move forward on this legislation. I want the majority leader to know that it is not a question of 6 weeks, it is just a question of some of us refusing to essentially be squeezed and jammed, to be told: All right, now we don't focus on a lot of the substance of this legislation.

We have amendments. We are ready to debate these amendments. I will bet that if we even went another day, Tuesday, and we could offer amendments Tuesday as well when people are here and then we finish as soon as possible, that we would move forward—if I could just finish.

Mr. LOTT. Just one point.

Mr. WELLSTONE. If I could finish my statement; I have been patiently waiting here.

Let me just be crystal clear that when I hear colleagues from Utah and Alabama, both of my friends, say it is a great piece of legislation, it would be a tragedy if it didn't pass right now, that they have presupposed what is in doubt about a good piece of legislation. Aren't there places where it could be corrected? Aren't there things we could do better?

I give one example: the amendment I introduced with Senator KENNEDY which deals with the whole problem of disproportionate minority confinement. We need time to do that.

Mr. LOTT. If the Senator would, perhaps I could go ahead and do my work, and he could continue after that.

Mr. WELLSTONE. I said what I needed to say.

Mr. LOTT. The Senator from Minnesota suggested that if they could offer amendments on Tuesday and get votes, that would be positive and we could complete this bill. As a matter of fact, that is what I suggested and it was objected to.

Mr. WELLSTONE. What I thought I heard was no debate, and that all debate would be over.

Mr. LOTT. No. What I suggested was we have Senators—I realize it is hard for Senators to work on Fridays and Mondays. It is a real inconvenience. But what I suggested was the amendments be offered on Monday, on Friday, and debated, that amendments be offered all day Monday—the Senator could surely get his amendment offered on Monday, and I think it is one that ought to be offered and debated—have the debate, and then on Tuesday we would vote on all those amendments that had been offered up to that point, and have votes. Then we would go on to other amendments with time limits agreed to during Tuesday afternoon, and then have those voted on, and final passage by Tuesday afternoon.

That was objected to.

The problem is, Senators don't want to offer their amendments on Mondays or Fridays or Tuesday afternoons. It really makes me question whether they are serious about getting to a conclusion.

Mr. WELLSTONE. If I could respond to the majority leader, I have amendments that are on point. I am more than ready, willing and able to debate these amendments, but I believe what Senator DASCHLE was saying, and this was the point I was trying to make, in all due respect, the substance of this legislation, the juvenile justice legislation, you can't artificially say by the end of Tuesday that is it; surely, Senators don't have anymore amendments that deal with this topic; surely, we don't have anymore time to spend on this.

We are talking about kids. We are talking about how to prevent kids from getting into trouble. We are talking about the best kind of corrections for kids that get into trouble. We are talking about a lot of issues here.

I think Senator DASCHLE was saying you just can't simply say if it is not done by Tuesday, it is all over, period.

AMENDMENT NO. 351

(Purpose: To allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school)

Mr. LOTT. Mr. President, I send an amendment to the desk, No. 351. I am pleased to join Senator ALLARD from Colorado in offering this amendment.

It would allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and allow students, faculty, and administrative staff of the public school to hold an appropriate service on their campus to honor these students and teachers.

I am horrified to find, and I think the American people would be horrified to find, that there are those in this country who object to having appropriate memorial services on the school campuses for teachers and students who are murdered. This should clearly be included in this legislation.

I am pleased to join Senator ALLARD in that amendment.

The PRESIDING OFFICER (Mr. GREGG). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT), for Mr. ALLARD, for himself and Mr. LOTT, proposes an amendment numbered 351.

Mr. LOTT. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on

the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

Mr. ALLARD. Mr. President, first of all, I thank the majority leader for giving me an opportunity to participate more fully in this legislative process and for his profound concern for the people of Colorado. The majority leader has been especially sensitive to this tragedy as it affected the students, parents, teachers, administrators and the support staff at Columbine High School in Littleton, CO. I appreciate his willingness, along with the chairman of the Judiciary Committee, to work with me on possible solutions in the youth violence bill. There will be proposals to try and prevent future tragedies of this nature in our Nation's schools. There will be those who will try and take advantage of this tragedy for their own personal gain. Sadly, in some cases, some people have already sought to gain from this horror.

There will be those who will want to completely ignore the problem believing that it will go away on its own. There will be those who share the views of many editorial writers in Colorado that this is a very complicated issue and that no simple solutions are going to be forth coming. These writers echo my views that only a comprehensive examination of all the contributing factors will yield smart, effective policy.

The natural reaction is to seek simple solutions by laying blame. Was it inadequate laws? Inadequate enforcement? Do we blame parents, teachers, students themselves, administrators, politicians, organizations, the entertainment industry, churches, or the whole of society? Do we blame the Constitution of the United States?

We need to put all this finger pointing aside and realize that we didn't come to this point overnight, that no one-thing is culpable, and that finding sensible solutions will take some time. Now is the time to concentrate and focus on what can be done about the emerging violence we are seeing in our schools. This is the time for us to look for responsible solutions. Now is the time to try and come up with common sense solutions that will make schools more safe.

The Constitution of the United States is one of civilization's greatest documents. It has served magnificently as the basic governor of this nation, the world's greatest nation, as it has developed and thrived for over 200 years. The Constitution continues to serve us well and will serve us well as we go through dramatic change in the future.

It is the bedrock and the foundation that moves us through national crises while preserving individual freedom. It empowers and checks the government in thoughtful, humble, and timeless language. I would like to take this opportunity to briefly examine the Bill of Rights in the context of today's world and in light of the recent shootings in our schools.

During the most recent violent school crisis in Colorado and previously in Oregon, Arkansas, Kentucky, and Mississippi, we are suffered the sense of loss, pain, anger, and frustration from each event. We collectively witnessed the anguish of students, teachers, parents, administrators, and law enforcement through an intense and at time intrusive news media invasion. The wide and dramatic coverage of these events often inspires copycat crimes. But we do not throw out the first amendment.

We have seen what happens in societies where there is no freedom of the press. We have witnessed the danger of censorship and government control of the media most recently in Iraq and Yugoslavia; ruthless dictators shut off the free flow of information to strengthen their grip on people who don't enjoy the benefits of a free press! Yes, some who report the news can be insensitive, irritating and down-right rude, but the alternative is far worse. Most news reporting is responsible.

It seems as though we re flooded in today's world with acts of violence from guns, knives, and bombs. Anger wells-up inside us as we read and witness such senseless acts of violence, especially in our schools which are supposed to be safe havens for learning. There are many responsible, law-abiding Americans who own and use firearms today.

We have witnessed many cases where ruthless dictators have moved early in their reign to disarm their soon-to-be victims. Yes, of the 270 million people in this country there are a few who are a menace to society with the guns that they own, but we cannot forget the many responsible gun owners in the United States. Guns have sporting uses, but they also save lives. Let us not forget that guns have been used to protect people, and they will continue to do so in the future.

The third amendment to the Constitution talks about the excesses of the military in terms of the home. It recognizes the right of the citizen to have his own home and to have it as his sanctuary free from any soldier claiming a greater right than the citizen. In times of civil crisis we occasionally see the military used to ensure safety.

Most soldiers are dedicated and trustworthy servants of this country and it is only on the rare occasion that one is not. Throughout these crises in our schools we have seen a highly charged and emotional police force move to secure the area and conduct an investigation. People are calling for quick action, looking for people to blame, and being critical of every move. The fourth amendment protects students, teachers, administrators, and parents from unfounded accusations and unwarranted seizures. It protects them from the crafty criminal who may want to shift the focus and action to an innocent party. One does not have to look far to see that people in parts of Central America, Iraq, and Yugoslavia do not have this right. During these times of crisis in our schools, people in and around these institutions are protected by due process of law.

They cannot be deprived of their life, liberty, and property without due process of law; nor shall private property be taken for public use without just compensation. Some Americans want to disregard these provisions in a time of crisis. There are those who demand immediate resolution regardless of cost, but here we see the grandeur of the fifth amendment as it protects people from whims and the heat of a crisis.

In any time of urgent need or catastrophe, the innocent may fall victim to false accusations. This is particularly obvious when elected officials are trying to show the electorate that they can produce results. We have seen the innocent accused and then exonerated by the justice system in cases of violence in our schools, and for this we owe the sixth amendment to our Constitution.

During these troubling times in our schools there are claims of injury placed against those who have had a public responsibility. The vast majority of our public servants are good decent Americans who work to serve other people. There are a few, for one reason or another, who fail to carry out their responsibilities. The method for redress in these sad circumstances is provided in the seventh amendment.

In responding to the horrific events in our schools the justice system is required to balance bail and punishment with the crime committed. The eighth amendment provides for this process to be fair and judicious.

And what of rights not clearly enumerated in the Constitution? The ninth amendment expressly states that as sweeping and dedicated to liberty as the document is, it cannot provide for all freedoms. The ninth amendment allows for the protection of rights not clearly defined by the Constitution indicating a wisdom that we embrace as we approach any crisis.

The 10th amendment prevents the Federal Government in times of crisis from ignoring the role of the States. Our forefathers feared most of all not the military but a national police force. The individual states were given the basic responsibilities of law enforcement, and in times of school crisis we have witnessed the effectiveness of this provision. We have also witnessed

through our history many nations terrorized by a national police force. In these cases isn't an armed citizenry capable of defending itself the preferred but not perfect solution?

My purpose for reviewing these vital amendments to our Constitution, this grand Bill of Rights, is to illustrate that in times of crisis, these rights are the layers of a foundation of liberty on which we live. This bedrock is the sacred strength of our nation. It is the bedrock that supports our churches, our homes, our businesses, and our schools. A natural tendency in times of crisis is to drive wedges into this bedrock in search of a solution. It is my hope that we conduct this debate upon the bedrock, and not within it.

I hope during this debate we keep in mind that we do not have the power to eliminate all violence in all schools. We must strive to restore a safe environment for learning within the bounds of individual freedom. A few must not be allowed to destroy that which the American people have prospered and come to appreciate over several centuries. Common sense and sensitivity must prevail.

In that light I believe there are things we can do to address school violence. There are no simple solutions and it will not happen overnight but I believe we can begin to move down that road by improving the safety in our schools. Even though schools will be our focus, the problems we face go far beyond the walls of any school, any community, any state, or for that matter any country. The laws we pass will have far reaching effects on numerous aspects of our society. I look forward to proceeding through this legislative agenda in a thoughtful manner, mindful of our sacred responsibility to the bedrock of our nation—the Constitution and the Bill of Rights.

I was recently given the honor and privilege of chairing a task force on Youth Violence. This task force, composed of twelve Senators, has thoughtfully deliberated over the problem of youth violence for the past two weeks. Our efforts are, in part, a response to the recent tragedies seen in our nation's schools. We support S. 254, the Juvenile Justice bill, and the efforts of Chairman HATCH and his committee who have labored for the past several years to draft careful reforms that will positively impact our juvenile justice system. In addition, we have come to a consensus on several themes which affect juvenile crime, education and our culture. This package of legislative proposals applies reasonable reforms which we hope will enhance the work of Senator HATCH and his committee.

The consensus of themes our task force will be working toward this week are:

Stengthening prevention and enforcement assistance to State and local government. This is the first step in a plan which infuses funds to State and local authorities to combat juvenile crime. The Federal government will assist states best by providing flexible block grants. Our plan includes juvenile crime grants; improving our management of juvenile crime records; targeted prevention funding; a plan for graduated sanctions which begin early—when the first signs of delinquent or antisocial behavior appear, and alternative education opportunities for at-risk or problem juveniles.

Another point is pushing back the influence of cultural violence by empowering parents and encouraging the public to be socially responsible. Our second step is to help our culture do more to limit the exposure of America's children to harmful and violent entertainment. Following the recent tragedy in my state, it seems clear that our culture's fascination with violence played some role in the thoughts and motivations of the cruel perpetrators of the crimes in Littleton. This includes enacting an entertainment industry code of conduct that allows for further development and enforcement of rating systems to limit exposure to children of material that the industry itself has deemed inappropriate for children. We include a plan to investigate the marketing practices of the entertainment industry where children are concerned. This plan also includes empowering Internet service providers to offer screening and filtering software that is designed to empower parents to limit access to material unsuitable for children. Our package also includes a plan to prohibit the posting of bomb making instructions on the Internet.

Last, I am offering two amendments which liberate students and faculty to hold memorial services or to construct a memorial on school property in the aftermath of a tragedy.

I will conclude my statement today with remarks on these amendments. The final theme of our package reinforces the theme that it is time to get tough on violent juveniles and firearms used by criminals. The Republican plan makes it more difficult for a juvenile to gain access to a firearm and insures that violent juveniles—teenagers who commit violent crimes—will be held accountable for their actions. We do this by ensuring the prosecution of those who abuse existing firearms laws. This means directing the Department of Justice to make firearms prosecutions a priority—something they have not been so far. We address gun show safety and firearms background checks, juvenile firearms possession, and penalties for firearms offenses across the board. We increase the penalty for theft of a firearm and we increase the mandatory minimum sentences for those who corrupt youth by selling them or encouraging them to sell drugs.

We also address safe and secure schools. Republicans want all children to receive a quality education. This experience should be a safe one. We propose numerous options for schools to use federal funds for better teacher training regarding violent students and school security. We provide for mandatory school discipline records disclosure for transferring students; we allow for all schools the opportunity to institute address code or school uniform policy; and we free up teachers and school administrators to adequately discipline students while at the same time giving them limited liability protection. Our bill establishes a national center to boost school security efforts and creates a national award for children with character.

In proposing this package, we do not pretend to believe our legislative actions will erase the harm already inflicted on too many Americans. Nor do we believe these laws will guard against all future threats of youth violence. But I do believe that the Congress has an opportunity today to strengthen and enhance our existing laws to empower families and communities to take action against this cultural virus seen in our youth.

Our responsibility is to apply reason and temperance to the decisions we make this week, holding close the dearly held principles of life and liberty which are expressed in our Bill of Rights. I am hopeful that the Senate will work together to accomplish this objective.

I would like to say a few words regarding my proposed amendments that will be before the Senate the first part of this next week. In the aftermath of the Littleton tragedy, I propose these amendments which will allow Congress to go on record with respect to the constitutionality of a permanent memorial or a memorial service that contains religious speech. Of course, the Allard amendments do not put Congress on record with respect to the kind of memorial that would be appropriate—that decision is for local schools and communities. The Allard amendments do, however, declare that a fitting memorial may contain religious speech without violating the Constitution.

As you approach Arlington National Cemetery, signs are posted which say:

Welcome to Arlington National Cemetery, Our Nation's Most Sacred Shrine. Please Conduct Yourselves with Dignity and Respect at All Times. Please Remember these are Hallowed Grounds.

Similarly, Congress appropriates the funds to pay for chaplains who conduct memorial services not only at Arlington Cemetery but wherever they are needed to serve our departed men and women of the Armed Forces and their families. We recognize that paying for chaplains to conduct memorial services is not an establishment of religion by the Government, but a dignified and proper Government function. The Supreme Court has noted that the chaplaincies of the various branches of the service are constitutional. Likewise, no one could seriously contend that the signs identifying Arlington Cemetery as a sacred shrine and hallowed ground are establishments of religion.

So today I am offering an amendment which states that it is fitting and

proper for a school to hold a memorial service when a student or teacher is killed on school grounds. And it is fitting and proper to include religious references, songs, and readings in such a service. Memorial services help the grieving process of students and faculty, bring a school together in the face of tragedy, and meet a need deeply felt by so many to see their friend given recognition in a dignified and solemn manner. My amendment allows students and faculty of a public school to hold a memorial service that includes prayer, reading of scripture, or the performance of religious music at a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus.

As a part of my proposed amendment there is a section that allows for the construction of a memorial that includes religious symbols or reference to God on school property. In either case, if a lawsuit is brought forth, parties are required to pay their own fees and costs and the Attorney General is authorized to provide legal assistance to defenders.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual circumstance, a circumstance I hope we will not have to revisit again. The amendments specifically mention that religious songs may be sung at such memorials without violating the Constitution. The two federal appeals courts that have taken up this issue both have ruled that school choirs may sing religious music. And the Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have ''The Lord Bless You and Keep You'' as its signature song.

In the same way, erecting a memorial that contained religious references, such as a quote from scripture, or a religious symbol from the deceased's religious tradition, would not violate the establishment clause of the Constitution.

In any community visited by such a tragedy, a person who views such a memorial with religious symbols or references that were important to the deceased would certainly not see some sort of covert attempt to establish an official religion. Rather, they would see a fitting and proper memorial to a departed friend.

I urge my colleagues to support my modest proposal. This legislation does two things. It requires that if a school holds memorial services or puts up a memorial in response to a killing on school grounds, and the school is sued, then all parties will bear their own costs and attorneys fees. A school that has experienced a tragedy of this kind should not have to worry about someone bringing a suit and winning thousands and thousands of dollars in attorney fee awards just because the school decides to hold a memorial service or put up a memorial. Second, this legislation permits—but does not require—the Attorney General to aid a school in defending against these suits.

This is one small thing we can do to help our schools respond in a humane, compassionate, and constitutional way to the violence that has become far too common in our schools. If the people of Colorado believe that religious speech is necessary to memorialize the heroism and tragedy at Columbine High School, then let them express themselves with the most profound and durable expressions of the human heart. Let us adopt this amendment today, hoping an occasion for its use may never happen again.

I yield the floor.

Y2K ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 96 regarding the Y2K liability legislation.

Mr. REID. Mr. President, I object.

Mr. LOTT. Mr. President, I regret the objection has been heard from our Democratic friends. This is an important issue all over America. The clock is running.

CLOTURE MOTION

I move to proceed to S. 96, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation.:

Trent Lott, John McCain, Jesse Helms, Rod Grams, Connie Mack, John H. Chafee, R. F. Bennett, Larry E. Craig, Craig Thomas, Pete Domenici, Richard G. Lugar, Sam Brownback, Ben Nighthorse Campbell, Pat Roberts, Chuck Hagel, and Spencer Abraham.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Tuesday, May 18.

I ask consent the vote occur at 9:45 a.m. on Tuesday, and the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Will the Chair explain to the Senator what the parliamentary status is in the Senate today?

The PRESIDING OFFICER. The question before the Senate is a motion to proceed to S. 96, the Y2K legislation.

Mr. REID. I ask unanimous consent that we be allowed to offer amendments to S. 254, the bill we have been working on all week.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Mr. President, I object.

The PRESIDING OFFICER. An objection is heard.

Mr. REID. Mr. President, I really think that is unfortunate. We have worked all week trying to resolve this issue. I have worked personally with Senator DORGAN trying to whittle down these amendments. I have worked many hours these last couple of days.

We have now on our side and on the majority side worked to bring down the amendments to a fairly good number. For the life of me, I cannot understand why we cannot proceed working all day today offering amendments. We have people who are waiting to offer amendments. I have an amendment I will be happy to offer.

We have Senators who will talk into the night offering amendments. There is no effort on behalf of the minority to delay this matter. We have worked very hard to even get time limits on our amendments. We can complete this legislation very quickly. I have had the opportunity to look through some of the amendments the majority has locked in under a previous unanimous consent agreement. We can work today, all day Monday, and then Tuesday there would not be much left to do.

It is tremendously unfortunate that we are unable to proceed on this. I will tell you why, for a couple of reasons.

When I came home last night—I worked late on the emergency supplemental. I got home around 9:30 or 10 o'clock last night and looked through my mail. I was surprised to get a letter from a longtime friend.

As some of my friends know, I was born and raised in Searchlight, NV, a very small town. There are not a lot of people from Searchlight. But I received a letter from someone who was raised in Searchlight just like me, someone older than I am but someone I have known literally all my life.

I can remember when I was a 13-year-old boy. I moved from Searchlight to Henderson, NV, where there was a high school and I was living with an aunt.

Early one morning, we were all awakened because one of my uncles from Searchlight came to give us the very bad news that his stepdaughter had been shot while working at one of the hotels in Las Vegas by this crazed man who shot her for no reason. He did not know her. She was very, very attractive, and this man who should not have had a pistol shot her.

Much of what is in the letter is personal in nature—and not that this isn't personal in nature—but the other relates to my family. But, let me read the last paragraph. She closed this letter with:

Hope you can feel free to support all legislation knocking down the strong gun lobby. I would like to personally shoot the crotch out of Moses, also known as Charlton Heston. I have 46 years of anger built up on this issue.

She is a paraplegic.

I know it can be political suicide to go up against them, but they are rotten to the core

and selfish in their interests. While I have the best of friends and have managed to live (have not really had a life) I dare them to follow me in my wheelchair tracks.

She closes by saying:

Stay well, sweet boy [talking to me].

This legislation we are attempting to resolve needs to be resolved. People may disagree with my friend from Searchlight now living in Las Vegas, Jean McColl, who has spent 46 years in a wheelchair as a result of being shot by somebody that shouldn't have had a gun. But that is what we are debating in this Chamber.

We should have the opportunity to offer amendments. There is no reason in the world that we should not be able to offer the amendments. We have 30-plus amendments on this side. By Tuesday I bet we could get rid of 25 of them, leaving on Tuesday just a handful of amendments to work on.

I also not only indicate what was written by my friend, Jeannie McColl, a beautiful, wonderful woman, who shortly after she was injured by this crazed man, was divorced and has raised this little boy by herself; in addition to the letter from Jeannie, I received another letter from a man who was complaining about something he felt was somewhat improper. He lives in Reno.

Dear Senator REID:

I am writing in regards to the enclosed National Rifle Association membership that was mailed to my 13 year-old daughter. I am not a gun advocate and have never voiced an opinion and I certainly believe in our constitution and the right to bear arms but I am rather astonished that the membership application is addressed to my 13 year-old daughter.

As we strive in our community to ensure that our schools are safe for our children, one of the biggest fears that parents have is a gun at school. We have been able to turn her particular school around from a very violent and non-academic oriented institution to one that we are all very proud and where the students are doing extremely well.

I am absolutely amazed that the National Rifle Association would have the audacity to mail membership applications to children. At some point, I believe this must be part of our government regulations. Will my youngest 11-year-old daughter be contacted next with another outrageous suggestion that is only supporting violence?

It is signed: ''David L. Brody, Registered Voter''—that is how he lists his signature—Reno, NV.

Mr. President, Jeannie McColl, David Brody—we need to move forward with this legislation.

I see the majority leader. I certainly want to yield the floor to the majority leader.

Mr. Leader, what I have said here is that we have some amendments. We have people standing by to offer amendments. We really would like to do that. One of the Senators on the majority side objected to the offering of amendments.

I will be very brief. As I said, we want to work our way through these, as I indicated before the leader got here. We have 30-plus amendments. I think we could get rid of 20 of these amendments by Tuesday morning if we had the opportunity to offer these amendments today and Monday.

Mr. LOTT. Mr. President, if I could respond.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. First of all, Senator HATCH and Senator LEAHY, the managers of the bill, are not on the floor at this time. I assume they are still in the area. And I have a call in to Senator HATCH so he will come back. And we can discuss how we might proceed and see what amendments we are talking about. Because you can certainly understand, it is hard to have the debate go forward without the managers knowing what amendments we are talking about, and that they are sort of in an order.

I understand the Kohl amendment, for instance, was next in order, and maybe even pretty much has been worked out. But I need to make sure that that is the case. And then, secondly, there may still be somebody opposed to it and have indicated they want to be able to be heard on the other side. So we have to make sure that Senators both for and against bills are protected in their desire to speak on an amendment. And that is basically it.

Senator KOHL is here. If there is no particular problem, then maybe we could go to that one and have him present it and make his statement. If there is a Senator opposed to it, he or she could come over. If not, we could go on. But there is a need to make sure that everybody knows what is happening. And both sides are aware that they should come to the floor and express themselves if they desire to.

The problem is, it is 12:15; it is Friday afternoon. As you know, it is very hard to work down this list of amendments when—once Senators realize basically the votes are over, they have commitments, and they are gone. But I will talk with Senator HATCH as soon as we get in touch with him and see if there is any problem with going forward with Senator KOHL. Then, of course, we need to go back and see if there is another amendment on this side. We will work through that. But we have to make sure everybody is notified we are going to be trying to do it.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized

Mr. DASCHLE. Mr. President, let me commend the distinguished assistant Democratic leader for his efforts, again, and for comments he has just made. I am puzzled. I thought we were going to proceed today with additional amendments. We have submitted our list with that intention. We had indicated we were prepared to work this afternoon; we are prepared to work on Monday. But not having our managers here, it makes it difficult.

Senator LEAHY is here. And Senator LEAHY has indicated a willingness to come back and work through these amendments. You know, this points up the very problem our colleagues have raised with us when we talk to them about having the need to offer amendments on Fridays and Mondays.

If the Republican manager leaves, it is awfully hard for us to offer these amendments. We want to make the most of Friday and Monday. The only way we are going to do that is to have the Republican manager here so we can accommodate those Senators who want to cooperate. It is hard to ask for their cooperation if we do not have somebody on the other side to cooperate with.

So I am troubled by that and I hope we can make the most of this afternoon and make the most of Monday. I must say, Mr. President, I am also surprised at the motion to file cloture on the motion to proceed. That is tantamount to pulling this bill. That is what it means. If we get the motion to proceed we are on the Y2K bill. And I thought the majority leader said he wanted to finish this bill on Tuesday.

Mr. LOTT. Would the Senator yield?

Mr. DASCHLE. I would be happy to yield.

Mr. LOTT. On that particular point, I do not know what the vote would be on the cloture on the motion to proceed on Y2K. I suspect it may pass, maybe even pass unanimously. At that point we are on that unless we can get an agreement to come back to the juvenile justice bill, which I assume we could do, but with the understanding we get something worked out as to how we proceed.

I have been signaling all week that we wanted to go back to Y2K especially, and we need to get started early since we had to file a cloture motion on even the motion to proceed. But you know, if we can get a solid, overwhelming vote on that, rather than spending 30 hours on it, hopefully something could be worked out on that as to how we would proceed to that, maybe right after the juvenile justice bill, and that we could get agreement to come back to juvenile justice at that point.

It is just that I had to get that ball rolling. And I assume and I hope maybe that is just one vote in what could be a series of votes. But hopefully we will get something worked out on that. But I wanted to make sure that—I am certainly amenable to trying to work out an agreement to go back to juvenile justice after we have that vote Tuesday morning.

Mr. DASCHLE. I appreciate that clarification and assurance from the majority leader. As he knows, of course, that takes unanimous consent. There may be people who oppose going back to the juvenile justice bill, and so then we are, under regular order, on the Y2K bill. So a vote for cloture on the motion to proceed would be a vote to table, to put back on the calendar the juvenile justice bill.

I have indicated to the majority leader that we would be prepared, based upon the negotiations that have been going on all week, to maybe work some arrangement out with regard to the Y2K bill. We hadn't had any discussion about this. The motion was filed, and so there was no communication at all on that matter—this, ironically, at the same time we were trying to work with the majority leader to try to accommodate his need to move this juvenile justice bill along.

Surprises are never welcomed, and this was a surprise that was disappointing. Nonetheless, we will work through that. We will work to accommodate whatever other legislative schedule there may be this next week.

I will say this: At this point I am very concerned about voting on the motion to proceed under these circumstances. I think we could finish this bill and then perhaps go on to the Y2K bill. I might even be prepared to move to the motion to proceed and support it myself if we can get this juvenile justice bill done. But to put it back on the calendar and then ask unanimous consent to take it back off the calendar, if we vote for cloture on the motion to proceed—and that is what we would have to do—is a matter that is disturbing.

We have a circumstance here that is confusing, to say the least. The majority leader, for good reason, admonished all of us to make the most of Friday, to make the most of Monday, on the juvenile justice bill. Then he files cloture, effectively taking the bill off the calendar and denying the right to offer amendments and to work through these amendments on Friday and Monday. I am hopeful that we can make the most. Let us work on these bills today. Let us work on them Monday. Let us see if we can't work through the rest of the amendments before we divert our attention to other amendments and other bills.

This isn't a very orderly process we find ourselves in right now, unfortunately, because of some of these decisions. I am hopeful that we can figure out a way to accommodate the needs of the schedule but also accommodate the needs of Senators who are very hopeful to have their day in court and their opportunity to offer amendments on the juvenile justice bill.

I yield the floor.

Mr. REID. Before the Senator yields the floor, may I ask a question of the leader?

Mr. DASCHLE. I would be happy to entertain a question from the distinguished Democratic assistant leader.

Mr. REID. The Y2K legislation that has been talked about here today, is it not a fact that there has been significant progress made trying to arrive at a resolution of that issue?

Mr. DASCHLE. There has. Many people on both sides of the aisle have been involved in very intense and, I would say, productive negotiations this week. I am encouraged by the reports I have been receiving throughout the week on their discussions. I am hopeful that——

Mr. LOTT. Are you referring to the Y2K issue?

Mr. DASCHLE. Yes.

Mr. LOTT. I wasn't sure what you were talking about.

Mr. DASCHLE. The Senator is certainly correct.

Mr. LOTT. I wonder if the Senator would yield. Is there a possibility we could work out some agreement where we wouldn't have to have the vote on the motion to proceed? It is pretty hard to explain to people, when you are facing the threat of a filibuster even to take up a bill. So I wonder if we could maybe get some agreement to skip over that and then go on, if we had to have a cloture vote on the bill itself. I hope you will think about that or talk to the people who are involved to see if that would be a possibility. That would perhaps then vitiate the necessity of having to get this started next Tuesday in order to get it completed within a week's time. If we could get around that vote, that would help.

Mr. DASCHLE. I would be happy to consult with our colleagues and report back to the majority leader.

I yield the floor, Mr. President.

Mr. HATCH. Mr. President, may I ask the parliamentary situation?

The PRESIDING OFFICER. The distinguished Senator is informed that we are on a motion to proceed on S. 96, the Y2K bill.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator KOHL be permitted to present the Hatch-Kohl trigger lock amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I can't hear.

Mr. HATCH. I am asking that Senator KOHL be able to present the Hatch-Kohl trigger lock amendment, and we will proceed. We will have that, followed by the Hatch-Feinstein amendment on gangs.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The distinguished Senator from Wisconsin is recognized.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 352

(Purpose: To amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun)

Mr. KOHL. Mr. President, we have good news. We seem to have reached a bipartisan consensus on child safety locks, one which will result, we believe, in a lock being sold with every handgun. So I rise now, with my colleague, Senator HATCH, to offer the Safe Handgun Storage and Child Handgun Safety Act of 1999.

This measure is closely modeled on the Child Safety Lock Act which I introduced earlier this year, with Senators CHAFEE, FEINSTEIN, DURBIN, and BOXER. Senator CHAFEE is also a cosponsor of this amendment.

Briefly, our amendment will bring the entire industry up to the level of those responsible manufacturers who have already started including child safety locks with their handguns. It is a commonsense idea, not an extreme one, that will reduce gun-related accidents, suicides, and homicides by young people.

Don't take my word for it. Ask your own constituents. According to a recent Newsweek poll, 85 percent of the American people support this proposal.

Our amendment is simple, effective, and straightforward. While we want people to use child safety locks, our amendment doesn't mandate it. Instead, our measure simply requires that whenever a handgun is sold, a child safety device must also be sold.

These devices vary in form, and effective ones are available for less than $10. We have added a new section that gives limited liability to gun owners, but only if they store their handguns properly. This actually creates an incentive for more people to use safety locks.

Let me tell you briefly why this amendment is so much needed. Nearly 2,000 young people are killed each year in firearm accidents and suicides. This is not only wrong, it is unacceptable. While our proposal is certainly not a panacea, it will help prevent many of these tragedies.

Mr. President, safety locks will also reduce violent crime. Juveniles commit nearly 7,000 crimes each year with guns taken from their own homes. That doesn't include incidents like last year's school shooting in Jonesboro, AR, which involved guns taken from the home of one child's grandfather because most of the father's guns actually were locked up.

A few extremists on both sides may not agree, but this is clearly a step forward. It will help make children safer. It will help make mothers and fathers feel more secure leaving their children at a neighbor's home. Senator CRAIG, who worked with me in 1994 to author the ban on juvenile possession of handguns, deserves much credit today. When passed, this law will be a huge victory for our children and a victory for bipartisanship as well. I hope my colleagues can all support this bill.

At this point, Mr. President, I send the Kohl-Hatch-Chafee amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. HATCH and Mr. CHAFEE, proposes an amendment numbered 352.

The amendment is as follows:

At the appropriate place in the bill, in Title—, General Provisions, insert the following new sections:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe Hand Gun Storage & Child Handgun Safety Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(a) To promote the safe storage and use of handguns by consumers.

(b) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one the circumstances provided for in the Youth Handgun Safety Act.

(c) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 3. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

''(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

''(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

''(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

''(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

''(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.''.

''(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

''(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

''(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

''(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

''A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.''.

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

''(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this Act shall be construed to—

(A) create a cause of action against any federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this Act shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 4. 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. HATCH. Mr. President, I am prepared to accept the amendment. I am a cosponsor of it as well.

Mr. KOHL. We want a roll call vote.

Mr. HATCH. Can we put this over for a vote until next Tuesday?

Mr. KOHL. Mr. President, 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.

Mr. HATCH. Mr. President, I ask unanimous consent that the vote be postponed until the time set in an agreement of the two leaders.

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

Mr. KOHL. I thank the Chair.

Mr. HATCH. Mr. President, our understanding is that the next amendment will be the Hatch-Feinstein amendment.

Mr. REID. May I ask the manager of the bill a question?

Mr. HATCH. Yes.

Mr. REID. We have people who are ready to come and offer amendments. Could you give an indication as to how long your presentation will take?

Mr. HATCH. I think very little time. I feel badly that Senator FEINSTEIN is not here. She may want to say a few words right before the amendment comes up for a vote. We will offer some time there.

Mr. REID. What is ''very little time'' in Senate hours?

Mr. HATCH. I think I can explain the Feinstein amendment in probably less than 10 minutes.

Mr. REID. We want to make sure we have somebody ready when that is finished.

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.

AMENDMENT NO. 353

(Purpose: To combat gang violence and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk on behalf of myself and Senator FEINSTEIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself and Mrs. FEINSTEIN, proposes an amendment numbered 353.

Mr. HATCH. Mr. President, I ask unanimous consent 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, I understand we will have time to debate this more at a future time.

This amendment, which I am pleased to offer with the Senator from California, Senator FEINSTEIN, is a much refined version of legislation we offered last Congress to address the serious and troubling issue of interstate and juvenile gangs. I want to commend Senator FEINSTEIN for her hard work and dedication on this issue.

Our amendment includes improvement to the current federal gangs statute, to cover conduct such as alien smuggling, money laundering, and high-value burglary, to the predicate offenses under the penalty enhancement for engaging in gang-related crimes, and enhances penalties for such crimes.

It criminalizes recruiting persons into a gang, with tough penalties, including a four year mandatory minimum if the person recruited is a minor.

It amends the Travel Act, 18 U.S.C. 1952, to include typical gang offenses in its predicate acts.

It includes the James Guelff Body Armor Act, which provides penalty enhancements for the use of body armor in the commission of a federal crime. This provision also prohibits the purchase, possession or use of body armor by anyone convicted of a violent felony, but provides an affirmative defense for bona fide business uses, and enhances the availability of body armor and other bullet-proof technology to law enforcement.

It includes penalties for teaching, even over the Internet, how to make or use a bomb, with the knowledge or intent that the information will be used to commit a federal crime.

Finally, our amendment enhances penalties under the Animal Enterprise Terrorism Act, 18 U.S.C. 43, to address the growing problem of attacks on businesses and research facilities, as well as establishes a clearinghouse to track such offenses. These crimes are increasingly being committed by some juvenile gangs, particularly in my state of Utah.

Gangs are an increasingly serious and interstate problem, affecting our crime rates and our youth. A 1997 survey of eighth graders in 11 cities found in 1997 that 9 percent were currently gang members, and that 17 percent said they had belonged to a gang at some point in their lives. These gangs and their members are responsible for as many as 68 percent of all violent crimes in some cities.

My home state of Utah continues to have a serious gang problem. In 1997, there were over 7,000 gang offenses reported to the police in Utah. Although we have seen some improvement from the unprecedented high levels of gang crime a couple of years ago, gang membership in the Salt Lake area has increased 209 percent since 1992. There are now about 4,500 gang members in the Salt Lake City area. Seven hundred and seventy of these, or 17 percent, are juveniles.

During 1998, there were at least 99 drive-by shootings in the Salt Lake City area. Also, drug offenses, liquor offenses, and sexual assaults were all up significantly over the same period in 1997. And in the first 2 months of 1999, there were 14 drive-by shootings in the Salt Lake City area.

An emerging gang in Utah is the Straight Edge. These are juveniles who embrace a strict code of no sex, drugs, alcohol, or tobacco, and usually no meat or animal products. Normally, of course, these are traits most parents would applaud. But these juveniles take these fine habits to a dangerous extreme, frequently violently attacking those who do not share their purist outlook.

There are 204 documented Straight Edgers in Salt Lake City, with an average age of 19 years old. Like most gangs, they adopt distinctive clothing and tattoos to identify themselves. Although not all Straight Edgers engage in criminal activities, many have become very violent prone. They have engaged in coordinated attacks on college fraternities, and a murder outside the Federal Building in downtown Salt Lake City last Halloween night was Straight Edge related. This crime, in which a 15-year-old youth named ''Bernardo Repreza'' occurred during a gang-related fight against the Straight-Edgers. Three Straight Edge gang members, have been charged with the murder.

Straight Edgers are also being recruited into, and more frequently linked to, the radical animal rights movement. For instance, in 1996, Jacob Kenison, then 16 and a Straight Edger, became so obsessed with animal rights that he set fire to a leather store and released thousands of animals from two Salt Lake County mink farms. In 1997, Kenison was charged in federal court for buying an assault rifle without disclosing he had been charged in state court. In December 1998, Kenison, now 20 years old, was sentenced to 9 months in jail for the mink release. The juveniles who committed the firebombing of a Murray breeders' co-op may have been Straight Edge, and have been linked to the Animal Liberation Front, a loose network of animal rights activists which advocates terrorist-like tactics.

And these gangs are learning some of their tactics on the Internet, which is why our amendment includes a provision making illegal to teach another how to make or use an explosive device intending or knowing that the instructions will be used to commit a federal crime, has passed the Senate on at least three separate occasions. It is time for Congress to pass it and make the law.

Sites with detailed instructions on how to make a wide variety of destructive devices have proliferated on the Internet. As many of my colleagues know, these sites were a prominent part of the recent tragedy in Littleton, Colorado.

Let me give my colleagues an example of one of these sites. The self-styled Animal Liberation Front has been linked to numerous bombings and arsons across the country, including several in my home State of Utah. Posted on their Internet site is the cyber-publication, The Final Nail #2. It is a detailed guide to terrorist activities. This chart shows just one example of the instructions to be found here—in this case, instructions to build an electronically timed incendiary igniter—the timer for a time bomb.

And how do the publishers intend that this information will be used? The suggestion is clear from threats and warnings in the guide. One page in the site shows a picture of an industry spokeswoman, warning her to ''take our advice while you still have some time: quit your job and cash in your frequent flier points for a permanent vacation.'' Now, on this chart, which comes from The Final Nail #2, we have redacted the spokeswoman's address and phone number to protect her privacy. The publishers weren't so considerate. And this is just the beginning. This same document has a 59 page list of targets, complete with names and addresses from nearly every U.S. State and Canadian province.

Let there be no mistake—the publishers know what they're doing. For instance, the instructions on how to make milk jug firebombs comes with this caution: ''Arson is a big time felony so wear gloves and old clothes you can throw away throughout the entire process and be very careful not to leave a single shred of evidence.''

It is unfortunate that people feel the need to disseminate information and instructions on bombmaking and explosives. Now perhaps we can't stop people from putting out that information. But if they are doing so with the intent that the information be used to commit a violent federal crime—or if they know that the information will be used for that purpose, then this amendment will serve to hold such persons accountable.

Unfortunately, kids today have unfettered access to a universe of harmful material. By merely clicking a mouse, kids can access pornography, violent video games, and even instructions for making bombs with ingredients that can be found in any household. Why someone feels the need to put such harmful material on the Internet is beyond me—there certainly is no legitimate need for our kids to know how to make a bomb. But if that person crosses the line to advocate the use of that knowledge for violent criminal purposes, or gives it our knowing it will be used for such purposes, then the law needs to cover that conduct.

Mr. President, the Hatch-Feinstein Federal Gang Violence Act incorporated in this amendment is a modest but important in stemming the spread of gangs and violence across the country and among our juveniles. I urge my colleagues to support it.

Mrs. FEINSTEIN. Mr. President, I am very pleased to rise today in support of the Hatch-Feinstein amendment, a comprehensive package which contains no less than three different bills which I have introduced, which all seek to stem the steady tide of criminal violence in this country.

Specifically, it includes the following bills which I have introduced:

The Federal Gang Violence Act, a comprehensive package of measures which were recommended by law enforcement to increase their ability to combat the increasingly-violent criminal gangs which are spreading across the country. Senator HATCH and I introduced this legislation in the past two congresses, and some of its provisions have already been included in the

bill before us today, as Title II of the bill.

The James Guelff Body Armor Act of 1999, which is designed to increase police and public safety by taking body armor out of the hands of criminals and putting it in the hands of police. I introduced this earlier this year as S. 783, and it has been co-sponsored by Senators SESSIONS, BOXER, REID, BRYAN, and KERRY. We also have incorporated S. 726, the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999, which was introduced by Senators CAMPBELL and TORRICELLI.

Anti-bombmaking legislation, which is designed to do everything possible under the Constitution to take information about how to make a bomb off the Internet by criminalizing the distribution of such information for a criminal purpose. I have introduced it in the past as an amendment to other bills, with the support of Senator BIDEN, and introduced it earlier this year as part of S. 606, with Senators NICKLES, HATCH, and MACK.

This amendment also includes provisions drafted by Senator HATCH to address animal enterprise terrorism, which he introduced earlier this year as part of his omnibus crime bill, S. 899.

I want to express my great thanks to the distinguished chairman of the Judiciary Committee for working with me to put this package together, which is obviously of the highest priority to me.

Let me now describe what it does, in more detail:

GANGS

Gangs are no longer a local problem involving small groups of wayward youths. Rather, gang violence has truly become a problem of national scope.

The U.S. Justice Department issued a report which details the dramatic scope of this problem: there are over 23,000 youth gangs, in all 50 states; it will come as no surprise to you to learn that California is the number one gang state, with almost 5,000 gangs, and more than three times as many gang members as the next-most gang-plagued state; and overall, there are almost 665,000 gang members in the country, more than a ten-fold increase since 1975. [Source: U.S. Department of Justice, 1995 National Youth Gang Survey, released in August, 1997.]

In Los Angeles alone, nearly 7,300 of its citizens were murdered in the last 16 years from gang warfare, more people than have been killed in all the terrorist fighting in northern Ireland.

Today's gangs are organized and sophisticated traveling crime syndicates—much like the Mafia. They spread out and franchise across the country, many from California.

The Los Angeles-based 18th Street gang now deals directly with the Mexican and Colombian drug cartels, and has expanded its operations to Oregon, Utah, El Salvador, Honduras, and Mexico.

Local police and the FBI have traced factions of the Bloods and Crips to more than 119 cities in the West and Midwest with more than 60,000 members.

The Gangster Disciples, according to local authorities, is a Chicago-based 30,000 member multi-million dollar gang operation spanning 35 states, which traffics in narcotics and weapons, with income estimated at $300,000 daily.

A 1995 study of gang members by the National Gang Crime Research Center found: three-quarters of the gangs exist in multiple geographic areas; half of the gang members belonged to gangs which did not arise locally, but arose with contact from a gang from outside the area; and 61 percent indicated their gang was an official branch of a larger national gang.

Sgt. Jerry Flowers with the gang crime unit in Oklahoma City captured the migration instinct of these gangs when he said: ''the gang leaders realized that the same ounce of crack cocaine they sold for $300 in Los Angeles was worth nearly $2,000 in Oklahoma City.''

Gangs also steer at-risk youth into crime. A recently released study by the National Institute of Justice went about answering the question: ''Are gangs really responsible for increases in crime or are youths who grow up in very difficult circumstances but do not join gangs committing just as many crimes?'' To answer this, the Institute scientifically compared gang members with demographically similar at-risk youth in four cities.

The results were very revealing, and I think it's important to share these with the Senate:

> The research revealed that criminal behavior committed by gang members is extensive and significantly exceeds that committed by comparably at-risk but nongang youth.
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> * * * * *
>
> Youths who join gangs tend to begin as 'wannabes' at about age 13, join about 6 months later, and get arrested within 6 months after joining the gang. By age 14 they already have an arrest record.
>
> * * * * *
>
> An important positive correlation exists between when these individuals joined gangs and when their arrest histories accelerated.
>
> * * * * *
>
> [D]ata indicate that gang involvement significantly increases one's chances of being arrested, incarcerated, seriously injured, or killed.
>
> * * * * *
>
> [G]ang members are far more likely to commit certain crimes, such as auto theft; theft; assaulting rivals; carrying concealed weapons in school; using, selling, and stealing drugs; intimidating or assaulting victims and witnesses; and participating in drive-by shootings and homicides than nongang youths.
>
> * * * * *
>
> Gang members . . . are better connected to nonlocal sources than nongang drug traffickers.
>
> * * * * *
>
> [N]early 75 percent of gang members acknowledged that nearly all of their fellow gang members own guns. Even more alarming, 90 percent of gang interviewees reported that gang members favor powerful, lethal weapons over small caliber handguns.

Finally, the study noted, ''By all accounts, the number of youth gangs and their members continues to grow.''

To help stem this tide, my staff met for months with prosecutors, law enforcement officers, and community leaders to search for solutions to the problem of gang violence.

The Federal Gang Violence Act makes the federal government a more active partner in the war against violent and deadly organized gangs. Provisions which are already in the bill include:

Making it a federal crime to recruit someone to join a criminal gang, subject to a one year mandatory minimum if an adult is recruited, and a four year mandatory minimum if a minor is recruited.

One of the most insidious tactics of today's gangs is the way they target children to do their dirty work, and indoctrinate them into a life of crime.

For example, the 18th street gang which I described earlier, according to the Los Angeles Times, ''resembles a kind of children's army,'' with recruiters who scout middle schools for 11- to 13-year-old children to join the gang. The gang's real leaders, however, are middle-aged veteranos, long-time gang members who direct its criminal activities from the background.

The establishment of a High Intensity Interstate Gang Activity Area program.

Efforts to combat gang violence have been hampered by jurisdictional boundaries. The Los Angeles Times has opined that,

> To date, that sort of 'in it for the long haul' anti-gang effort has not occurred among law enforcement authorities here. Local police agencies fail to share information and are unwilling to commit resources outside their boundaries; this is always a problem in multi-jurisdictional Southern California. Federal law enforcement agencies have come in, but only for limited times. Meanwhile, the outlaw force gets nothing more than a bloody nose.
>
> The growth, greed and brutality of the 18th Street gang demand a coordinated local, state and federal response, one prepared to continue for months and even years if necessary.

To remedy this situation, I crafted a program modeled after the popular High Intensity Drug Trafficking Area, or HIDTA, program. The HIIGAA program:

Adds $100 million per year for prosecutors and prevention programs, targeted to areas that are particularly involved in interstate criminal gang activity, for: Joint federal-state-local law enforcement task forces, ''for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members'' in the areas; and community-based gang prevention programs in the areas.

These areas are designated by the Attorney General, who in so doing must

consider: The extent to which gangs from the area are involved in interstate or international criminal activity; the extent to which the area is affected by the criminal activity of gang members who are located in or have relocated from other states or foreign countries; and the extent to which the area is affected by the criminal activity of gangs that originated in other states or foreign countries (e.g., by migration of Crips and Bloods).

I believe that this program could be tremendously helpful to the L.A. area in particular, as it is the leading source of interstate gang activity in the country, and could help bring together Los Angeles, Riverside, San Bernardino and other counties with the state and federal governments, in a coordinated, focused effort, balanced between enforcement and prevention, to beat back the gangs.

The amendment Senator HATCH and I are offering today would increase the emphasis upon prevention in this program by boosting that share from 25 to 40 percent, consistent with the committee's action last Congress. The recent NIJ study which I mentioned earlier concluded: ''It is also important to address the brief window of opportunity for intervention that occurs in the year between the ''wannabe'' stage and the age at first arrest. It is vital that intervention programs that target gang members and successfully divert them from the gang are funded, developed, evaluated, improved, and sustained.'' This program, and the change we propose today, will help to do that.

This amendment also would add the following anti-gang provisions to the bill:

1. Increases sentences for gang members who commit federal crimes to further the gang's activities, by directing the Sentencing Commission to make an appropriate increase under the Sentencing Guidelines.

2. Makes is easier to prove criminal gang activity, by:

Reducing the number of members prosecutors have to prove are in a gang from five to three;

Changing the definition of a criminal gang from a group ''that has as one of its primary purposes the commission of'' certain criminal offenses to a group ''that has as one of its primary activities the commission of'' certain criminal offenses;

Adding the following federal offenses to the list of gang crimes: extortion, gambling, obstruction of justice (includes jury tampering and witness intimidation), money laundering, alien smuggling, an attempt or solicitation to commit any of these offenses, or federal violent felonies or drug crimes, which are already included in the current law), and gang recruitment;

Adding asset forfeiture

3. Amends the Travel Act, which passed in 1961 to address Mafia-type crime, to deal with modern gangs, by adding gang crimes such as: assault with a deadly weapon, drive-by shootings, and witness intimidation to its provisions. It also increases penalties under the Act, and helps prosecutors by adding a conspiracy provision to the Act.

4. Adds serious juvenile drug offenses to the Armed Career Criminal Act, which provides for a 15 year mandatory minimum sentence if a felon with three prior convictions for violent felonies or serious drug offenses is caught with a firearm.

5. Further targets gangsters who exploit children by adding a three-year mandatory minimum sentence to the existing law against knowingly transferring a firearm for use in a violent crime or drug trafficking crime, where the gun is transferred to a minor.

6. Provision addressing clone pagers, which Sen. DEWINE has worked on, which would make it easier to investigate gang members by allowing law enforcement to obtain pagers which are clones of those possessed by gang members, under the lower standard which applies to pen registers, rather than the more difficult wiretap standard, which currently applies.

I want to note that we did not include the provision of last year's bill which was criticized for federalizing much gang crime.

Altogether, this anti-gang package gives federal law enforcement a set of powerful new tools with which to team up with state and local law enforcement and crack down on criminal gangs.

BODY ARMOR

The next piece of this comprehensive amendment is the James Guelff Body Armor Act of 1999, which is designed to increase police and public safety by taking body armor out of the hands of criminals and putting it in the hands of police. As I mentioned previously, I introduced this earlier this year as S. 783, and it has been cosponsored by Senators SESSIONS, BOXER, REID, BRYAN, and KERRY.

Currently, Federal law does not limit access to body armor for individuals with even the grimmest history of criminal violence. However, it is unquestionable that criminals with violent intentions are more dangerous when they are wearing body armor.

Many will recall the violent and horrific shootout in North Hollywood, California, just 2 years ago. In that incident, two suspects wearing body armor and armed to the teeth, terrorized a community. Police officers on the scene had to borrow rifles from a nearby gunshop to counteract the firepower and protective equipment of these suspects.

Another tragic incident involved San Francisco Police Officer James Guelff. On November 13, 1994, Officer Guelff responded to a distress call. Upon reaching the crime scene, he was fired upon by a heavily armed suspect who was shielded by a kevlar vest and bullet-proof helmet. Officer Guelff died in the ensuing gun-fight.

Lee Guelff, James Guelff's brother, recently wrote a letter to me about the need to revise the laws relating to body armor. He wrote:

> It's bad enough when officers have to face gunmen in possession of superior firepower . . . But to have to confront suspects shielded by equal or better defensive protection as well goes beyond the bounds of acceptable risk for officers and citizens alike. No officer should have to face the same set of deadly circumstances again.

I couldn't agree with Lee more. Our laws need to recognize that body armor in the possession of a criminal is an offensive weapon. Our police officers on the streets are adequately supplied with body armor, and that hardened-criminals are deterred from using body armor.

This body armor amendment has three key provisions. First, it increases the penalties criminals receive if they commit a crime wearing body armor. Specifically, a violation will lead to an increase of two levels under the Federal sentencing guidelines.

Second, it makes it unlawful for violent felons to purchase, use, or possess body armor. Third, this bill enables Federal law enforcement agencies to directly donate surplus body armor to local police.

I will address each of these three provisions.

First, criminals who wear body armor during the commission of a crime should face enhanced penalties because they pose an enhanced threat to police and civilians alike. Assailants shielded by body armor can shoot at the police and civilians with less fear than individuals not so well protected.

In the North Hollywood shoot-out, for example, the gunmen were able to hold dozens of officers at bay because of their body armor. This provision will deter the criminal use of body armor, and thus deter the escalation of violence in our communities.

Second, this amendment would make it a crime for individuals with a violent criminal record to wear body armor. It is unconscionable that criminals can obtain and wear body armor without restriction when so many of our police lack comparable protection.

The bill recognizes that there may be exceptional circumstances where an individual with a brutal history legitimately needs body armor to protect himself or herself. Therefore, it provides an affirmative defense for individuals who require body armor for lawful job-related activities.

Another crucial part of this body armor amendment is that it speeds up the procedures by which Federal agencies can donate surplus body armor to local police.

Far too many of our local police officers do not have access to bullet-proof vests. The United States Department of Justice estimates that 25 percent of State, local, and tribal law enforcement officers, approximately 150,000 officers, are not issued body armor.

Getting our officers more body armor will save lives. According to the Federal Bureau of Investigation, greater

than 30 percent of the 1,182 officers willed by guns in the line of duty since 1980 could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest.

Last year, Congress made some inroads into this shortage of body armor by enacting the ''Bulletproof Vest Partnership Grant Act of 1998.'' This act established a $25 million annual fund to help local and State police purchase body armor. This amendment will further boost the body armor resources of local and State police departments.

These body armor amendments have the support of over 500,000 law enforcement personnel nationwide. The Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs' Association, the National Troopers Coalition, the International Association of Police Chiefs, the Federal Law Enforcement Officers Association (FLEOA), the Police Executive Research Forum, the International Brother of Police Officers, the Major City Chiefs, and the National Association of Black Law Enforcement Executives, have all endorsed the legislation.

An additional piece of this body armor package is S. 726, the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999 introduced by Senator CAMPBELL and cosponsored by Senator TORRICELLI.

Senator CAMPBELL's proposals are dedicated to the memory of Dale Claxton, a Colorado police officer who was fatally shot through the windshield of his police car. These proposals include:

Authorizing continued funding for the Bulletproof Vest Partnership Grant Act program at $25 million per year;

Second, creating a $40 million matching grant program to help State and local jurisdictions and Indian tribes purchase bullet resistant glass, armored panels for patrol cars, hand-held bullet resistant shield and other life saving bullet resistant equipment;

Third, authorizing a $25 million matching grant program for the purchase of video cameras for use in law enforcement vehicles; and

Finally, the amendment directs the National Institute of Justice to promote bullet-resistant technologies.

I am pleased that we were able to include these measures in our amendment as well. They strengthen the amendment's purpose to protect police and the public.

BOMBMAKING

Let me turn now to the bombmaking piece of this package.

According to authorities, the killers in Littleton learned how to make their 30-plus bombs form bombmaking instructions posted on the Internet.

Hundreds and hundreds of Web sites contain instructions on how to build bombs, such as this Terrorists' Handbook, which my staff downloaded from the Internet a week after the tragedy. This bombmaking manual contains detailed, step-by-step instructions for building devices such as pipe bombs, lightbulb bombs, and letter bombs, which have no legitimate, lawful purpose. It also tells the reader how to break into college labs to obtain useful chemicals, how to pick locks, and even contains a checklist for raids on laboratories.

INTERNET BOMBMAKING INCIDENTS CONTINUING AFTER LITTLETON

Unfortunately, in the short time since the tragedy in Littleton, Colorado, there has been a steady stream of incidents of youths using the Internet to build bombs and threaten their use at school:

Police arrested five students at McKinley Junior High School in Brooklyn for possessing a bomb-making manual, a day after the eighth-graders were caught allegedly plotting to set off a bomb at graduation. The arrested students, all 13, were charged with second-degree conspiracy after allegedly bringing bomb-making information found on the Internet to class, police and school officials said.

Salt Lake City School District has received about 10 reports of threats to kill or blow up schools, said Nancy Woodward, district director of student and family services. Many of the students making such threats have a history of violent threats and have written about such violence in notebooks or downloaded Internet information. [4/28/99 Deseret News]

Three Cobb County, Georgia boys arrested for possession of a pipe bomb on school property learned how to make the explosive by browsing the Internet, according to testimony at a court hearing.

One week after the high school killings in Colorado, authorities across Texas are reporting a spate of incidents that involve violent threats by students and crude efforts to manufacture bombs.

In Port Aransas, Texas, a 15-year-old boy who allegedly downloaded from the Internet information on bomb making and killing faced criminal charges after the was turned in to police by his father. The boy had threatened teachers and classmates.

At least seven teen-agers are being held in Wimberley and Wichita Falls alone, all of them on suspicion of making explosives, some of which officials say were to be used to attack a school.

A judge ordered four Wimberley, Texas junior high school students to remain in a juvenile detention center, accused of planning an attack on their own school. Sheriff's deputies questioned the four eighth-graders over the weekend and searched their homes, turning up gunpowder, crudely built explosives and instructions on making bombs on computer disks and downloanded from the Internet.

More than 50 threats of bombings and other acts of violence against schools have been reported across Pennsylvania over the last four days, which state officials attributed partly to last week's bombing in Littleton, Colo.

Elsewhere on the Web, the Columbine tragedy has triggered a kind of electronic turf warfare, as individuals snap up site addresses containing words reflecting the tragedy, such as the killers' names or the name of their clique, the Trench Coat Mafia. At least one such site, filled with images of guns and bomb-making instructions, was offered for sale to the highest bidder on eBay, an online auction. ''When we became aware of it, we took it down immediately,'' an eBay spokesman said. ''It is totally inappropriate.''

And just 28 miles away from where we stand today, three students at Glen Burnie High School, in Maryland, were arrested for issuing bomb threats and possessing bomb-making components. One of those arrested had told another student, ''You're on my hit list.'' A police search of the boys' homes found match heads, suitcases, wires, chemicals, and printouts from the Internet showing how to put it all together to make bombs. Graffiti at the school read, ''if you think Littleton was bad, wait until you see what happens here.''

DESCRIPTION OF THE LEGISLATION

I have been trying to do as much as I can under the First Amendment to get rid of this sort of filth for four years now. This amendment:

Makes it a federal crime to teach or distribute information on how to make a bomb or other weapon of mass destruction if the teacher: Intends that the information be used to commit a federal violent crime or knows that the recipient of the information intends to use it to commit a federal violent crime; and sets a maximum sentence of 20 years.

This legislation has been endorsed by both the explosives industry (Institute for Makers of Explosives) and the Anti-Defamation League.

HITORY OF THE AMENDMENT

The substance of this amendment has passed the Senate or the Judiciary Committee in each of the past four years, without a single vote in opposition: in 1995, as an amendment to the anti-terrorism bill, by unanimous consent; in 1996, as an amendment to the Department of Defense authorization bill, again by unanimous consent; in 1997, again as an amendment to the Department of Defense authorization bill, this time by a vote of 94–0; and last year, in the Judiciary Committee, as an amendment to a private relief bill for Kerr-McGee Corporation, by unanimous consent.

Unfortunately, despite the unanimous support of the Senate, the House has killed the amendment in conference each time it has passed the Senate: On the terrorism bill, it was replaced by a directive to the Attorney General to study and report to Congress on six different issues related to the amendment; on the FY 97 Defense bill, it was eliminated because the Attorney General's study was then ongoing, and she had not yet issued her report; on the FY 98 Defense bill, it was

eliminated because it falls within the jurisdiction of the Judiciary Committees, and the House objected to its not taking this usual course.

JUSTICE DEPARTMENT SUPPORT

I mentioned the Justice Department report earlier; that report found that the amendment was justified on each of the six factors the Department was asked to consider, and recommended that Congress finally pass this legislation:

Factor: ''(1) the extent to which there is available to the public material in any medium (including print, electronic or film) that provides instruction on how to make bombs, destructive devices, or weapons of mass destruction.''

DOJ Report: ''It is readily apparent from our cursory examination that anyone interested in manufacturing a bomb, dangerous weapon or weapon of mass destruction can easily obtain detailed instructions for fabricating and using such a device.''

Factor: ''(2) the extent to which information gained from such materials has been used in incidents of domestic or international terrorism.''

DOJ Report: ''Recent law enforcement experience demonstrates that persons who attempt or plan acts of terrorism often possess literature that describes the construction of explosive devices and other weapons of mass destruction (including biological weapons).''

''[R]eported federal cases involving murder, bombing, arson, and related crimes, reflect the use of bombmaking manuals by defendants and the frequent seizure of such texts during the criminal investigation of such activities.''

''Finally, information furnished by the Bureau of Alcohol, Tobacco and Firearms reveals that such literature is frequently used by individuals bent upon making bombs for criminal purposes.''

The report connected ''mayhem manuals'' to numerous terrorist and criminal actions, including: The World Trade Center bombing; the Omega 7 group, who conducted terrorist bombings in the New York area; an individual attempting to bring enough ricin—one of the most toxic substances known—into the U.S. to kill over 32,000 people; and the ''Patriots Council'' began developing ricin to attack federal or local law enforcement officials.

Factor: ''(3) the likelihood that such information may be used in future incidents of terrorism.''

DOJ Report: ''both the FBI and ATF expect that because the availability of such information is becoming increasingly widespread, such bombmaking instructions will continue to play a significant role in aiding those intent upon committing future acts of terrorism and violence.''

Factor: ''(4) the application of Federal laws in effect on the date of enactment of this Act to such material.''

DOJ Report: while there are several existing federal laws which could be applied to bombmaking instructions in some circumstances, ''current federal law does not specifically address certain classes of cases.''

Factor: ''(5) the need and utility, if any, for additional laws relating to such material.''

DOJ Report: ''the Department of Justice agrees with [Senators FEINSTEIN and BIDEN] that it would be appropriate and beneficial to adopt further legislation to address this problem directly, in a manner that does not impermissibly restrict the wholly legitimate publication and teaching of such information, or otherwise violate the First Amendment.''

Factor: ''(6) an assessment of the extent to which the first amendment protects such material and its private and commercial distribution.''

DOJ Report: ''where such a purpose [to aid or cause a criminal result] is proved beyond a reasonable doubt, as it would have to be in a criminal case, the First Amendment should be no bar to culpability.''

''we think these First Amendment concerns can be overcome, and that such a facilitation prohibition could be constitutional, if drafted narrowly.''

I ask that the Justice Department's report be incorporated by reference as part of the RECORD.

The Justice Department proposed a slight re-draft of the original version of the Feinstein amendment. It is this redraft which we have included in this amendment with one further modification, removing state crimes from its scope, made at the request of Representative MCCOLLUM.

CONCLUSION

This is a powerful set of amendments, which I am convinced can do a great deal to reduce criminal violence in America. I urge my colleagues to join me in supporting this.

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. BYRD. 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. BYRD. Mr. President, is the bill open for my amendment now?

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The pending legislation is the Hatch-Feinstein amendment.

Mr. BYRD. I ask unanimous consent that measure be temporarily laid aside so I may offer an amendment.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Gladly.

Mr. HATCH. I am trying to work out the details to see if we can proceed with the Senator's amendment. If the Senator will give me a little bit more time, I will see if we can get that worked out.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. REID. Will the Senator yield?

Mr. BYRD. I am told I could offer the amendment. I am glad to yield, however.

Mr. REID. Mr. President, we want to do something on this bill. I have been asked personally by the majority leader and the minority leader to move this legislation along. I have pled with Members from the minority to narrow the amendment. We have done that. There are time limits on most every one.

We have spent 2 hours today trying to offer amendments. We want to offer amendments. We are being told we can't offer gun amendments, so we bring in the second most senior Member of the Senate to offer an amendment dealing with alcohol, and we are told we can't offer that.

What can we offer? I say to my friend from Utah, what can we offer? We want to move this thing along. I have been here since early this morning trying to move this bill along, and whatever we do we can't do it. You can't have it both ways. We can't be accused of trying to slow down the legislation and when we want to offer amendments we can't offer anything.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. I would be glad to yield.

Mr. HATCH. We understand that most Senators have left. We also understand some of these amendments are controversial and they need debate on both sides. We also understand that some of us have to protect ourselves on both sides or protect our Senators.

We are moving ahead. I just put in a very important amendment for Senator FEINSTEIN and myself. We are submitting our statements for the RECORD today rather than taking the time of the Senate. We are moving ahead in a regular forum. We can move with some amendments today and some we can't. We do want to move ahead and we will certainly try to do so and accommodate Members. When it comes to protecting Members of the Senate, we have to do that. It is just a common courtesy that has been used in this body ever since I have been here for 23 years. I don't want to see that courtesy not extended at this time.

What I am hoping is that we can proceed with the Byrd amendment, which happens to be the bill that I filed on alcohol sales over the Internet. We know that the Senators from the States who are in opposition are not here today. We will try to work out an arrangement where this amendment can be filed and reserve time, an equivalent amount of time, for those who may be in opposition.

We have asked for just a few minutes for one of our distinguished Senators who has a direct interest in this to be able to read the amendment. It is not a long amendment. If we could just get a few more minutes of time.

As I now understand, the amendment is OK. Let's go ahead.

May I propose a unanimous consent request?

Mr. BYRD. Mr. President, may I speak for 1 minute?

This amendment has been printed in the RECORD. It is at the desk. So I have conformed with the request to get our amendments in. It was in yesterday's CONGRESSIONAL RECORD.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Mr. BYRD. It catches no one by surprise.

I yield to the Senator.

Mr. HATCH. Nobody is accusing anybody of surprise. The Senator has every right to call up his amendment and we are glad he is.

I ask unanimous consent whatever time the Senator takes on this amendment today, that those in opposition be permitted to take when they return on Monday.

Mr. REID. Reserving the right to object.

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada is recognized under his reservation.

Mr. BYRD. Do I still have the floor?

The PRESIDING OFFICER. The Senator from West Virginia continues to have the floor.

Mr. BYRD. I yield to the Senator from Nevada.

Mr. REID. Reserving the right to object, I say to my friend from Utah, of course people in opposition to this amendment can come and talk until the leader pulls the bill.

I don't understand why we can't move forward with amendments. If somebody wants to make an objection to the amendment in the form of a speech, they can come anytime they want. That is how we do business around here. When an amendment is offered, you don't have to have on the floor somebody on the other side to oppose it.

We are being accused of slowing down this bill. We are doing everything we can to move the bill along. I hope everyone understands who is slowing down this bill. It is not us.

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I wonder how this works. Does this mean if we have other amendments on either side that come up, just because somebody is not there to respond to it, does that mean this will now become the procedure to be followed? We will let the proponent speak, and then on Monday the opponents speak?

I ask that because we have to do something to move this on. It is frustrating to the Senator from Vermont, who has canceled all other plans today to be here into the evening, if necessary, to move forward on this bill, in keeping with what the majority leader said he wants done, if he suddenly finds he will be picking and choosing whether anybody can bring up an amendment or not.

If Senators are serious about the amendments, they can come here and offer them. It is more of a question to the distinguished Senator from Utah: Is this going to be the practice, if another Senator brings up an amendment and there is not somebody on the other side, will that Senator bring it up and speak about it, and the other Senator comes back and responds on Monday?

Mr. HATCH. Mr. President, I will try to protect Senators on our side who may not be here. I presume the distinguished Senator from Vermont will do the same for Senators on this side when we know they are in opposition or opposing a particular amendment.

I amend my unanimous consent request to request that, immediately following Senator BYRD's presentation of his amendment, Senators FRIST and ASHCROFT be permitted to call up their amendment.

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, before I agree, I would like——

Mr. BYRD. May I say to the Chair, I am recognized.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. If the distinguished Senator from California wishes to say something, I would be glad to yield for a statement.

Mrs. FEINSTEIN. I thank the Senator. I wish to oppose your amendment and so I wish to see that there is an opportunity for me to do so.

Mr. BYRD. Mr. President, the Senator from California will certainly have an opportunity to oppose my amendment. Anybody else will certainly have an opportunity to do that.

Mr. HATCH. May I have a ruling on my unanimous consent request to get this order?

Mr. BYRD. Would the Senator remind repeating his request?

Mr. HATCH. I ask unanimous consent that there be given time to debate by opponents on Monday, if they are unable to be here at this time, to amendments that are called up today, and we give them the time to debate the equivalent used today—in the case of Senator FEINSTEIN, she is here so she can reply regarding Senator BYRD's amendment—but that Senator BYRD's amendment proceed, and immediately following the Byrd amendment, that Senators FRIST and ASHCROFT be permitted to call up their amendment, hopefully speaking for only 5 minutes.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President I wasn't here when the consent order was entered. But do I understand that no amendment in the second degree can be offered today?

The PRESIDING OFFICER (Mr. HAGEL). No second-degree amendment can be offered and voted on until there has been a vote on or in relationship to the amendment.

Mr. BYRD. Mr. President, I do not seek any vote on my amendment today, but I have entered it earlier and I want to speak to it and officially call it up today. And it will be up on Monday for further debate and for amendment by other amendments.

AMENDMENT NO. 339

(Purpose: To provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor)

The PRESIDING OFFICER. The clerk will report the Senator's amendment.

Mr. BYRD. Mr. President, I want the clerk to report it in full.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. KOHL, proposes an amendment numbered 339:

At the appropriate place, insert the following:

SEC. ___. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the ''Webb-Kenyon Act'') (27 U.S.C. 122) is amended by adding at the end the following:

''SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

''(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

''(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

''(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

''(1) restrain the person from engaging, or continuing to engage, in the violation; and

''(2) enforce compliance with the State law.

''(c) FEDERAL JURISDICTION.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

''(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

''(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

''(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

''(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

''(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

''(A) set forth the reasons for the issuance of the order;

''(B) be specific in terms;

''(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

''(D) be binding only upon—

''(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

''(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

''(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

''(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

''(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

''(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

''(g) ADDITIONAL REMEDIES.—

''(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

''(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.''.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have not asked for any action on this amendment, but I did want to have it read for the information of the Senate, and I want to speak on it briefly, after which I shall return to my office.

Mr. President, over the past few days, many of my colleagues have come to this Chamber and, with heartfelt passion, offered proposals aimed at addressing the scourge of juvenile crime and violence. We have seen efforts to reduce the pervasiveness of violence and indecency on television and in the movies. We have seen efforts to provide the tools parents need in order to make the Internet a safe and educational environment for their children. We have observed proposals to increase criminal penalties for those who would seek to subvert our youth by introducing them to gangs or the drug culture; and we have had attempts to limit children's access to guns.

Each of these has been, I believe, an honest effort toward seeking a much-needed solution to this national problem. And yet, despite these proposals, I am deeply concerned that we have overlooked an important element of this crisis—the problem of teen alcohol use—the problem of teen, t-e-e-n, alcohol use—more appropriately, perhaps, alcohol abuse.

I have long been concerned about underage drinking.

As a matter of fact, I am not an advocate of drinking at any age, but I recognize that not everybody seeks to pattern their own viewpoints and lives after my viewpoints. But especially—especially—I speak with reference to underage drinking.

It takes an immense toll on our children and our society. The younger a child starts drinking, the more likely that child is to run into bad, bad trouble down the road. Research has shown, for example, that children who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who abstain from such activity until the legal drinking age of 21. We also know that too many kids are drinking.

If one kid is drinking, that is too many. I am not saying that with reference to this legislation. Obviously, if one is drinking, that is one too many. But for the purposes of this statement, let it stand as I say. We also know that too many kids are drinking.

During the last month, approximately 34 percent of high school seniors, 22 percent of tenth graders, and 8 percent of eighth graders, have been drunk.

That is hard to imagine. I started school in a two-room schoolhouse. I have said that many times, but I like to repeat it because there are still some of us here who remember those times. When I was later in high school, that would not have been tolerated. The parents would not have tolerated it. The community would not have tolerated it. The school principal, the teachers would not have tolerated it.

Let me read that again.

During the last month, approximately 34 percent of high school seniors—now that is a third of high school seniors—22 percent of the tenth graders; in other words, one-fifth of the tenth graders, and 8 percent of the eighth graders—think of that, 8 percent of the eighth graders—have been drunk!

What is going on here? Drunk. How can that happen if there is a parent who observes the responsibilities of a parent? How can a drunk child avoid the observation of the parent?

Yes, I said drunk! And, in the most tragic of statistics, we know that, in 1996, 5,233 young people ages 15 to 20 died in alcohol-related traffic accidents—5,233 lives cut short for what? Mr. President, 5,233 young people ages 15 to 20 died, and that means for a long, long time—died in alcohol-related traffic accidents. These statistics should be a cause for great concern not just among Senators, but for everyone throughout this Nation. Everybody. The churches ought to be up in arms about it. Legislators ought to be up in arms about it. The administration ought to put forth a crusade, not just a word here and there, tippy-toeing around. There ought to be a real crusade like the crusade that has been effectively carried on against smoking. Why not have a national crusade against drinking and especially concerning young people in school? Something is wrong.

Mr. President, we should also be concerned that, with direct-to-consumer sale of alcohol, children can now get beer, wine, or liquor sent directly to their homes by ordering from catalogues or over the Internet.

What a shame. Again, I have to point my finger at the parents. What a shame. Children can now get beer, wine or liquor sent directly to their homes by ordering from catalogs or over the Internet.

Unfortunately, these direct-to-consumer sales work to undermine the extremely important controls currently in place in many of our States.

Consequently, I am offering this amendment, on behalf of myself and Senator KOHL, in an effort to give States the opportunity to close that loophole and go after those who sell alcohol illegally to children. The Webb-Kenyon Act, a Federal statute dating back to the early part of this century, makes clear that States have the authority to control the shipment of alcohol into the State. Unfortunately, recent court decisions have maintained that the statute provides no enforcement mechanism. In the 1997 case of Florida Department of Business Regulation v. Zachy's Wine and Liquor, for example, the State of Florida was prohibited from enjoining four out-of-State direct shippers on the grounds that neither the 21st amendment to the Constitution, nor the Webb-Kenyon Act, gave the State a Federal right of action for failure to comply with State liquor laws. Thus, as a result of this and other court decisions, the ability of States to vigorously enforce their prerogatives under the 21st amendment and the Webb-Kenyon Act against out-of-State defendants is extremely limited at the very time when illegal alcohol shipments are burgeoning.

This amendment would remedy this problem by stating unequivocally—no ands, ifs, or buts; unequivocally—that States have the right to seek an injunction in Federal court to prevent the illegal, interstate sale of alcohol in violation of State law.

I am not saying you cannot sell it. I am simply saying that we should obey State laws by not selling alcohol to children—or expect to pay the consequences.

This amendment is based on legislation originally introduced earlier this year by the distinguished Senator from Utah, Mr. HATCH. The distinguished Senator from Utah has been at the forefront of this issue, and I thank him for his leadership on this important matter. In addition, Senator KOHL is a

cosponsor of my amendment and I sincerely thank him as well for his steadfast support.

Beyond my colleagues here in the Senate, though, this legislation has garnered diverse support. Organizations favoring this amendment include the American Academy of Pediatrics, the International Association of Chiefs of Police, the Wine and Spirits Wholesalers of America, the National Beer Wholesalers Association, the National Licensed Beverage Association and the National Alcohol Beverage Control Association.

Mr. President, let me be clear about what my amendment does. It simply clarifies that States may use the Federal courts to obtain an injunction to prevent the illegal shipment of alcohol. It does not overturn or interfere with any existing State law or regulation. It would have no impact on those companies that are selling alcohol products in accordance with State laws. It would not impede legal access to the marketplace. In fact, there are distributors who have offered to sell the products of any wine manufacturer, no matter how small that company might be. My amendment would have no impact on those who are using the Internet to sell alcohol products legally.

In sum, companies would remain free to utilize any marketing or sales process currently permitted under State law. That is why companies that legally sell alcohol over the Internet, such as Geerlings and Wade, have endorsed this legislation. The legislation would only impede those who use the Internet or other marketing techniques to avoid compliance with State alcohol laws.

Mr. President, as the Senate addresses the pernicious problem of youth crime and violence, I urge my colleagues to join me in addressing this important facet. We should not—indeed, we cannot—turn a blind eye to those who would, and do, violate State laws governing the sale of alcoholic beverages. The laws regulating alcoholic beverages are in place because such products can be—can be—a dangerous product. It should not be shipped to minors. It should not be shipped into States in violation of those States' laws. Congress should act now and ensure that the laws regulating the interstate shipment of alcohol are not rendered meaningless.

Mr. President, that completes my statement.

I yield the floor.

Mr. HATCH. Mr. President, if nothing else can be said about this issue, it is absolutely imperative that states have the means to prevent unlawful access to alcohol by our children.

If a 13-year-old is capable of ordering beer and having it delivered by merely ''borrowing'' a credit card and making a few clicks with her mouse, there is something wrong with the level of control that is being exercised over these sales and something must be done to address the problem.

I am a strong supporter of electronic commerce. But the sale of alcohol cannot be equated with the sale of a sweater or shirt. We need to foster growth in electronic commerce, but we also need to make sure that alcohol control laws are respected.

The growth of many of our nation's wineries is tied to their ability to achieve name recognition and generate sales nationwide—tasks the Internet is uniquely suited to accomplish. I do not want to preclude them from using the Internet; I want to ensure that they use it responsibly and in accordance with state laws.

If there is a problem with the system, we need to fix the system, not break the laws.

The 21st amendment gives states the right to regulate the importation of alcohol into their states. However, efforts to enforce laws relating to the importation of alcohol have run into significant legal hurdles in both state and Federal courts.

The scope of the 21st amendment is essentially a Federal question that must be decided by the Federal courts—and ultimately the Supreme Court. For that reason, among others, I believe a Federal court forum is appropriate for state enforcement efforts.

Most states do not permit direct shipping of alcohol to consumers. Therefore most Internet sales of alcohol are currently prohibited. If a state wants to set up a system to allow for the direct shipment of alcohol to consumers, such as New Hampshire and Louisiana have already done, then that is their right under the 21st amendment. But the decision to permit direct shipping, and under what conditions, is up to the states, not the purveyors of alcohol.

S. 577, the Twenty-First Amendment Enforcement Act was introduced by myself and Senator DEWINE on March 10, 1999. Senators BYRD and CONRAD have now cosponsored and Senator KOHL is to be added as a sponsor.

It is my understanding that Senator BYRD will offer the Twenty-First Amendment Enforcement Act as an amendment to S. 254, the Violent and Repeat Juvenile Offender Accountability Act of 1999. To my knowledge, only three Senators have gone on record opposing the bill—FEINSTEIN, DURBIN, ROCKEFELLER—and 57 Senators have given the bill tentative approval.

The bill is supported by a host of interests including, *inter alia*, Utah interests (Governor Leavitt, Attorney General Graham, Utah's Department of Alcoholic Beverage Control, the Utah Hospitality Association, numerous Utah Congressional Representatives and Senator BENNETT), SADD, the National Licensed Beverage Association, the National Beer Wholesalers Association, the Wine and Spirits Wholesalers, Geerlings and Wade (leading direct marketer of fine wines to 27 States and more than 81 percent of the wine consuming public) Americans for Responsible Alcohol Access, the National Association of Beverage Retailers, the National Alcohol Beverage Control Association, and the National Conference of State Liquor Administrators.

I had intended to offer this amendment. Senator FEINSTEIN asked that I withhold—and I was agreeable to working with her. I still wish to work with her. But, given Senator BYRD's decision to offer the amendment at this time I feel compelled to vote my conscience.

I have been working with Senator FEINSTEIN and others to try to come to an agreement on legislation which will balance the legitimate commercial interests involved with the rights of the states under the 21st amendment. However, I haven't seen any proposed amendments at this time which help alleviate the problems inherent in direct shipping while at the same time protecting the wineries' commercial interests.

I still want to work with the vineyards and those who have concerns. I hope we can keep working together.

SUMMARY OF BYRD AMENDMENT (S. 577, THE ''TWENTY-FIRST AMENDMENT ENFORCEMENT ACT'')

(1) Permits the chief law enforcement officer of a state to seek an injunction in federal court to prevent the violation of any of its laws regulating the importation or transportation of alcohol;

(2) Allows for venue for the suit where the defendant resides and where the violations occur;

(3) No injunctions issued without prior notice to the opposing party;

(4) Requires that injunctions be specific as to the parties, the conduct and the rationale underlying the issuance of the injunction;

(5) Allows for quick consideration of the application for an injunction; conserves court resources by avoiding redundant proceedings;

(6) Mandates a bench trial.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. BYRD. Mr. President, I certainly have no objection to the Senator sending her amendment to the desk. Wait, Mr. President. Is this amendment a second-degree amendment?

Mrs. FEINSTEIN. First degree.

Mr. ASHCROFT. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Is this an amendment to the amendment offered by the Senator from West Virginia or is this another amendment?

Mrs. FEINSTEIN. I say to the Senator, this is another amendment on the same subject. It is a first-degree amendment.

Mr. ASHCROFT. If I may ask, as a point of procedure, I thought we were operating under a unanimous consent that the next amendment to be offered was to be, according to the unanimous

consent, an amendment sponsored by Senator FRIST and myself.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. I do not mean to forestall other amendments, but it was just my understanding. I am happy to try to work out a unanimous consent which allows for the other amendment. But I think it would be appropriate to do that rather than set aside the amendment in place, and as a result, until we work that out, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Could I ask the distinguished Senator what her amendment is?

Mrs. FEINSTEIN. Yes. The amendment essentially would require that when one ships an alcoholic beverage, that there be a label on the shipping container that contains clearly and prominently an identification of the contents of the package. It would then require that upon delivery, an adult must show identification to receive it. It also would provide that it is a criminal charge to violate that, and with three violations, the BATF revokes the license.

Mr. HATCH. I ask the distinguished sponsor of the amendment, is this one of the amendments that has been approved by both sides under the unanimous consent agreement?

Mrs. FEINSTEIN. I do not believe it has been.

Mr. HATCH. If it has not been, the only way we can bring it up without objection would be to get one of the—I think there are nine reserved amendments that could be utilized for this purpose. If you can do that, if I have interpreted this correctly, you would like your amendment right after the Byrd amendment so there will be a contrast.

Mrs. FEINSTEIN. If possible, yes.

Mr. HATCH. I support the Byrd amendment, but I do not think that is an unreasonable request. I ask my colleagues on this side to allow it, as long as there is not a lot of intervening debate.

Mrs. FEINSTEIN. Thank you very much.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? Hearing none, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Utah for doing that. It was a request similar to what I wanted. I agree with him. I happen to support the amendment by the distinguished Senator from California. I think it is a very reasonable and realistic one that should be passed.

Mr. HATCH. I do not know whether I was clear or not on my unanimous consent request, but she should be entitled to do it if she can use one of those nine amendments which have been reserved for things like this. We shouldn't have this if it is an additional amendment to all the ones we have on the RECORD.

Mr. LEAHY. I did not understand that to be the unanimous consent.

Mr. HATCH. That is what I meant to say.

Mr. LEAHY. I did not understand that to be the unanimous consent request that was agreed to.

Mr. HATCH. Let me rephrase the unanimous consent request. There are nine reserved amendments, five by the distinguished ranking member and four by the minority leader. The Senator should be allowed to call up this amendment utilizing one of those nine amendments, if she wants to. I do not want to expand the amendment list.

I ask unanimous consent that she be permitted to do that, utilizing one of the nine that aren't presently utilized.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I make a parliamentary inquiry. What is the unanimous consent request the Senate just agreed to prior to this, as propounded by the distinguished senior Senator from Utah?

Mr. HATCH. Would the Senator acknowledge——

Mr. LEAHY. Could I get an answer?

Mr. HATCH. I do not know that I was clear. That is why I am trying to be clear now.

Mr. LEAHY. Well, all of us are unclear at times. I just want to be clear so I can understand how the Chair understands it.

Mr. HATCH. I did mention the nine amendments. That is clearly the import of what I wanted to do.

Mr. LEAHY. Well, except that that would not require, I would say to my friend from Utah, unanimous consent in any event, because we could just simply take one of those——

Mr. HATCH. I am prepared, but I think we should use one of the nine open amendments to be fair about it. But if you want to raise a technical objection and not use one, that is fine with me, because it is fair to the distinguished Senator from California, whom I oppose. That is why you kept those amendments. I think it is fairer to use one of them. That way, we do not expand the list. That is what I would do for you. If you won't, then I will accept whatever.

Mr. LEAHY. I tell my friend from Utah, I hope that I don't have to use them all in any event. But again, the reason I didn't object or anything, my understanding was that the distinguished Senator from Utah proposed a unanimous consent agreement which basically paralleled the unanimous consent agreement that the distinguished senior Senator from California had already made, which was to move forward, to be allowed to introduce her amendment. Now, that is why I am asking the distinguished occupant of the Chair, the Senator from Nebraska, just what it is we have agreed to.

Mr. HATCH. Let me say—

Mr. LEAHY. I am getting old, and it is Friday afternoon, Mr. President. I want to make sure I understand.

Mr. HATCH. I believe I was inarticulate. I believe I did not make it clear that one of these nine amendments should be used. If the Senator wants to be technical about it and not utilize one of those nine amendments, then let's quit debating and wasting time on it. We will just expand the amendment list by one in order to accommodate a Member of his side, but I would prefer, if he would, that he grant her the use of one of the nine which currently are not being used, as a courtesy to me and to her. And if he doesn't, we will do the other. I don't care, but I don't want a big debate on it. I want to get to the Ashcroft amendment, if we can.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have two amendments that have been agreed upon for calling up. One of those I will not call up, if I may yield that slot to the distinguished Senator from California.

Mr. HATCH. If you will do that, that will be—

Mr. LEAHY. That takes care of everybody's problem, and it satisfies the Senator from Utah and the Senator from Vermont.

The PRESIDING OFFICER. Without objection, the request is modified and the request is agreed to.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair, and I thank the Senator from West Virginia whose intelligence is only exceeded by his gentility and courtliness. Thank you very, very much.

Mr. BYRD. I thank the Senator.

AMENDMENT NO. 354

(Purpose: To modify the laws relating to interstate shipment of intoxicating liquors)

Mrs. FEINSTEIN. If I may, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 354.

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:

At the appropriate place, add the following:

SEC. ___. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

(a) IN GENERAL.—Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting ''a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a'' after ''accompanied by''; and

(B) by inserting ''and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''contained therein,''; and

(2) in section 1264, by inserting ''or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''consignee,''.

(b) REVOCATION OF BASIC PERMIT.—The Director of the Bureau of Alcohol, Tobacco, and Firearms shall revoke the basic permit of any person who has been convicted of 3 or more violations of the provisions of title 18, United States Code, added by this section.

Mrs. FEINSTEIN. Mr. President, what I believe we are in, to some extent, is a kind of interindustry beef, if I might use that vernacular. And it all deals with the shipment of alcohol or alcoholic beverages across State lines.

The amendment just submitted by the distinguished Senator from West Virginia is of major concern to the California wine industry. It is of major concern to the California wine industry, which makes 90 percent of the wine of this country, because small boutique wineries, which have wine tastings and then offer for sale a bottle of rather expensive wine over the Internet, are essentially affected by this amendment, which takes all State laws and essentially provides a Federal court venue.

We have had discussions in the Judiciary Committee; we had a full hearing in the the Judiciary Committee. The California Wine Institute testified as well as a vintner from Santa Cruz, CA. I thought there was going to be a delay. Senator HATCH had this amendment. He decided to let it sit for awhile so that we could put together some agreement.

Mothers Against Drunk Driving has been an original supporter of what the distinguished Senator from West Virginia proposes. However, at this time I will read from the text of a letter, dated May 13, from Mothers Against Drunk Driving, signed by Karolyn Nannalee, the national president.

At the time MADD provided testimony no legislation had been drafted on the subject. The text of S. 577 has implications far beyond our concerns and is, in fact, a battle between various elements within the alcoholic beverages industry. It does not surprise us that the competing parties would like to have the support of the victims of drunk driving. It does, however, dismay us that they would go to such lengths to misrepresent our views on the subject.

I only say this because Mothers Against Drunk Driving does not, in fact support the legislation that has just been presented.

The allegation is, of course, that this legislation is directed against the wine industry, which is having increasing success in the United States as more and more Americans consume wine as opposed to other alcoholic beverages. For the small winery that may not have shelf space in a supermarket, the Internet has emerged as a source of sales of their products.

Now, let's address the question of teenage drinking. In this respect, I agree entirely, 100 percent, with what the distinguished Senator from West Virginia said. We ought to do everything we can to discourage teenage drinking. I do not have a problem with that. What I have a problem with is throwing all complicated laws with respect to alcoholic beverages into the Federal courts. I think that is unnecessary, and I think it is unwanted by many of us at least.

The amendment I have submitted—actually as an alternative, although it is a first-degree amendment—as an alternative to the amendment of the distinguished Senator from West Virginia, I believe, would solve the problem, because it would require that any package containing an alcoholic beverage that is shipped across State lines must be labeled clearly and its contents must be identified as alcoholic beverages.

Second, it would require that upon delivery the recipient must be of an age to lawfully purchase the beverage and must sign and identify himself or herself as such. It would require the invoice to state that an adult signature is required for delivery. It would require the deliverer not to deliver unless an adult signature is attached. It provides criminal penalties for violation, and with three violations the BATF, on a mandatory basis, must revoke the basic permit of any person who has been convicted of three or more violations of this section.

I think this gets at the basic problem by setting up safeguards so that particularly wine can be shipped across State lines by the purchaser.

This is complicated but is something that has arisen and has become a kind of folk art, if you will, and that is the wine tasting where people go to wine areas, where they go directly to the winery where there is a wine tasting, where they see a new bottle of wine, sometimes very limited supply, and they say: Oh, how can I buy it? And the vendor will say: You can buy it through my web site, and it is $90, $80, $70 a bottle. That is how this is done.

I believe my amendment, without throwing all of this into Federal court, essentially skins the cat without killing it. I would be hopeful that the Senate would see it as worthy.

I very much thank the distinguished Senator from West Virginia. I would like to thank the ranking member and those who made it possible for me to offer this amendment at this time.

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 355

(Purpose: To amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms, and for other purposes)

Mr. FRIST. Mr. President, I call up the Frist-Ashcroft amendment as under the previous unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST), for himself, Mr. ASHCROFT, Mr. ALLARD, Mr. COVERDELL, Mr. HELMS, and Mr. NICKLES proposes an amendment numbered 355.

Mr. FRIST. 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:

At the appropriate place, insert the following:

Subtitle ____—School Safety

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 educational 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 chooses 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) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, 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: ''Except as provided in section 615(k)(10), whenever''.

Mr. FRIST. Mr. President, I offer on behalf of Senators ASHCROFT, ALLARD, COVERDELL, and HELMS an amendment which addresses an issue which is fundamentally central to the issues we have been discussing over the last several days; that is, of guns and bombs in schools. This amendment will address a problem that we in this body have created through good intent but created a loophole which allows students who have brought a bomb or a gun into a school to be allowed to return to the classroom.

The amendment very specifically ends what has become a mixed message that the Federal Government has sent and is sending to American students on the issue of guns and bombs in our schools. Under the Individuals with Disabilities Education Act, IDEA, a law that I have fought very hard for, supported and have worked hard to reform and improve in past Congresses, a student with a disability who is in possession of a firearm is treated differently than a regular education student because of the disability. Students in special education are treated differently than all other students, if both have brought a gun or a bomb into the school. That is wrong. It has to be fixed. It is a loophole that creates a huge danger, I believe, to the safety of our children and teachers in our schools.

How big a problem is it? Some people said it is a hypothetical problem. It is hard to get this data. But I want to share with my colleagues what I have been able to find.

If you look just last year, over the 1997–1998 school year, just in Nashville, just one community in this country, there were eight firearm infractions, where children have been found to have brought a gun or firearm into the school. That isn't how many came in, but only how many were actually discovered. Of those eight, six were special education students, protected under IDEA.

By the way, about 13 percent of all students, or one out of every eight, are in special education. What happened to the six special education students? Under the law as it is written, we basically determine whether or not bringing that gun into school was a manifestation, meaning was it related in any way to the disability. Of those six, three were found to have brought that firearm in for a reason that is unrelated to the disability, and were expelled but were still allowed to receive educational services. The other three special education students were found to have brought the firearm to the school because it was related to the disability.

The significance of this is that we take those three students and say, You can go back into the school. The other two regualr education students not protected under IDEA were expelled and were not required to receive educational services. They can't come back to the school. But because we created this special class, we are letting kids with bombs and firearms to come back into the school in as soon as 45 days later. It is no more complicated than that.

Our amendment fixes this dangerous, dangerous loophole. To look at just over the last 8 months, of nine firearm violations in Nashville, four have involved special education students. These statistics say that in one city, Nashville, it is a problem. But it is a snapshot, a microscopic picture of what goes on all over the country. It is wrong. Students should be subject to the exact same disciplinary action whether or not they happen to be in special education. It is our fault. We created this system which treats them differently.

We contend that when it comes to bombs and firearms, they should all be treated exactly alike. The issue of possession of a gun or firearm, I don't believe the Federal Government should tie the hands of our local education authorities, our principals and teachers, when it comes to protecting students and teachers from guns and bombs in schools.

I believe there is absolutely no excuse whatsoever for any student to intentionally possess or bring to school a gun. What we have done is create by previous legislation, which this amendment fixes, a means by which a special group of students, students in special education to hide behind the Individuals with Disabilities Education Act to avoid the same punishment that a regular education student would receive.

Our amendment says that the possession must be intentional. This would allow the principal to determine if the student with a disability unknowingly had the gun placed on him. This targets a student who comes to that schoolyard with a firearm or gun intentionally.

Again, it is a tight, focused amendment.

Since its inception in 1975, 24 years ago, IDEA has been gradually modified with the times and has been improved.

I believe this is a marked improvement. I think this amendment is necessary for the reasons that we have been discussing regarding this bill, with the catastrophes around my State and other States, and in Colorado most recently, which reflect the decline in safety in our Nation's schools.

Our amendment, very simply, ensures that school authorities at the local level have the ability to remove dangerous students, whoever they are, from the classroom regardless of their status. Today they can't. Our amendment fixes this problem.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to commend the Senator from Tennessee, first of all, for his sensitivity to what is happening in the schools of America. His visiting the schools is something which I find to be very important. You can sit here in Washington for a long time and cook up all sorts of theories about how schools ought to be, but until you talk to the people in the schools—and in his case Nashville, Davidson County—until you talk to the principals and teachers and parents, you do not understand the problems created by our current Federal IDEA law. The Senator from Tennessee has found out that in a 1-year snapshot there were eight detected possessions of weapons in the schools, six of which were from students covered by individualized education plans, and three of which our law—the law that we made—says schools can't expel those students the way they ought to be able to expel them. He has pointed out we should fix the law.

What is interesting to me—and I commend the Senator from Tennessee. I have visited school districts all across the State of Missouri. I have gone to district after district to try and assert exactly what it is we should be doing. I have had school superintendents mention to me time after time this same problem. I talked to one small school district superintendent who talked about the dangers of not being able to have discipline in these settings. He talked about a student who threatened to kill other students seven times—threaten to shoot them.

Finally, the individual shot another student. Fortunately, the shot took place off the school premises so that the legal authorities incarcerated the student. They didn't have to go through the painful procedure of trying to discipline him within the confines of this law which makes it virtually impossible to exercise the kind of discipline necessary.

This bill is very simple. This bill is not designed to hurt any group of students. This is designed to secure the classroom. There isn't any class of students that is better off being favored and being able to bring guns or bombs to school. That is not in the interest of any group of students.

This bill basically takes off barriers that the Congress placed in the path of good school administrators, parents, teachers and local school boards. We erected barriers that kept from taking students who had guns in their possession out of schools—merely because they were determined to be in some way disabled.

This amendment simply says in spite of the fact that you are a student—of

course, one out of every eight students nationally turns out to be disabled; one in seven in the State of Missouri—the fact that you are in this category called IDEA, doesn't mean you can bring a gun or a bomb to school with impunity.

We simply take the barriers, the roadblocks out of the system. We say to school administrators and principals: You are free to discipline these students uniformly, just like you would discipline other students.

I think that is a very important, profoundly simple point. It is the kind of correction which we only make when we get out and talk to people out there who are running the schools. When they tell you they can't discipline kids who are threatening over and over to kill other students, who eventually shoot other students, when they tell you they can't keep kids who brought guns to school out of school or from bringing guns back into school, and because of Federal procedures that say disciplines are more difficult the second time because we set up a Federal bureaucracy that keeps schools from being able to exercise discipline, it is time to say the most important thing for students—whether disabled, conventional, mainstream or not—the most important thing for that classroom is safety.

When you keep guns and bombs out of the school, you promote the safety of all students.

I am here to say how much I appreciate the opportunity to be able to sponsor this amendment that gives local schools, principals, teachers, parents and school boards the right to maintain gun-free, bomb-free schools, to have safe learning environments where students, without the feeling of threat and insecurity, can actually learn.

It is a pleasure to be a cosponsor of this amendment with Senator FRIST. I commend him. We all want to do everything we can for the education of all of our students. Our students who are disabled deserve our special compassion and attention, and more than any others, they deserve the protection that is afforded when we can have the ability to have secure, safe learning environments. We can do that when we allow our administrators to make sure that those individuals who bring guns to school can be disciplined.

One last point: The law that provides for expulsion of students who bring guns to schools gives principals discretion to allow students to reenter the school. That same discretion would apply to these kinds of students as it applies to conventional students.

This is a field leveler. It puts people on the same level and it puts the safety of our schoolchildren in first place—not part of our schoolchildren, all of them. Disabled children, other individuals, the entire school population must have the assurance that school officials have the capacity to enforce safe schools.

I thank the Senator from Tennessee and others for joining in this. I am honored to be an original cosponsor of this amendment.

Mr. HELMS. Mr. President, I am grateful to the able Senator from Missouri, Mr. ASHCROFT, and the able Senator from Tennessee, Mr. FRIST, for offering this amendment which corrects a glaring flaw in the Federal disabilities law and, in my judgment, is among the most important amendments to the juvenile justice legislation when, again, it is pending.

This past Thursday morning, I was aghast when I noted an op-ed piece in the Washington Times written by Kenneth Smith. It was entitled ''Disabled Educators.'' The article detailed a number of disturbing incidents of students threatening their teachers and peers with violence, bringing knives and guns to campus and even burning down their own schools. In the wake of the tragedy of Littleton, CO, these news items, of course, are particularly chilling.

What is most alarming about the column is not the individual stories of violence, it is that a well-intentioned Federal law nevertheless prevents local school officials from expelling these dangerous students from their schools for all but a short period of time.

Let me admit up front that I bear my share of the responsibility for this situation. Two years ago, I was one of 98 Senators who voted to reauthorize the Individuals with Disabilities Act, the so-called IDEA legislation.

Only the courageous and farsighted Senator from Washington, Mr. GORTON, voted against final passage of IDEA shortly after his commonsense amendment to address these discipline procedures failed by just three votes.

Two years later, Senator GORTON's warnings began to appear prophetic, and I certainly appreciate his crucial leadership on this issue, as well as the many others Senator GORTON has helped the Senate to follow.

In any case, I voted for IDEA because I believed then, and I continue to believe, that it is appropriate for the Federal Government to help local school districts bear the financial burden of attending to the special needs of disabled children. But it is unfair and it is unwise for the Federal Government to use these funds to mandate unreasonable and even dangerous discipline procedures on the local schools. I believe that the amendment which I hope will be pending shortly will be an important first step in correcting this flaw in the IDEA legislation.

There are 165,402 children in North Carolina classified as learning disabled. I believe that every one of these children is entitled to get an education. But under the IDEA legislation, if 1—even 1—of those 165,402 children brings a weapon to school, he or she must be returned to the classroom within 45 days if the school district wants to keep its IDEA funding. If a disabled student threatens violence or poses any other kind of general discipline problem, the student can be suspended for only 10 days. Worse, these limitations apply to disabled children even if their behavior is unrelated to the disability.

Clearly, this policy defies common sense. This amendment frees the hands of school administrators to use their discretion to discipline a learning-disabled student who brings a weapon to school or threatens violence. I believe the Senate should adopt this eminently reasonable position.

Anybody who does not want to take my word for it should listen to the experts. For example, North Carolina State University is home to a unique organization called the Center for the Prevention of School Violence. It is, as far as I know, one of the few public policy outlets devoted solely to the issue of school violence. Its director, Pam Riley, works tirelessly to collect statistics, analyze legislation, and suggest solutions to make our schools safer.

I called Dr. Riley and asked her to look over the amendment I am discussing and to let me know her opinion. With the Chair's permission, I shall read a paragraph from her reply to me, because she states the issue quite clearly and succinctly, as far as I am concerned. Let me quote her:

> I believe it is entirely appropriate—indeed, entirely necessary—for Congress to allow local schools the flexibility to discipline students who bring weapons to school or threaten violence on their teachers or peers, regardless of whether the student is classified as disabled. While I believe it is important to make sure disabled students receive quality education, the safety of our classrooms should be an overriding goal of federal education policy.

That says it all, as far as I am concerned. I know that Senator ASHCROFT and Senator FRIST share my appreciation for Dr. Riley's support of this amendment. I ask unanimous consent that her entire letter, dated May 11, be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, the North Carolina School Boards Association, in a letter dated May 13, 1999, echoed Dr. Riley's sentiments:

> Being able to appropriately discipline all students is essential to maintaining safe schools.

Dr. Bob Bowers, superintendent of the Buncombe County Schools, wrote:

> [T]he Ashcroft amendment—

And it is now the Ashcroft-Frist-Helms amendment—

> is a necessary and proper response to student threats of violence in our schools made against teachers and [other students]. Moreover, weapons have no place in our schools and making exceptions erodes confidence regarding overall school safety.

I certainly agree. I ask unanimous consent that this letter from the North Carolina School Boards Association and the Buncombe County Public Schools be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2.)

Mr. HELMS. I thank the Chair.

I hope those listening to this discussion are not misled into thinking that school administrators are suddenly discovering this problem as an aftermath of the Littleton tragedy. The fact is that schools have long been concerned about this aspect of IDEA.

This letter to my office dated April 2, 1998, from the Onslow County Schools in Jacksonville, NC, clearly indicates that discipline procedures have long been a problem for our school districts. More than a year ago, Superintendent Ronald Singletary wrote to me to say that under the IDEA law, ''we convey [to students] that there are no real consequences for the serious misbehavior of a disabled student.'' I cannot imagine a more inappropriate message to send to our students.

The problems we are discussing are more than just a quirk in the law or a technical matter. It is clearly an ill-conceived mistake by Congress, in which I participated. And I hope Senators will ask themselves what possible reason the Federal Government would have to prevent local school officials from making sure that their students have safe classrooms. This is the real problem.

Our school boards and our administrators are asking for our help in correcting a part of IDEA that does not work. And I sincerely hope the Senate will listen.

Mr. President, I ask unanimous consent that the article ''Disabled educators'' to which I referred at the outset of my comments be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 3.)

Mr. HELMS. Mr. President, with that I thank the Chair for recognizing me and I yield the floor.

EXHIBIT NO. 1

CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE,
Raleigh, NC, May 11, 1999.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: I appreciate your letting me know of Senator Ashcroft's school safety amendment, which would free the hands of local school districts to discipline dangerous students without regard to their status under the Individuals with Disabilities Education Act. I am certainly pleased to offer my support for this proposal, and I hope it will be swiftly adopted by the Senate.

I believe it is entirely appropriate—indeed, entirely necessary—for Congress to allow local schools the flexibility to discipline students who bring weapons to school or threaten violence on their teachers or peers, regardless of whether the student is classified as disabled. While I believe it is important to make sure disabled students receive quality education, the safety of our classrooms should be an overriding goal of federal education policy.

As Director of the Center for the Prevention of School Violence at North Carolina State University, I know our local officials are struggling to curb the worsening problem of violence in our schools. The Center's vision that ''Every student will attend a school that is safe and secure, one that is free of fear and conductive to learning.'' I hope the federal government will take all proper steps to assist in obtaining this goal, and I believe the Ashcroft amendment is a step in the right direction.

Sincerely,

DR. PAMELA L. RILEY,
Executive Director.

EXHIBIT NO. 2

NORTH CAROLINA SCHOOL BOARDS ASSOCIATION,
Raleigh, NC, May 13, 1999.

PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT

Hon. JESSE A. HELMS,
Dirkson Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: Thank you for sharing with me the Ashcroft School Safety Act, which seeks to amend the IDEA and the Guns Free Schools Act of 1994. The North Carolina School Boards Association strongly supports this Act. As you know, school safety is an issue of paramount concern for school districts. If we cannot maintain safety, it is impossible for us to teach children. Being able to appropriately discipline all students is essential to maintaining safe schools. The Ashcroft School Safety Act would give school systems more ability to discipline special education students the same as regular education students in specific situations. This would allow the entire school's safety to not be impaired by one individual student.

If I can be of further assistance to you, please let me know.

Sincerely,

LEANNE E. WINNER,
Director of Governmental Relations.

BUNCOMBE COUNTY PUBLIC SCHOOLS,
Asheville, NC, May 12, 1999.

Re Ashcroft amendment to IDEA.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: Thank you for making this Board of Education aware of Senator Ashcroft's proposed amendment to the Individuals with Disabilities Education Act. This Board supports that law and is committed to providing an excellent education to all students attending the public schools in Buncombe County.

However, this Board is concerned about school violence and the ability of educators and administrators to deal with potential problems and protect the safety of everyone. To that end, we believe that the Ashcroft Amendment is a necessary and proper response to student threats of violence in our schools made against teachers and peers. Moreover, weapons have no place in our schools and making exceptions erodes confidence regarding overall school safety.

We are pleased to offer our support of this measure.

Sincerely,

DR. BOB BOWENS,
Superintendent, Buncombe County Board of Education.

EXHIBIT NO. 3

[From the Washington Post, May 6, 1999]

DISABLED EDUCATORS

(By Kenneth Smith)

When Fairfax County school officials discovered that a group of students had somehow managed to get a loaded .357 magnum handgun on school property, they moved swiftly to deal with the offenders. They expelled five of the students and would have done so with the sixth, only to discover that federal law prohibited them from doing so.

Why? He was considered ''learning disabled''—he had a ''weakness in written language skills''—and according to federal disabilities laws, Fairfax County had to continue educating him. As Jane Timian, a county School Board official who oversees student disciplinary cases, later explained the matter, ''The student was not expelled, The student later bragged to teachers and students at the school that he could not be expelled.''

He wasn't alone. She reported that after five gang members used a meat hook in an assault on another student, only three of them were expelled; the other two were special-ed students. When then-Virginia Gov. George Allen dared to challenge the wisdom of using federal law to make schools safer for violent offenders, the Clinton administration responded by threatening to yank millions of dollars in federal education dollars from the state.

That was 1994. Five years' worth of reform later, parents shocked by the shootings at Columbine High School and elsewhere may be interested to know that a law known as the Individuals with Disabilities Education Act still limits the discretion of local school boards to provide children with the safest schools possible. At a meeting in San Francisco last month, the National School Boards Association urged federal lawmakers to amend the law to provide greater flexibility to suspend, expel, or reassign students whose misconduct jeopardizes safety or unreasonably disrupts classroom learning. In particular, it seeks the removal of federal restrictions on withholding educational services to disabled students ''when their behavior, unrelated to their disability, endangers themselves or others.''

One would have thought it one of the more uncontroversial requests ever made of Congress. But when Rep. Bob Livingston, chairman of the House Appropriations Committee before he unexpectedly left town, tried to tack an amendment onto an appropriations measure that would accommodate the concerns of school officials, the administration forced him to drop it. Safer schools would have to wait.

How a model program like the IDEA turned out to be so delinquent would keep a political science class at the chalkboard for a week. The point of the act, first passed in 1975 and reauthorized most recently in 1997, was to ensure that a disability, physical or otherwise, did not deny someone access to education that everyone else got. Among other things, it called for the least restrictive—most permissive, one might say—educational setting possible for the disabled student. The law also dictated that special education was to take place within the school and not be isolated in some outside annex.

In theory it sounded like a fine idea. If the handicapped were to lead the kind of independent lives everyone wanted for them, they would need at least as good an education as everyone else. The last thing anyone worried about was that a blind, retarded child in a wheelchair might bring a gun to school.

Today, school officials still aren't very worried about that particular child. What's changed is the definition of disabled. When mere ''weakness in written language skills'' or attention and learning disorders constitute a handicap, not only do the numbers of disabled grow, there is no physical impairment to limit the harm they could do. ''No one thought,'' one school official says, ''the disabled would be like us.''

Louisiana officials who sought help from Mr. Livingston found out the hard way.

Among the anecdotes they collected from across the state:

Two students, one of them a special-education student, severely beat a third student who was subsequently hospitalized. The non-special-ed attacker was expelled from school. The special-ed attacker was suspended for 10 days, then returned to an alternative school across the street from the school where the girl was beaten.

A 14-year-old special-ed girl, who had been suspended for threatening a class aide, attacked her school principal twice, knocking her unconscious, damaging vertebrae in her neck and causing permanent nerve damage. Police arrested the student, and school officials kept her out of school for 45 days, the maximum under the IDEA. The principal was out for eight months.

A special-ed student, already under an in-school suspension, threatened to burn his school down after being told his suspension was being extended. Days later the school did in fact burn down, and police arrested the student. His brother, also a special-ed student under suspension, subsequently threatened to shoot the principal. The school was forced to lock its doors, keeping students inside, until police could apprehend the student. The law permits the students to return to school in 45 days, but the school superintendent has vowed he will go to jail before he lets them back in.

School administrators say they are more than willing to educate disabled students, but not at the cost of the safety of everyone else in the school. And they worry that the federal government is teaching disabled students a terrible lesson—that there is one standard for them, and another for everyone else. What could be more disabling?

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment my colleague from North Carolina. In the recent debates, certainly in the passage of the Ed-Flex bill, the great State of North Carolina showed what a great example it could be in its forward thinking and being able to look for innovative solutions for our children's education.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues from Tennessee and from Missouri for an outstanding amendment, one that I hope will be overwhelmingly supported by all of our colleagues. It is important we not discriminate, in a way we would say if this child happens to be under the IDEA program, individuals with disabilities, that the laws or the rules and regulations say we will not discipline you if you happen to carry a gun or bomb to school.

Clearly, we want any student who is carrying a gun or a firearm or bomb to school to be disciplined—any student. We want safe schools. This amendment would provide for that. It is a common-sense amendment. It is an amendment that should be passed overwhelmingly.

I ask unanimous consent to be added as a cosponsor to the amendment.

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

Ms. MIKULSKI. Mr. President, I rise today to talk about an issue that is critical to saving children's lives. That issue is guns in the hands of our children. The events of Columbine have been a wake up call for the American people. Guns don't belong in the hands of kids. We must do everything we can to see to it that children cannot buy guns. We also need tougher penalties for illegal possession and crimes committed with guns. This is about America's children and getting behind our kids. This is about keeping our kids safer in their schools and safer on our streets.

I respect the Constitution and the right of law-abiding citizens to own guns. I understand that many people own a gun for self-protection. The fear of crime is a real issue for many Americans. I believe people should be able to protect themselves. I also know people enjoy using guns for sport. Many Americans enjoy hunting, and I do not want to interfere with lawful sport.

My support for reasonable steps to protect kids does not go against my support for people's right to protect themselves or their right to hunt. We can take measures to save lives without infringing on the Constitution.

One of my biggest concerns is the safe storage of guns in the home. I think it makes sense to require trigger locks for guns while children are in the home. There have been too many tragic accidents with children that could have been prevented.

Guns are too easily available to our young people. We must require gun show participants to comply with the same laws as gun shop owners. This would cut off a deadly supply of firearms to our Nation's children and dangerous criminals. The guns used in the Columbine massacre were purchased from gun shows. I was very disappointed that the Lautenberg amendment did not pass. This amendment would have closed the gun show loophole. What passed instead was an amendment giving a gun show participant the option of conducting a background check. Now, what gun show participant is going to choose to take the time and effort when the gun seller in the next booth is willing to sell a gun with no questions asked?

I was happy to support an amendment which would toughen the penalties for possession of semiautomatic assault weapons. The presence of semiautomatic weapons on our streets is a deplorable situation. Assault weapons have one purpose—to kill the largest number of people as quickly and efficiently as possible. They have no legitimate hunting or sporting use. I want to see them taken off our streets.

We must get behind our kids and teach them that character counts. We have to teach them respect for guns and respect for human life. We must listen carefully to them and help them when they are in trouble. We need to give them constructive goals to work toward. We must give them opportunities to live a rewarding life. Then they can respect themselves and others and not resort to guns and violence to demand the attention they need. We want kids to turn toward each other—not against each other.

PRINTING OF RAMBOUILLET AGREEMENT

Mr. NICKLES. Mr. President, on May 3, 1999, I addressed the administration policy regarding the Federal Republic of Kosovo. During my remarks, I asked unanimous consent to have printed in the CONGRESSIONAL RECORD the text of the Rambouillet Agreement. It is 44 pages long.

Consistent with the Standing Rules of the Senate, I ask unanimous consent that the text be printed in the CONGRESSIONAL RECORD. The cost of printing the text will total $3,758.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RAMBOUILLET AGREEMENT—INTERIM AGREEMENT FOR PEACE AND SELF-GOVERNMENT IN KOSOVO

The Parties of the present Agreement,

Convinced of the need for a peaceful and political solution in Kosovo as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosovo,

Reaffirming their commitment to the Purposes and Principles of the United Nations, as well as to OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic Clements/principles adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

Recognizing the need for democratic self-government in Kosovo, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosovo, as well as the rights of the members of all national communities, *Recognizing* the ongoing contribution of the OSCE to peace and stability in Kosovo,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

FRAMEWORK

ARTICLE I: PRINCIPLES

1. All citizens in Kosovo shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosovo, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosovo.

3. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosovo shall have the right to democratic self-government through legislative, executive, judicial, and other institutions established in accordance with this

Agreement. They shall have the opportunity to be represented in all institutions in Kosovo. The right to democratic self-government shall include the right to participate in free and fair elections.

5. Every person in Kosovo may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.

6. The Parties accept that they will act only within their powers and responsibilities in Kosovo as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. Kosovo shall have all rights and powers set forth herein, including in particular as specified in the Constitution at Chapter 1. This Agreement shall prevail over any other legal provisions of the Parties and shall be directly applicable. The Parties shall harmonize their governing practices and documents with this Agreement.

7. The Parties agree to cooperate fully with all international organizations working in Kosovo on the implementation of this Agreement.

ARTICLE II: CONFIDENCE-BUILDING MEASURES

END OF USE OF FORCE

1. Use of force in Kosovo shall cease immediately. In accordance with this Agreement, alleged violations of the cease-fire shall be reported to international observers and shall not be used to justify use of force in response.

2. The status of police and security forces in Kosovo, including withdrawal of forces, shall be governed by the items of this Agreement. Paramilitary and irregular forces in Kosovo are incompatible with the terms of this Agreement.

RETURN

3. The Parties recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents. All persons shall have the right to reoccupy their real property, asset their occupancy rights in state-owned property, and recover their other property and personal possessions. The Parties shall take all measures necessary to readmit returning persons to Kosovo.

4. The Parties shall cooperate fully with all efforts by the United Nations High Commissioner for Refugees (UNHCR) and other international and non-governmental organizations concerning the repatriation and return of persons, including those organizations monitoring of the treatment of persons following their return.

ACCESS FOR INTERNATIONAL ASSISTANCE

5. There shall be no impediments to the normal flow of goods into Kosovo, including materials for the reconstruction of homes and structures. The Federal Republic of Yugoslavia shall not require visas, customs, or licensing for persons or things for the Implementation Mission (IM), the UNHCR, and other international organizations, as well as for non-governmental organizations working in Kosovo as determined by the Chief of the Implementation Mission (CIM).

6. All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red Cross, shall be allowed unrestricted access to the Kosovo population for purposes of international assistance. All persons in Kosovo shall similarly have safe, unhindered, and direct access to the staff of such organizations.

OTHER ISSUES

7. Federal organs shall not take any decisions that have a differential, disproportionate, injurious, or discriminatory effect on Kosovo. Such decisions, if any, shall be void with regard to Kosovo.

8. Martial law shall not be declared in Kosovo.

9. The Parties shall immediately comply with all requests for support from the Implementation Mission (IM). The IM shall have its own broadcast frequencies for radio and television programming in Kosovo. The Federal Republic of Yugoslavia shall provide all necessary facilities, including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid to Kosovo.

DETENTION OF COMBATANTS AND JUSTICE ISSUES

10. All abducted persons or other persons held without charge shall be released. The Parties shall also release and transfer in accordance with this Agreement all persons held in connection with the conflict. The Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.

11. The Parties shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC and the International Commission on Missing Persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.

12. Each Party:

(a) shall not prosecute anyone for crimes related to the conflict in Kosovo, except for persons accused of having committed serious violations of international humanitarian law. In order to facilitate transparency, the Parties shall grant access to foreign experts (including forensics experts) along with state investigators;

(b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosovo. This amnesty shall not apply to those properly convicted of committing serious violations of international humanitarian law at a fair and open trial conducted pursuant to international standards.

13. All Parties shall comply with their obligation to cooperate in the investigation and prosecution of serious violations of international humanitarian law.

(a) As required by United Nations Security Council resolution 827 (1993) and subsequent resolutions, the Parties shall fully cooperate with the International Criminal Tribunal for the Former Yugoslavia in its investigations and prosecutions, including complying with its requests for assistance and its orders.

(b) The Parties shall also allow complete, unimpeded, and unfettered access to international experts—including forensics experts and investigators to investigate allegations of serious violations of international humanitarian law.

INDEPENDENT MEDIA

14. Recognizing the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosovo, the Parties shall ensure the widest possible press freedoms in Kosovo in all media, public and private, including print, television, radio, and Internet.

CHAPTER 1

CONSTITUTION

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the quality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosovo are necessary for the harmonious development of a peaceful society,

Desiring through this interim Constitution to establish institutions of democratic self-government in Kosovo grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of Kosovo should fairly represent the national communities in Kosovo and foster the exercise of their rights and those of their members,

Recalling and endorsing the principles/basic elements adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

ARTICLE I: PRINCIPLES OF DEMOCRATIC SELF-GOVERNMENT IN KOSOVO

1. Kosovo shall govern itself democratically through the legislative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of Kosovo shall exercise their authorities consistent with the terms of this Agreement.

2. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

3. The Federal Republic of Yugoslavia has competence in Kosovo over the following areas, except as specified elsewhere in this Agreement: (a) territorial integrity, (b) maintaining a common market within the Federal Republic of Yugoslavia, which power shall be exercised in a manner tat does not discriminate against Kosovo, (c) monetary policy, (d) defense, (e) foreign policy, (f) customs services, (g) federal taxation, (h) federal elections, and (i) other areas specified in this Agreement.

4. The Republic of Serbia shall have competence in Kosovo as specified in this Agreement, including in relation to Republic elections.

5. Citizens in Kosovo may continue to participate in areas in which the Federal Republic of Yugoslavia and the Republic of Serbia have competence through their representation in relevant institutions, without prejudice to the exercise of competence by Kosovo authorities set forth in this Agreement.

6. With respect to Kosovo:

(a) There shall be no changes to the borders of Kosovo;

(b) Deployment and use of police and security forces shall be governed by Chapters 2 and 7 of this Agreement; and

(c) Kosovo shall have authority to conduct foreign relations within its areas of responsibility equivalent to the power provided to Republics under Article 7 of the Constitution of the Federal Republic of Yugoslavia.

7. There shall be no interference with the right of citizens and national communities in Kosovo to call upon appropriate institutions of the Republic of Serbia for the following purposes:

(a) assistance in designing school curricula and standards;

(b) participation in social benefits programs, such as care for war veterans, pensioners, and disabled persons; and

(c) other voluntarily received services, provided that these services are not related to police and security matters governed by Chapters 2 and 7 of this Agreement, and that any Republic personnel serving in Kosovo pursuant to this paragraph shall be unarmed service providers acting at the invitation of a national community in Kosovo.

The Republic shall have the authority to levy taxes or charges on those citizens requesting services pursuant to this paragraph,

as necessary to support the provision of such services.

8. The basic territorial unit of local self-government in Kosovo shall be the commune. All responsibilities in Kosovo not expressly assigned elsewhere shall be the responsibility of the communes.

9. To preserve and promote democratic self-government in Kosovo, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

(a) No person who is serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any office; and

(b) All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political or resistance activities shall not be a bar to holding office in Kosovo.

ARTICLE II; THE ASSEMBLY

GENERAL

1. Kosovo shall have an Assembly, which shall be comprised of 120 Members.

(a) Eighty Members shall be directly elected.

(b) A further 40 Members shall be elected by the members of qualifying national communities.

(i) Communities whose members constitute more than 0.5 per cent of the Kosovo population but less than 5 per cent shall have ten of these seats, to be divided among them in accordance with their proportion of the overall population.

(ii) Communities whose members constitute more than 5 per cent of the Kosovo population shall divide the remaining thirty seat equally. The Serb and Albanian national communities shall be presumed to meet the 5 per cent population threshold.

OTHER PROVISIONS

2. Elections for all Members shall be conducted democratically, consistent with the provisions of Chapter 3 of this Agreement. Members shall be elected for a term of three years.

3. Allocation of seats in the Assembly shall be based on data gathered in the census referred to in Chapter 5 of this Agreement. Prior to the completion of the census, for purposes of this Article declarations of national community membership made during voter registration shall be used to determine the percentage of the Kosovo population that each national community represents.

4. Members of the Assembly shall be immune from all civil or criminal proceedings on the basis of words expressed or other acts performed in their capacity as Members of the Assembly.

POWERS OF THE ASSEMBLY

5. The Assembly shall be responsible for enacting laws of Kosovo, including in political, security, economic, social, educational, scientific, and cultural areas as set out below and elsewhere in this Agreement. This Constitution and the laws of the Kosovo Assembly shall not be subject to change or modification by authorities of the Republic or the Federation.

(a) The Assembly shall be responsible for:

(i) Financing activities of Kosovo institutions, including by levying taxes and duties on sources within Kosovo;

(ii) Adopting budgets of the Administrative organs and other institutions of Kosovo, with the exception of communal and national community institutions unless otherwise specified herein;

(iii) Adopting regulations concerning the organization and procedures of the Administrative Organs of Kosovo;

(iv) Approving the list of Ministers of the Government, including the Prime Minister;

(v) Coordinating educational arrangements in Kosovo, with respect for the authorities of national communities and Communes;

(vi) Electing candidates for judicial office put forward by the President of Kosovo;

(vii) Enacting laws ensuring free movement of goods, services, and persons in Kosovo consistent with this Agreement;

(viii) Approving agreements concluded by the President within the areas of responsibility of Kosovo;

(ix) Cooperating with the Federal Assembly, and with the Assemblies of the Republics, and conducting relations with foreign legislative bodies;

(x) Establishing a framework for local self-government;

(xi) Enacting laws concerning inter-communal issues and relations between national communities, when necessary;

(xii) Enacting laws regulating the work of medical institutions and hospitals;

(xiii) Protecting the environment, where inter-communal issues are involved;

(xiv) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;

(xv) Adopting programs for the development of agriculture and of rural areas;

(xvi) Regulating elections consistent with Chapters 3 and 5;

(xvii) Regulating Kosovo-owned property; and

(xviii) Regulating land registries.

(b) The Assembly shall also have authority to enact laws in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes. In the absence of a law enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

PROCEDURE

6. Laws and other decisions of the Assembly shall be adopted by majority of Members present and voting.

7. A majority of the Members of a single national community elected to the Assembly pursuant to paragraph 1(b) may adopt a motion that a law or other decision adversely affects the vital interests of their national community. The challenged law or decision shall be suspended with regard to that national community until the dispute settlement procedure in paragraph 8 is completed.

8. The following procedure shall be used in the event of a motion under paragraph 7:

(a) The Members making the vital interest motion shall give reasons for their motion. The proposers of the legislation shall be given an opportunity to respond.

(b) The Members making the motion shall appoint within one day a mediator of their choice to assist in reaching an agreement with those proposing the legislation.

(c) If mediation does not produce an agreement within seven days, the matter may be submitted for a binding ruling. The decision shall be rendered by a panel comprising three Members of the Assembly: one Albanian and one Serb, each appointed by his or her national community delegation; and a third Member, who will be of a third nationality and will be selected within two days by consensus of the Presidency of the Assembly.

(i) A vital interest motion shall be upheld if the legislation challenged adversely affects the community's fundamental constitutional rights, additional rights as set forth in Article VII, or the principle of fair treatment.

(ii) If the motion is not upheld, the challenged legislation shall enter into force for that community.

(d) Paragraph (c) shall not apply to the selection of Assembly officials.

(e) The Assembly may exclude other decisions from this procedure by means of a law enacted by a majority that includes a majority of each national community elected pursuant to paragraph 1(b).

9. A majority of the Members shall constitute a quorum. the Assembly shall otherwise decide its own rules of procedure.

LEADERSHIP

10. The Assembly shall elect from among its Members a Presidency, which shall consist of a President, two Vice-Presidents, and other leaders in accordance with the Assembly's rules of procedure. Each national community meeting the threshold specified in paragraph 1(b)(ii) shall be represented in the leadership. the President of the Assembly shall not be from the same national community as the President of Kosovo.

The President of the Assembly shall represent it, call its sessions to order, chair its meetings, coordinate the work of any committees it may establish, and perform other tasks prescribed by the rules of procedure of the Assembly.

ARTICLE III: PRESIDENT OF KOSOVO

1. There shall be a President of Kosovo, who shall be elected by the Assembly by vote of a majority of its Members. The President of Kosovo shall serve for a three-year term. No person may serve more than two terms as President of Kosovo.

2. The President of Kosovo shall be responsible for:

(i) Representing Kosovo, including before any international or Federal body or any body of the Republics;

(ii) Proposing to the Assembly candidates for Prime Minister, the Constitutional Court, the Supreme Court, and other Kosovo judicial offices;

(iii) Meeting regularly with the democratically elected representatives of the national communities;

(iv) Conducting foreign relations and concluding agreements within this power consistent with the authorities of Kosovo institutions under this Agreement. Such agreements shall only enter into force upon approval by the Assembly;

(v) Designating a representative to serve on the Joint Commission established by Article 1.2 of Chapter 5 of this Agreement;

(vi) Meeting regularly with the Federal and Republic Presidents; and

(vii) Other functions specified herein or by law.

ARTICLE IV: GOVERNMENT AND ADMINISTRATIVE ORGANS

1. Executive power shall be exercised by the Government. The Government shall be responsible for implementing the laws of Kosovo, and of other government authorities when such responsibilities are devolved by those authorities. The Government shall also have competence to propose laws to the Assembly.

(a) The Government shall consist of a Prime Minister and Ministers, including at least one person from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II. Ministers shall head the Administrative Organs of Kosovo.

(b) The candidate for Prime Minister proposed by the President shall put forward a list of Ministers to the Assembly. The Prime Minister, together with the list of Ministers, shall be approved by the majority of those present and voting in the Assembly. In the event that the Prime Minister is not able to obtain a majority for the Government, the President shall propose a new candidate for Prime Minister within ten days.

(c) The Government shall resign if a no confidence motion is adopted by a vote of a

majority of the members of the Assembly. If the Prime Minster or the Government resigns, the President shall select a new candidate for Prime Minister who shall seek to form a Government.

(d) The Prime Minister shall call meetings of the Government, represent it as appropriate, and coordinate its work. Decisions of the Government shall require a majority of Ministers present and voting. The Prime Minister shall cast the deciding vote in the event Ministers are equally divided. The Government shall otherwise decide its own rules of procedure.

2. Administrative Organs shall be responsible for assisting the Government in carrying out its duties.

(a) National communities shall be fairly represented at all levels in the Administrative Organs.

(b) Any citizen in Kosovo claiming to have been directly and adversely affected by the decision of an executive or administrative body shall have the right to judicial review of the legality of that decision that exhausting all avenues for administrative review. The Assembly shall enact a law to regulate this review.

3. There shall be a Chief Prosecutor who shall be responsible for prosecuting individuals who violate the criminal laws of Kosovo. He shall head an Office of the Prosecutor, which shall at all levels have staff representative of the population of Kosovo.

ARTICLE V: JUDICIARY

GENERAL

1. Kosovo shall have a Constitutional Court, a Supreme Court, District Courts, and Communal Courts.

2. The Kosovo courts shall have juridiction over all matters arising under this Constitution or the laws of Kosovo except as specified in paragraph 3. The Kosovo courts shall also have jurisdiction over questions of federal law, subject to appeal to the Federal courts on these questions after all appeals available under the Kosovo system have been exhausted.

3. Citizens in Kosovo may opt to have civil disputes to which they are party adjudicated by other courts in the Federal Republic of Yugoslavia, which shall apply the law applicable in Kosovo.

4. The following rules will apply to criminal cases:

(a) At the start of criminal proceedings, the defendant is entitled to have his or her trial transferred to another Kosovo court that he or she designates.

(b) In criminal cases in which all defendants and victims are members of the same national community, all members of the judicial council will be from a national community of their choice if any party so requests.

(c) A defendant in a criminal case tried in Kosovo courts is entitled to have at least one member of the judicial council hearing the case to be from his or her national community. Kosovo authorities will consider and allow judges of other courts in the Federal Republic of Yugoslavia to serve as Kosovo judges for these purposes.

CONSTITUTIONAL COURT

5. The Constitutional Court shall consist of nine judges. There shall be at least one Constitutional Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II. Until such time as the Parties agree to discontinue this arrangement, 5 judges of the Constitutional Court shall be selected from a list drawn up by the President of the European Court of Human Rights.

6. The Constitutional Court shall have authority to resolve disputes relating to the meaning of this Constitution. That authority shall include, but is not limited to, determining whether laws applicable in Kosovo, decisions or acts of the President, the Assembly, the Government, the Communes, and the national communities are compatible with this Constitution.

(a) Matters may be referred to the Constitutional Court by the President of Kosovo, the President or Vice-Presidents of the Assembly, the Ombudsman, the communal assemblies and councils, and any national community acting according to the democratic procedures.

(b) Any court which finds in the course of adjudicating a matter that the dispute depends on the answer to a question within the Constitutional Court's jurisdiction shall refer the issue to the Constitutional Court for a preliminary decision.

7. Following the exhaustion of other legal remedies, the Constitutional Court shall at the request of any person claiming to be victim have jurisdiction over complaints that human rights and fundamental freedoms and the rights of members of national communities set forth in this Constitution have been violated by a public authority.

8. The Constitutional Court shall have such other jurisdiction as may be specified elsewhere in this Agreement or by law.

SUPREME COURT

9. The Supreme Court shall consist of nine judges. There shall be at least one Suprme Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II.

10. The Supreme Court shall hear appeals from the District Courts and the Communal Courts. Except as otherwise provided in this Constitution, The Supreme Court shall be the court of final appeal for all cases arising under law applicable in Kosovo. Its decisions shall be recognized and executed by all authorities in the Federal Republic of Yugoslavia.

FUNCTIONING OF THE COURTS

11. The Assembly shall determine the number of District and Communal Court judges necessary to meet current needs.

12. Judges of all courts in Kosovo shall be distinguished jurists of the highest moral character. They shall be broadly representative of the national communities of Kosovo.

13. Removal of a Kosovo judge shall require the consensus of the judges of the Constitutional Court. A Constitutional Court judge whose removal is in question shall not participate in the decision on his case.

14. The Constitutional Court shall adopt rules for itself and for other courts in Kosovo. The Constitutional and Supreme Courts shall each adopt decisions by majority vote of their members.

15. Except as otherwise specified in their rules, all Kosovo courts shall hold public proceedings. They shall issue published opinions setting forth the reasons for their decisions.

ARTICLE VI: HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. All authorities in Kosovo shall ensure internationally recognized human rights and fundamental freedoms.

2. The right and freedoms set forth in the European Convention for the Protection of Human Right and Fundamental Freedoms and its Protocols shall apply directly in Kosovo. Other internationally recognized human rights instruments enacted into law by the Kosovo Assembly shall also apply. These rights and freedoms shall have priority over all other law.

3. All courts, agencies, governmental institutions, and other pubic institutions of Kosovo or operating in relation to Kosovo shall conform to these human rights and fundamental freedoms.

ARTICLE VII: NATIONAL COMMUNITIES

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.

2. Each national community may elect, through democratic means and in a manner consistent with the principles of Chapter 3 of this Agreement, institutions to administer its affairs in Kosovo.

3. The national communities shall be subject to the laws applicable in Kosovo, provided that any act or decision concerning national communities must be non-discriminatory. The Assembly shall decide upon a procedure for resolving disputes between national communities.

4. The additional rights of the national communities, acting through their democratically elected institutions, are to:

(a) preserve and protect their national, cultural, religious, and linguistic identities, including by:

(i) inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbia, consistent with decisions about style made by the communal institutions;

(ii) providing information in the language and alphabet of the national community;

(iii) providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards;

(iv) enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad;

(v) using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;

(vi) protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance; family and matrimonial relations; tutorship; and adoption;

(vii) the preservation of sites of religious, historical, or cultural importance to the national community in cooperation with other authorities;

(viii) implementing public health and social services on a non-discriminatory basis as to citizens and national communities;

(ix) operating religious institutions in cooperation with religious authorities; and

(x) participating in regional and international non-governmental organizations in accordance with procedures of these organizations;

(b) be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on a fair and equitable basis; and

(c) finance their activities by collecting contributions the national communities may decided to levy on members of their own communities.

5. Members of national communities shall also be individually guaranteed:

(a) the right to enjoy unhindered contacts with members of their respective national

communities elsewhere in the Federal Republic of Yugoslavia and abroad;

(b) equal access to employment in public services at all levels;

(c) the right to use their languages and alphabets;

(d) the right to use and display national community symbols;

(e) the right to participate in democratic institutions that will determine the national community's exercise of the collective rights set forth in this Article; and

(f) the right to establish cultural and religious association, for which relevant authorities will provide financial assistance.

(6) Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republics, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

7. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

ARTICLE VIII: COMMUNES

1. Kosovo shall have the existing communes. Changes may be made to communal boundaries by act of the Kosovo Assembly after consultation with the authorities of the communes concerned.

2. Communes may develop relationships among themselves for their mutual benefit.

3. Each commune shall have an Assembly, and Executive Council, and such administrative bodies as the commune may establish.

(a) Each national community whose membership constitutes at least three percent of the population of the commune shall be represented on the Council in proportion to its share of the communal population or by one member, whichever is greater.

(b) Prior to the completion of a census, disputes over communal population percentages for purposes of this paragraph shall be resolved by reference to declarations of national community membership in the voter registry.

4. The communes shall have responsibility for:

(a) law enforcement, as specified in Chapter 2 of this Agreement;

(b) regulating and, when appropriate, providing child care;

(c) providing education, consistent with the rights and duties of national communities, and in a spirit of tolerance between national communities and respect for the rights of the members of all national communities in accordance with international standards;

(d) protecting the communal environment;

(e) regulating commerce and privately-owned stores;

(f) regulating hunting and fishing;

(g) planning and carrying out public works of communal importance, including roads and water supplies, and participating in the planning and carrying out of Kosovo-wide public works projects in coordination with other communes and Kosovo authorities;

(h) regulating land use, town planning, building regulations, and housing construction;

(i) developing programs for tourism, the hotel industry, catering, and sport;

(j) organizing fairs and local markets;

(k) organizing public services of communal importance, including fire, emergency response, and police consistent with Chapter 2 of this Agreement; and

(l) financing the work of communal institutions, including raising revenues, taxes and preparing budgets.

5. The communes shall also have responsibility for all other areas within Kosovo's authority not expressly assigned elsewhere herein, subject to the provisions of Article II.5(b) of this Constitution.

6. Each commune shall conduct its business in public and shall maintain publicly available records of its deliberations and decisions.

ARTICLE IX: REPRESENTATION

1. Citizens in Kosovo shall have the right to participate in the election of:

(a) At least 10 deputies in the House of Citizens of the Federal Assembly; and

(b) At least 20 deputies in the National Assembly of the Republic of Serbia.

2. The modalities of elections for the deputies specified in paragraph 1 shall be determined by the Federal Republic of Yugoslavia and the Republic of Serbia respectively, under procedures to be agreed with the Chief of the Implementation Mission.

3. The Assembly shall have the opportunity to present to the appropriate authorities a list of candidates from which shall be drawn:

(a) At least one citizen in Kosovo to serve in the Federal Government, and at least one citizen in Kosovo to serve in the Government of the Republic of Serbia; and

(b) At least one judge on the Federal Constitutional Court, one judge on the Federal Court, and three judges on the Supreme Court of Serbia.

ARTICLE X: AMENDMENT

1. The Assembly may by a majority of two-thirds of its Members, which majority must include a majority of the Members elected from each national community pursuant to Article II.1(b)(ii), adopt amendments to this Constitution.

2. There shall, however, be no amendments to Article I.3–8 or to this Article, nor shall any amendment diminish the rights granted by Articles VI and VII.

ARTICLE XI: ENTRY INTO FORCE

This Constitution shall enter into force upon signature of this Agreement.

CHAPTER 2

POLICE AND CIVIL PUBLIC SECURITY

ARTICLE I: GENERAL PRINCIPLES

1. All law enforcement agencies, organizations and personnel of the Parties, which for purposes of this Chapter will include customs and border police operating in Kosovo, shall act in compliance with this Agreement and shall observe internationally recognized standards of human rights and due process. In exercising their functions, law enforcement personnel shall not discriminate on any ground, such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national community, property, birth or other status.

2. The Parties invite the Organization for Security and Cooperation in Europe (OSCE) through its Implementation Mission (IM) to monitor and supervise implementation of this Chapter and related provisions of this Agreement. The Chief of the Implementation Mission (CIM) or his designee shall have the authority to issue binding directives to the Parties and subsidiary bodies on police and civil public security matters to obtain compliance by the Parties with the terms of this Chapter. The Parties agree to cooperate fully with the IM and to comply with its directives. Personnel assigned to police-related duties within the IM shall be permitted to wear a uniform while serving in this part of the mission.

3. In carrying out his responsibilities, the CIM will inform and consult KFOR as appropriate.

4. The IM shall have the authority to:

(a) Monitor, observe, and inspect law enforcement activities, personnel, and facilities, including border police and customs units, as well as associated judicial organizations, structures, and proceedings;

(b) Advise law enforcement personnel and forces, including border police and customs units, and, when necessary to bring them into compliance with this Agreement, including this Chapter, issue appropriate binding directions in coordination with KFOR;

(c) Participate in and guide the training of law enforcement personnel;

(d) In coordination with KFOR, assess threats to public order;

(e) Advise and provide guidance to governmental authorities on how to deal with threats to public order and on the organization of effective civilian law enforcement agencies;

(f) Accompany the Parties' law enforcement personnel as they carry out their responsibilities, as the IM deems appropriate;

(g) Dismiss or discipline public security personnel of the Parties for cause; and

(h) Request appropriate law enforcement support from the international community to enable IM to carry out the duties assigned in this Chapter.

5. All Kosovo, Republic and Federal law enforcement and Federal military authorities shall be obligated, in their respective areas of authority, to ensure freedom of movement and safe passage for all persons, vehicles and goods. This obligation includes a duty to permit the unobstructed passage into Kosovo of police equipment which has been approved by the CIM and COMKFOR for use by Kosovo police, and of any other support provided under subparagraph 4(h) above.

6. The Parties undertake to provide one another mutual assistance, when requested, in the surrender of those accused of committing criminal acts within a Party's jurisdiction, and in the investigation and prosecution of offenses across the boundary of Kosovo with other parts of the FRY. The Parties shall develop agreed procedures and mechanisms for responding to these requests. The CIM or his designee shall resolve disputes on these matters.

7. The IM shall aim to transfer law enforcement responsibilities described in Article II below to the law enforcement officials and organizations described in Article II at the earliest practical time consistent with civil public security.

ARTICLE II: COMMUNAL POLICE

1. As they build up, communal police units, organized and stationed at the communal and municipal levels, shall assume primary responsibility for law enforcement in Kosovo. The specific responsibilities of the communal police will include police patrols and crime prevention, criminal investigations, arrest and detention of criminal suspects, crowd control, and traffic control.

2. *Number and Composition.* The total number of communal police established by this Agreement operating within Kosovo shall not exceed 3,000 active duty law enforcement officers. However, the CIM shall have the authority to increase or decrease this personnel ceiling if he determines such action is necessary to meet operational needs. Prior to taking any such action, the CIM shall consult with the Criminal Justice Administration and other officials as appropriate. The national communities in each commune shall be fairly represented in the communal police unit.

3. *Criminal Justice Administration.*

a. A Criminal Justice Administration (CJA) shall be established. It shall be an Administrative Organ of Kosovo, reporting to an appropriate member of the Government of

Kosovo as determined by the Government. The CJA shall provide general coordination of law enforcement operations in Kosovo. Specific functions of the CJA shall include general supervision over, and providing guidance to, communal police forces through their commanders, assisting in the coordination between separate communal police forces, and oversight of the operations of the police academy. In carrying out these responsibilities, the CJA may issue directives, which shall be binding on communal police commanders and personnel. In the exercise of its functions, the CJA shall be subject to any directions given by CIM.

b. Within twelve months of the establishment of the CJA, the CJA shall submit for review by the CIM a plan for the coordination and development of law enforcement bodies and personnel in Kosovo within its jurisdiction. This plan shall serve as the framework for law enforcement coordination and development in Kosovo and be subject to modification by the CIM.

c. The IM will endeavor to develop the capacities of the CJA as quickly as possible. Prior to the point when the CJA is able to properly carry out the functions described in the preceding paragraph, as determined by the CIM, the IM shall carry out these functions.

4. *Communal Commanders.* Subject to review by the CIM, each commune will appoint, and may remove for cause, by majority vote of the communal council, a communal police commander with responsibility for police operations within the commune.

5. *Service in Police.*

(a) Recruitment for public security personnel will be conducted primarily at the local level. Local and communal governments, upon consultation with communal Criminal Justice Commissions, will nominate officer candidates to attend the Kosovo Police Academy. Offers of employment will be made by communal police commanders, with the concurrence of the academy director, only after the candidate has successfully completed the academy basic recruit course.

(b) Recruitment, selection and training of communal police officers shall be conducted under the direction of the IM during the period of its operation.

(c) There shall be no bar to service in the communal police based on prior political activities. Members of the police shall not, however, be permitted while they hold this public office to participate in party political activities other than membership in such a party.

(d) Continued service in the police is dependent upon behavior consistent with the terms of this Agreement, including this Chapter. The IM shall supervise regular reviews of officer performance, which shall be conducted in accordance with international due process norms.

6. *Uniforms and Equipment.*

(a) All communal police officers, with the exception of officers participating in crowd control functions, shall wear a standard uniform. Uniforms shall include a badge, picture identification, and name tag.

(b) Communal police officers may be equipped with a sidearm, handcuffs, a baton, and a radio.

(c) Subject to authorization or modification by the CIM, each commune may maintain, either at the communal headquarters or at municipal stations, no more than one long-barreled weapon not to exceed 7.62 mm for every fifteen police officers assigned to the commune. Each such weapon must be approved by and registered with the IM and KFOR pursuant to procedures established by the CIM and COMKFOR. When not in use, all such weapons will be securely stored and each commune will keep a registry of these weapons.

(i) In the event of a serious law enforcement threat that would justify the use of these weapons, the communal police commander shall obtain IM approval before employing these weapons.

(ii) The communal police commander may authorize the use of these weapons without prior approval of the IM for the sole purpose of self-defense. In such cases, he must report the incident no later than one hour after it occurs to the IM and KFOR.

(iii) If the CIM determines that a weapon has been used by a member of a communal police force in a manner contrary to this Chapter, he may take appropriate corrective measures; such measures may include reducing the number of such weapons that the communal police force is allowed to possess or dismissing or disciplining the law enforcement personnel involved.

(d) Communal police officers engaged in crowd control functions will receive equipment appropriate to their task, including batons, helmets and shields, subject to IM approval.

ARTICLE III: INTERIM POLICE ACADEMY

1. under the supervision of the IM, the CJA shall establish an interim Police Academy that will offer mandatory and professional development training for all public security personnel, including border police. Until the interim police academy is established, IM will oversee a temporary training program for public security personnel including border police.

2. All public security personnel shall be required to complete a course of police studies successfully before serving as communal police officers.

3. The Academy shall be headed by a Director appointed and removed by the CJA in consultation with the Kosovo Criminal Justice Commission and the IM. The Director shall consult closely with the IM and comply fully with its recommendations and guidance.

4. All Republic and Federal police training facilities in Kosovo, including the academy at Vucitrn, will cease operations within 6 months of the entry into force of this Agreement.

ARTICLE IV: CRIMINAL JUSTICE COMMISSIONS

1. The parties shall establish a Kosovo Criminal Justice Commission and Communal Criminal Justice Commissions. The CIM or his designee shall chair meetings of these Commissions. They shall be forums for cooperation, coordination and the resolution of disputes concerning law enforcement and civil public security in Kosovo.

2. The functions of the Commissions shall include the following:

(a) Monitor, review, and make recommendations regarding the operation of law enforcement personnel and policies in Kosovo, including communal police units;

(b) Review, and make recommendations regarding the recruitment, selection and training of communal police officers and commanders;

(c) Consider complaints regarding police practices filed by individuals or national communities, and provided information and recommendations to communal police commanders and the CIM for consideration in their reviews of officer performance; and

(d) In the Kosovo Criminal Justice Commission only: In consultation with designated local, Republic and Federal police liaisons, monitor jurisdiction sharing in cases of overlapping criminal jurisdiction between Kosovo, Republic and Federal authorities.

3. The membership of the Kosovo Criminal Justice Commission and each Communal Criminal Justice Commission shall be representative of the population and shall include:

(a) In the Kosovo Criminal Justice Commission:

(i) a representative of each commune;

(ii) the head of the Kosovo CJA;

(iii) a representative of each Republic and Federal law enforcement component operating in Kosovo (for example, Customs police and Border police);

(iv) a representative of each national community;

(v) a representative of the IM, during its period of operation in Kosovo;

(vi) a representative of the VJ border guard, as appropriate;

(vii) a representative of the MUP, as appropriate, while present in Kosovo; and

(viii) a representative of KFOR, as appropriate. (b) In the Communal Criminal Justice Commissions:

(i) the communal police commander;

(ii) a representative of any Republic and Federal law enforcement component operating in the commune;

(iii) a representative of each national community;

(iv) a civilian representative of the communal government;

(v) a representative of the IM, during its period of operation in Kosovo;

(vi) a representative of the VJ border guard, who shall have observer status, as appropriate; and

(viii) A representative of KFOR, as appropriate.

4. Each Criminal Justice Commission shall meet at least monthly, or at the request of any Commission member.

ARTICLE V: POLICE OPERATIONS IN KOSOVO

1. The communal police established by this Agreement shall have exclusive law enforcement authority and jurisdiction and shall be the only police presence in Kosovo following the reduction and eventual withdrawal from Kosovo by the MUP, with the exception of border police as specified in Article VI and any support provided pursuant to Article I(3)(h).

(a) During the transition to communal police, the remaining MUP shall carry out only normal policing duties, and shall draw down, pursuant to the schedule described in Chapter 7.

(b) During the period of the phased drawdown of the MUP, the MUP in Kosovo shall have authority to conduct only civil police functions and shall be under the supervision and control of the CIM. The IM may dismiss from service, or take other appropriate disciplinary action against, MUP personnel who obstruct implementation of this Agreement.

2. Concurrent Law Enforcement in Kosovo.

(a) Except as provided in Article V.1 and Article VI, Federal and Republic law enforcement officials may only act within Kosovo in cases of hot pursuit of a person suspected of committing a serious criminal offense.

(i) Federal and Republic authorities shall as soon as practicable, but in no event later than one hour after their entry into Kosovo while engaged in a hot pursuit, notify the nearest Kosovo law enforcement officials that the pursuit has crossed into Kosovo. Once notification has been made, further pursuit and apprehension shall be coordinated with Kosovo law enforcement. Following apprehension, suspects shall be placed into the custody of the authorities originating the pursuit. If the suspect has not been apprehended within four hours, the original pursuing authorities shall cease their pursuit and immediately depart Kosovo unless invited to continue their pursuit by the CJA or the CIM.

(ii) In the event the pursuit is of such short duration as to preclude notification, Kosovo law enforcement officials shall be notified

that an apprehension has been made and shall be given access to the detainee prior to his removal from Kosovo.

(iii) Personnel engaged in hot pursuit under the provisions of this Article may only be civilian police, may only carry weapons appropriate for normal civilian police duties (sidearms, and long-barreled weapons not to exceed 7.62mm), may only travel in officially marked police vehicles, and may not exceed a total of eight personnel at any one time. Travel in armored personnel carriers by police engaged in hot pursuit is strictly prohibited.

(iv) The same rules shall apply to hot pursuit of suspects by Kosovo law enforcement authorities to Federal territory outside of Kosovo.

(b) All Parties shall provide the highest degree of mutual assistance in law enforcement matters in response to reasonable requests.

ARTICLE VI: SECURITY ON INTERNATIONAL BORDERS

1. The Government of the FRY will maintain official border crossings on its international borders (Albania and FYROM).

2. Personnel from the organizations listed below may be present along Kosovo's international borders and at international border crossings, and may not act outside the scope of the authorities specified in this Chapter.

(a) Republic of Serbia Border Police.

(i) The Border Police shall continue to exercise authority to Kosovo's international border crossings and in connection with the enforcement of Federal Republic of Yugoslavia immigration laws. The total number of border police shall be drawn down to 75 within 14 days of entry into force of this Agreement.

(ii) While maintaining the personnel threshold specified in subparagraph (i), the ranks of the existing Border Police units operating in Kosovo shall be supplemented by new recruits so that they are representative of the Kosovo population.

(iii) All Border Police stationed in Kosovo must attend police training at the Kosovo police academy within 18 months of the entry into force of this Agreement.

(b) Customs Officers.

(i) The FRY Customs Service will continue to exercise customs jurisdiction at Kosovo's official international border crossings and in such customs warehouses as may be necessary within Kosovo. The total number of customs personnel shall be drawn down to 50 within 14 days of the entry into force of this Agreement.

(ii) Kosovar Albanian officers of the Customs Service shall be trained and compensated by the FRY.

(c) The CIM shall conduct a periodic review of customs and border police requirements and shall have the authority to increase or decrease the personnel ceilings described in paragraphs (a)(i) and (b)(i) above to reflect operational needs and to adjust the composition of individual customs units.

ARTICLE VII: ARREST AND DETENTION

1. Except pursuant to Article V, Article I(3)(h), and sections (a)–(b) of this paragraph, only officers of the communal police shall have authority to arrest and detain individuals in Kosovo. (a) Border Police officers shall have authority within Kosovo to arrest and detain individuals who have violated criminal provisions of the immigration laws.

(b) Officers of the Customs Service shall have authority within Kosovo to arrest and detain individuals for criminal violations of the customs laws.

2. Immediately upon making an arrest, the arresting officer shall notify the nearest Communal Criminal Justice Commission of the detention and the location of the detainee. He subsequently shall transfer the detainee to the nearest appropriate jail in Kosovo at the earliest opportunity.

3. Officers may use reasonable and necessary force proportionate to the circumstances to effect arrests and keep suspects in custody.

4. Kosovo and its constituent communes shall establish jails and prisons to accommodate the detention of criminal suspects and the imprisonment of individuals convicted of violating the laws applicable in Kosovo. Prisons shall be operated consistent with international standards. Access shall be provided to international personnel, including representatives of the International Committee of the Red Cross.

ARTICLE VIII: ADMINISTRATION OF JUSTICE

1. Criminal Jurisdiction over Persons Arrested within Kosovo.

(a) Except in accordance with Article V and subparagraph (b) of this paragraph, any person arrested within Kosovo shall be subject to the jurisdiction of the Kosovo courts.

(b) Any person arrested within Kosovo, in accordance with the law and with this Agreement, by the Border Police or Customs Police shall be subject to be jurisdiction of the FRY courts. If there is no applicable court of the FRY to hear the case, the Kosovo courts shall have jurisdiction.

2. *Prosecution of Crimes.*

(a) The CJA shall, in consultation with the CIM, appoint and have the authority to remove the Chief Prosecutor.

(b) The IM shall have the authority to monitor, observe, inspect, and when necessary, direct the operations of the Office of the Prosecutor and any and all related staff.

ARTICLE IX: FINAL AUTHORITY TO INTERPRET

The CIM is the final authority regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

CHAPTER 3

CONDUCT AND SUPERVISION OF ELECTIONS

ARTICLE I: CONDITIONS FOR ELECTIONS

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, which include but are not limited to:

(a) freedom of movement for all citizens;

(b) an open and free political environment;

(c) an environment conducive to the return of displaced persons;

(d) a safe and secure environment that ensures freedom of assembly, association, and expression;

(e) an electoral legal framework of rules and regulations complying with OSCE commitments, which will be implemented by a Central Election Commission, as set forth in Article III, which is representative of the population of Kosovo in terms of national communities and political parties; and

(f) free media, effectively accessible to registered political parties and candidates, and available to voters throughout Kosovo.

2. The Parties request the OSCE to certify when elections will be effective under current conditions in Kosovo, and to provide assistance to the Parties to create conditions for free and fair elections.

3. The Parties shall comply fully with Paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Chapter.

ARTICLE II: ROLE OF THE OSCE

1. The Parties request the OSCE to adopt and put in place an elections program for Kosovo and supervise elections as set forth in this Agreement.

2. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for:

(a) Members of the Kosovo Assembly;

(b) Members of Communal Assemblies;

(c) other officials popularly elected in Kosovo under this Agreement and the laws and Constitution of Kosovo at the discretion of the OSCE.

3. The Parties request the OSCE to establish a Central Election Commission in Kosovo (''the Commission'').

4. Consistent with Article IV of Chapter 5, the first elections shall be held within nine months of the entry into force of this Agreement. The President of the Commission shall decide, in consultation with the Parties, the exact timing and order of elections for Kosovo political offices.

ARTICLE III: CENTRAL ELECTION COMMISSION

1. The Commission shall adopt electoral Rules and Regulations on all matters necessary for the conduct of free and fair elections in Kosovo, including rules relating to: the eligibility and registration of candidates, parties, and voters, including displaced persons and refugees; ensuring a free and fair elections campaign; administrative and technical preparation for elections including the establishment, publication, and certification of election results; and the role of international and domestic election observers.

2. The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:

(a) the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and transparent procedures for production and dissemination of ballots and sensitive election materials, vote counts, tabulations, and publication of elections results;

(b) ensuring compliance with the electoral Rules and Regulations established pursuant to this Agreement, including establishing auxiliary bodies for this purpose as necessary;

(c) ensuring that action is taken to remedy any violation of any provision of this Agreement, including imposing penalties such as removal from candidate or party lists, against any person, candidate, political party, or body that violates such provisions; and

(d) accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant the accredited observers unimpeded access and movement.

3. The Commission shall consist of a person appointed by the Chairman-in-Office (CIO) of the OSCE, representatives of all national communities, and representatives of political parties in Kosovo selected by criteria to be determined by the Commission. The person appointed by the CIO shall act as the President of the Commission. The rules of procedure of the Commission shall provide that in the exceptional circumstance of an unresolved dispute within the Commission, the decision of the President shall be final and binding.

4. The Commission shall enjoy the right to establish communication facilities, and to engage local and administrative staff.

CHAPTER 4

ECONOMIC ISSUES

ARTICLE I

1. The economy of Kosovo shall function in accordance with free market principles.

2. The authorities established to levy and collect taxes and other charges are set forth in this Agreement. Except as otherwise expressly provided, all authorities have the

right to keep all revenues from their own taxes or other charges consistent with this Agreement.

3. Certain revenue from Kosovo taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of Kosovo shall enact appropriate non-discriminatory legislation for this purpose. The Communes may also levy local taxes in accordance with this Agreement.

4. The Federal Republic of Yugoslavia shall be responsible for the collection of all customs duties at international borders in Kosovo. There shall be no impediments to the free movement of persons, goods, services, and capital to and from Kosovo.

5. Federal authorities shall ensure that Kosovo receives a proportionate and equitable share of benefits that may be derived from international agreements concluded by the Federal Republic and of Federal resources.

6. Federal and other authorities shall within their respective powers and responsibilities ensure the free movement of persons, goods, services, and capital to Kosovo, including from international sources. They shall in particular allow access to Kosovo without discrimination for person delivering such goods and services.

7. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia, which shall establish appropriate mechanisms to make such funds available to Kosovo authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern Kosovo shall be managed and implemented by the appropriate Kosovo authority.

ARTICLE II

1. The Parties agree to reallocate ownership and resources in accordance insofar as possible with the distribution of powers and responsibilities set forth in this Agreement, in the following areas:

(a) government-owned assets (including educational institutions, hospitals, natural resources, and production facilities);

(b) pension and social insurance contributions;

(c) revenues to be distributed under Article 1.5; and

(d) any other matters relating to economic relations between the Parties not covered by this Agreement.

2. The Parties agree to the creation of a Claim Settlement Commission (CSC) to resolve all disputes between them on matters referred to in paragraph 1.

(a) The CSC shall consist of three experts designated by Kosovo, three experts designated jointly by the Federal Republic of Yugoslavia and the Republic of Serbia, and three independent experts designated by the CIM.

(b) The decisions of the CSC, which shall be taken by majority vote, shall be final and binding. The Parties shall implement them without delay.

3. Authorities receiving ownership of public facilities shall have the power to operate such facilities.

CHAPTER 4A

HUMANITARIAN ASSISTANCE, RECONSTRUCTION AND ECONOMIC DEVELOPMENT

1. In parallel with the continuing full implementation of this Agreement, urgent attention must be focused on meeting the real humanitarian and economic needs of Kosovo in order to help create the conditions for reconstruction and lasting economic recovery. International assistance will be provided without discrimination between national communities.

2. The Parties welcome the willingness of the European Commission working with the international community to co-ordinate international support for the parties' efforts. Specifically, the European Commission will organize an international donors' conference within one month of entry into force of this Agreement.

3. The international community will provide immediate and unconditional humanitarian assistance, focusing primarily on refugees and internally displaced persons returning to their former homes. The Parties welcome and endorse the UNHCR's lead role in co-ordination of this effort, and endorse its intention, in close co-operation with the Implementation Mission, to plan an early, peaceful, orderly and phased return of refugees and displaced persons in conditions of safety and dignity.

4. The international community will provide the means for the rapid improvement of living conditions for the population of Kosovo through the reconstruction and rehabilitation of housing and local infrastructure (including water, energy, health and local education infrastructure) based on damage assessment surveys.

5. Assistance will also be provided to support the establishment and development of the institutional and legislative framework laid down in this Agreement, including local governance and tax settlement, and to reinforce civil society, culture and education. Social welfare will also be addressed, with priority given to the protection of vulnerable social groups.

6. It will also be vital to lay the foundations for sustained development, based on a revival of the local economy. This must take account of the need to address unemployment, and to stimulate the economy by a range of mechanisms. The European Commission will be giving urgent attention to this.

7. International assistance, with the exception of humanitarian aid, will be subject to full compliance with this Agreement as well as other conditions defined in advance by the donors and the absorptive capacity of Kosovo.

CHAPTER 5

IMPLEMENTATION I

ARTICLE I: INSTITUTIONS

IMPLEMENTATION MISSION

1. The Parties invite the OSCE, in cooperation with the European Union, to constitute an Implementation Mission in Kosovo. All responsibilities and powers previously vested in the Kosovo Verification Mission and its Head by prior agreements shall be continued in the Implementation Mission and its Chief.

JOINT COMMISSION

2. A Joint Commission shall serve as the central mechanism for monitoring and coordinating the civilian implementation of this Agreement. It shall consist of the Chief of the Implementation Mission (CIM), one Federal and one Republic representative, one representative of each national community in Kosovo, the President of the Assembly, and a representative of the President of Kosovo. Meetings of the Joint Commission may be attended by other representatives of organizations specified in this Agreement or needed for its implementation.

3. The CIM shall serve as the Chair of the Joint Commission. The Chair shall coordinate and organize the work of the Joint Commission and decide the time and place of its meetings. The Parties shall abide by and fully implement the decisions of the Joint Commission. The Joint Commission shall operate on the basis of consensus, but in the event consensus cannot be reached, the Chair's decision shall be final.

4. The Chair shall have full and unimpeded access to all places, persons, and information (including documents and other records) within Kosovo that in his judgment are necessary to his responsibilities with regard to the civilian aspects of this Agreement.

JOINT COUNCIL AND LOCAL COUNCILS

5. The CIM may, as necessary, establish a Kosovo Joint Council and Local Councils, for informal dispute resolution and cooperation. The Kosovo Joint Council would consist of one member from each of the national communities in Kosovo. Local Councils would consist of representatives of each national community living in the locality where the Local Council is established.

ARTICLE II: RESPONSIBILITIES AND POWERS

1. The CIM shall:

(a) supervise and direct the implementation of the civilian aspects of this Agreement pursuant to a schedule that he shall specify;

(b) maintain close contact with the Parties to promote full compliance with those aspects of this Agreement;

(c) facilitate, as he deems necessary, the resolution of difficulties arising in connection with such implementation;

(d) participate in meetings of donor organizations, including on issues of rehabilitation and reconstruction, in particular by putting forward proposals and identifying priorities for their consideration as appropriate;

(e) coordinate the activities of civilian organizations and agencies in Kosovo assisting in the implementation of the civilian aspects of this Agreement, respecting fully their specific organizational procedures;

(f) report periodically to the bodies responsible for constituting the Mission on progress in the implementation of the civilian aspects of this Agreement; and

(g) carry out the functions specified in this Agreement pertaining to police and security forces.

2. The CIM shall also carry out other responsibilities set forth in this Agreement or as may be later agreed.

ARTICLE III: STATUS OF IMPLEMENTATION MISSION

1. Implementation Mission personnel shall be allowed unrestricted movement and access into and throughout Kosovo at any time.

2. The Parties shall facilitate the operations of the Implementation Mission, including by the provision of assistance as requested with regard to transportation, subsistence, accommodation, communication, and other facilities.

3. The Implementation Mission shall enjoy such legal capacity as may be necessary for the exercise of its functions under the laws and regulations of Kosovo, the Federal Republic of Yugoslavia, and the Republic of Serbia. Such legal capacity shall include the capacity to contract, and to acquire and dispose of real and personal property.

4. Privileges and immunities are hereby accorded as follows to the Implementation Mission and associated personnel:

(a) the Implementation Mission and its premises, archives, and other property shall enjoy the same privileges and immunities as a diplomatic mission under the Vienna Convention on Diplomatic Relations;

(b) the CIM and professional members of his staff and their families shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations; and

(c) other members of the Implementation Mission staff and their families shall enjoy the same privileges and immunities as are

enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

ARTICLE IV: PROCESS OF IMPLEMENTATION

GENERAL

1. The Parties acknowledge that complete implementation will require political acts and measures, and the election and establishment of institutions and bodies set forth in this Agreement. The Parties agree to proceed expeditiously with these tasks on a schedule set by the Joint Commission. The Parties shall provide active support, cooperation, and participation for the successful implementation of this Agreement.

ELECTION AND CENSUS

2. Within nine months of the entry into force of this Agreement, there shall be elections in accordance with and pursuant to procedures specified in Chapter 3 of this Agreement for authorities established herein, according to a voter list prepared to international standards by the Central Election Commission. The Organization for Security and Cooperation in Europe (OSCE) shall supervise those elections to ensure that they are free and fair.

3. Under the supervision of the OSCE and with the participation of Kosovo authorities and experts nominated by and belonging to the national communities of Kosovo, Federal authorities shall conduct an objective and free census of the population in Kosovo under rules and regulations agreed with the OSCE in accordance with international standards. The census shall be carried out when the OSCE determines that conditions allow an objective and accurate enumeration.

(a) The first census shall be limited to name, place of birth, place of usual residence and address, gender, age, citizenship, national community, and religion.

(b) The authorities of the Parties shall provide each other and the OSCE with all records necessary to conduct the census, including data about places of residence, citizenship, voters' lists, and other information.

TRANSITIONAL PROVISIONS

4. All laws and regulations in effect in Kosovo when this Agreement enters into force shall remain in effect unless and until replaced by laws or regulations adopted by a competent body. All laws and regulations applicable in Kosovo that are incompatible with this Agreement shall be presumed to have been harmonized with this Agreement. In particular, martial law in Kosovo is hereby revoked.

5. Institutions currently in place in Kosovo shall remain until superseded by bodies created by or in accordance with this Agreement. The CIM may recommend to the appropriate authorities the removal and appointment of officials and the curtailment of operations of existing institutions in Kosovo if he deems it necessary for the effective implementation of this Agreement. If the action recommended is not taken in the time requested, the Joint Commission may decide to take the recommended action.

6. Prior to the election of Kosovo officials pursuant to this Agreement, the CIM shall take the measures necessary to ensure the development and functioning of independent media in keeping with international standards, including allocation of radio and television frequencies.

ARTICLE V: AUTHORITY TO INTERPRET

The CIM shall be the final authority in theater regarding interpretation of the civilian aspects of this Agreement, and the Parties agree to abide by his determinations as binding on all Parties and persons.

CHAPTER 6

THE OMBUDSMAN

ARTICLE I: GENERAL

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in Kosovo. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the Parties may interfere with the functions of the Ombudsman.

2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of Kosovo and shall be elected by the Assembly from a list of candidates prepared by the President of the European Court of Human Rights for a non-renewable three-year term. The Ombudsman shall not be a citizen of any State or entity that was a part of the former Yugoslavia, or of any neighboring State. Pending the election of the President and the Assembly, the CIM shall designate a person to serve as Ombudsman on an interim basis who shall be succeeded by a person selected pursuant to the procedure set forth in this paragraph.

3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have two Deputies. The Deputies shall each be drawn from different national communities.

(a) The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.

(b) The Ombudsman and members of his or her staff shall not be held criminally or civilly liable for any acts carried out within the scope of their duties.

ARTICLE II: JURISDICTION

1. The Ombudsman shall consider:

(a) alleged or apparent violations of human rights and fundamental freedoms in Kosovo, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and

(b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.

2. All persons in Kosovo shall have the right to submit the complaints to the Ombudsman. The Parties agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

ARTICLE III: POWERS AND DUTIES

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

(a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of Kosovo, to cooperate by providing relevant information, documents, and files.

(b) The Ombudsman may attend administrative hearings and meetings of other Kosovo institutions in order to gather information.

(c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

(d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.

(e) The Parties undertake to ensure cooperation with the Ombudsman's investigations. Willful and knowing failure to comply shall be criminal offense prosecutable in any jurisdiction of the Parties. Where an official impedes an investigation by refusing to provide necessary information, the Ombudsman shall contact that official's superior or the public prosecutor for appropriate penal action to be taken in accordance with the law.

3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation.

(a) A Party, institution, or official identified by the Ombudsman as a violator shall, within a period specified by the Ombudsman, explain in writing how it will comply with any prescriptions the Ombudsman may put forth for remedial measures.

(b) In the event that a person or entity does not comply with the conclusions and recommendations of the Ombudsman, the report shall be forwarded for further action to the Joint Commission established by Chapter 5 of this Agreement, to the President of the appropriate Party, and to any other officials or institutions that the Ombudsman deems proper.

CHAPTER 7

IMPLEMENTATION II

ARTICLE I: GENERAL OBLIGATIONS

1. The Parties undertake to recreate, as quickly as possible, normal conditions of life in Kosovo and to co-operate fully with each other and with all international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement. They welcome the willingness of the international community to send to the region a force to assist in the implementation of this Agreement.

a. The United Nations Security Council is invited to pass a resolution under Chapter VII of the Charter endorsing and adopting the arrangements set forth in this Chapter, including the establishment of a multinational military implementation force in Kosovo. The Parties invite NATO to constitute and lead a military force to help ensure compliance with the provisions of this Chapter. They also reaffirm the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY).

b. The Parties agree that NATO will establish and deploy a force (hereinafter "KFOR") which may be composed of ground, air, and maritime units from NATO and non-NATO nations, operating under the authority and subject to the direction and the political control of the North Atlantic Council (NAC) through the NATO chain of command. The Parties agree to facilitate the deployment and operations of this force and agree also to comply fully with all the obligations of this Chapter.

c. It is agreed that other States may assist in implementing this Chapter. The Parties

agree that the modalities of those States' participation will be the subject of Agreement between such participating States and NATO.

2. The purposes of these obligations are as follows:

a. to establish a durable cessation of hostilities. Other than those Forces provided for in this Chapter, under no circumstances shall any armed Forces enter, reenter, or remain within Kosovo without the prior express consent of the KFOR Commander (COMKFOR). For the purposes of this Chapter, the term ''Forces'' includes all personnel and organizations with military capability, including regular army, armed civilian groups, paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, Ministry of Internal Affairs, Local, Special, Riot and Anti-Terrorist Police, and any other groups or individuals so designated by COMKFOR. The only exception to the provisions of this paragraph is for civilian police engaged in hot pursuit of a person suspected of committing a serious criminal offense, as provided for in Chapter 2;

b. to provide for the support and authorization of the KFOR and in particular to authorize the KFOR to take such actions as are required, including the use of necessary force, to ensure compliance with this Chapter and the protection of the KFOR, Implementation Mission (IM), and other international organizations, agencies, and nongovernmental organizations involved in the implementation of this Agreement, and to contribute to a secure environment;

c. to provide, at no cost, the use of all facilities and services required for the deployment, operations and support of the KFOR.

3. The Parties understand and agree that the obligations undertaken in this Chapter shall apply equally to each Party. Each Party shall be held individually responsible for compliance with its obligations, and each agrees that delay or failure to comply by one Party shall not constitute cause for any other Party to fail to carry out its own obligations. All Parties shall be equally subject to such enforcement action by the KFOR as may be necessary to ensure implementation of this Chapter in Kosovo and the protection of the KFOR, IM, and other international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement.

ARTICLE II: CESSATION OF HOSTILITIES

1. The Parties shall, immediately upon entry into force of this Agreement (EIF), refrain from committing any hostile or provocative acts of any type against each other or against any person in Kosovo. They shall not encourage or organize hostile or provocative demonstrations.

2. In carrying out the obligations set forth in paragraph 1, the Parties undertake in particular to cease the firing of all weapons and explosive devices except as authorized by COMKFOR. They shall not place any mines, barriers, unauthorized checkpoints, observation posts (with the exception of COMKFOR-approved border observation posts and crossing points), or protective obstacles. Except as provided in Chapter 2, the Parties shall not engage in any military, security, or training-related activities, including ground, air, or air defense operations, in or over Kosovo, without the prior express approval of COMKFOR.

3. Except for Border Guard forces (as provided for in Article IV), no Party shall have Forces present within a 5 kilometer zone inward from the international border of the FRY that is also the border of Kosovo (hereinafter ''the Border Zone''). The Border Zone will be marked on the ground by EIF + 14 days by VJ Border Guard personnel in accordance with direction from IM. COMKFOR may determine small scale reconfigurations for operational reasons.

4. a. With the exception of civilian police performing normal police duties as determined by the CIM, no Party shall have Forces present within 5 kilometers of the Kosovo side of the boundary of Kosovo with other parts of the FRY.

b. The presence of any Forces within 5 kilometers of the other side of that boundary shall be notified to COMKFOR; if, in the judgment of COMKFOR, such presence threatens or would threaten implementation of this Chapter in Kosovo, he shall contact the authorities responsible for the Forces in question and may require those Forces to withdraw from or remain outside the area.

5. No party shall conduct any reprisals, counter-attacks, or any unilateral actions in response to violations of this Chapter by another Party. The Parties shall respond to alleged violations of this Chapter through the procedures provided in Article XI.

ARTICLE III: REDEPLOYMENT, WITHDRAWAL, AND DEMILITARIZATION OF FORCES

In order to disengage their Forces and to avoid any further conflict, the Parties shall immediately upon EIF begin to re-deploy, withdraw, or demilitarize their Forces in accordance with Articles IV, V, and VI.

ARTICLE IV: VJ FORCES

1. VJ ARMY UNITS

a. By K-Day + 5 days, all VJ Army units in Kosovo (with the exception of those Forces specified in paragraph 2 of this Article) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter. This senior VJ commander in Kosovo shall confirm in writing to COMKFOR by K-Day + 5 days that the VJ is in compliance and provide the information required in Article VII below to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly.

b. By K-Day + 30 days, the Chief of the VJ General Staff, through the senior VJ commander in Kosovo, shall provide for approval by COMKFOR a detailed plan for the phased withdrawal of VJ Forces from Kosovo to other locations in Serbia to ensure the following timelines are met:

(1) By K-Day + 90 days, VJ authorities must, to the satisfaction of COMKFOR, withdraw from Kosovo to other locations in Serbia 50% of men and materiel and all designated offensive assets. Such assets are taken to be: main battle tanks; all other armored vehicles mounting weapons greater than 12.7mm; and, all heavy weapons (vehicle mounted or not) of over 82mm.

(2) By K-Day + 180 days, all VJ Army personnel and equipment (with the exception of those Forces specified in paragraph 2 of this Article) shall be withdrawn from Kosovo to other locations in Serbia.

2. VJ BORDER GUARD FORCES

a. VJ Border Guard forces shall be permitted but limited to a structure of 1500 members at pre-February 1998 Border Guard Battalion facilities located in Djakovica, Prizren, and Urosevac and subordinate facilities within the 5 kilometer Border Zone, or at a limited number of existing facilities in the immediate proximity of the Border Zone subject to the prior approval of COMKFOR, with that number to be reached by K-Day + 14 days. An additional number of VJ personnel—totaling no more than 1000 C2 and logistics forces—will be permitted to remain in the approved cantonment sites listed at Appendix A to fulfill brigade-level functions related only to border security. After an initial 90 day period from K-Day, COMKFOR may at any time review the deployments of VJ personnel and may require further adjustments to force level, with the objective of reaching the minimum force structure required for legitimate border security, as the security situation and the conduct of Parties warrant.

b. VJ elements in Kosovo shall be limited to weapons of 82mm and below. They shall possess neither armored vehicles (other than wheeled vehicles mounting weapons of 12.7mm or less) nor air defense weapons.

c. VJ Border Guard units shall be permitted to patrol in Kosovo only within the Border Zone and solely for purpose of defending the border against external attack and maintaining its integrity by preventing illicit border crossings. Geographic terrain considerations may require Border Guard maneuver inward of the Border Zone; any such maneuver shall be coordinated with and approved by COMKFOR.

d. With the exception of the Border Zone, VJ units may travel through Kosovo only to reach duty stations and garrisons in the Border Zone or approved cantonment sites. Such travel may only be along routes and in accordance with procedures that have been determined by COMKFOR after consultation with the CIM, VJ unit commanders, communal government authorities, and police commanders. These routes and procedures will be determined by K-Day + 14 days, subject to re-determination by COMKFOR at any time. VJ forces in Kosovo but outside the Border Zone shall be permitted to act only in self-defense in response to a hostile act pursuant to Rules of Engagement (ROE) which will be approved by COMKFOR in consultation with the CIM. When deployed in the Border Zone, they will act in accordance with ROE established under control of COMKFOR.

e. VJ Border Guard forces may conduct training activities only within the 5 kilometer Border Zone, and only with the prior express approved of COMKFOR.

3. YUGOSLAV AIR AND AIR DEFENSE FORCES (YAADF)

All aircraft, radars, surface-to-air missiles (including man-portable air defense systems {MANPADS}) and anti-aircraft artillery in Kosovo shall immediately upon EIF begin withdrawing from Kosovo to other locations in Serbia outside the 25 kilometer Mutual Safety Zone as defined in Article X. This withdrawal shall be completed and reported by the senior VJ commander in Kosovo to the appropriate NATO commander not more than 10 days after EIF. The appropriate NATO commander shall control and coordinate use of airspace over Kosovo commencing at EIF as further specified in Article X. No air defense systems, target tracking radars, or anti-aircraft artillery shall be positioned or operated within Kosovo or the 25 kilometer Mutual Safety Zone without the prior express approval of the appropriate NATO commander.

ARTICLE V: OTHER FORCES

1. The actions of Forces in Kosovo other than KFOR, VJ, MUP, or local police forces provided for in Chapter 2 (hereinafter referred to as ''Other Forces'') shall be in accordance with this Article. Upon EIF, all Other Forces in Kosovo must immediately observe the provisions of Article I, paragraph 2, Article II, paragraph 1, and Article III and in addition refrain from all hostile intent, military training and formations, organization of demonstrations, and any movement in either direction or smuggling across international borders or the boundary between Kosovo and other parts of the FRY. Furthermore, upon EIF, all Other Forces in Kosovo must publicly commit themselves to demilitarize on terms to be determined by

COMKFOR, renounce violence, guarantee security of international personnel, and respect the international borders of the FRY and all terms of this Chapter.

2. Except as approved by COMKFOR, from K-Day, all Other Forces in Kosovo must not carry weapons:

a. within 1 kilometer of VJ and MUP cantonments listed at Appendix A;

b. within 1 kilometer of the main roads as follows:

(1) Pec—Lapusnik—Pristina.

(2) border—Djakovica—Klina.

(3) border—Prizren—Suva Rika—Pristina.

(4) Djakovica—Orahovac—Lapusnik—Pristina.

(5) Pec—Djakovica—Prizren—Urosevac—border.

(6) border—Urosevac—Pristina—Podujevo—border.

(7) Pristina—Kosovska Mitrovica—border.

(8) Kosovka Mitrovica—(Rakos)—Pec.

(9) Pec—Border with Montenegro (through Pozaj).

(10) Pristina—Lisica—border with Serbia.

(11) Pristina—Gnjilane—Urosevac.

(12) Gnjilane—Veliki Trnovac—border with Serbia.

(13) Prizren—Doganovic.

c. within 1 kilometer of the Border Zone;

d. in any other areas designated by COMKFOR.

3. By K-Day+5 days, all Other Forces must abandon and close all fighting positions, entrenchments, and checkpoints.

4. By K-Day+5 days, all Other Forces' commanders designated by COMKFOR shall report completion of the above requirements in the format at Article VII to COMKFOR and continue to provide weekly detailed status reports until demilitarization is complete.

5. COMKFOR will establish procedures for demilitarization and monitoring of Other Forces in Kosovo and for the further regulation of their activities. These procedures will be established to facilitate a phased demilitarization program as follows:

a. By K-Day+5 days, all Other Forces shall establish secure weapons storage sites, which shall be registered with and verified by the KFOR;

b. By K-Day+30 days, all Other Forces shall store all prohibited weapons (any weapon 12.7mm or larger, any anti-tank or anti-aircraft weapons, grenades, mines or explosives) and automatic weapons in the registered weapons storage sites. Other Forces commanders shall confirm completion of weapons storage to COMKFOR no later than K-Day+30 days;

c. By K-Day+30 days, all Other Forces shall cease wearing military uniforms and insignia, and cease carrying prohibited weapons and automatic weapons;

d. By K-Day+90 days, authority for storage sites shall pass to the KFOR. After this date, it shall be illegal for Other Forces to possess prohibited weapons and automatic weapons, and such weapons shall be subject to confiscation by the KFOR;

e. By K-Day+120 days, demilitarization of all Other Forces shall be completed.

6. By EIF+30 days, subject to arrangements by COMKFOR is necessary, all Other Forces personnel who are not of local origin, whether or not they are legally within Kosovo, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from Kosovo.

ARTICLE VI: MUP

1. Ministry of Interior Police (MUP) is defined as all police and public security units and personnel under the control of Federal or Republic authorities except for the border police referred to in Chapter 2 and police academy students and personnel at the training school in Vucitrn referred to in Chapter 2. The CIM, in consultation with COMKFOR, shall have the discretion to exempt any public security units from this definition if he determines that it is in the public interest (e.g. firefighters).

a. By K-Day+5 days, all MUP units in Kosovo (with the exception of the border police referred to in Chapter 2) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter or to garrisons outside Kosovo. The senior MUP commander in Kosovo or his representatives shall confirm in writing by K-Day+5 days to COMKFOR and the CIM that the MUP is in compliance and update the information required in Article VII to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly. Resumption of normal communal police patrolling will be permitted under the supervision and control of the IM and as specifically approved by the CIM in consultation with COMKFOR, and will be contingent on compliance with the terms of this Agreement.

b. Immediately upon EIF, the following withdrawals shall begin:

(1) By K-Day+5 days, those MUP units not assigned to Kosovo to 1 February 1998 shall withdraw all personnel and equipment from Kosovo to other locations in Serbia.

(2) By K-Day+20 days, all Special Police, including PJP, SAJ, and JSO forces, and their equipment shall be withdrawn from their cantonment sites out of Kosovo to other locations in Serbia. Additionally, all MUP offensive assets (designated as armored vehicles mounting weapons 12.7mm or larger, and all heavy weapons {vehicle mounted or not} of over 82mm) shall be withdrawn.

c. By K-Day+30 days, the senior MUP commander shall provide for approval by COMKFOR, in consultation with the CIM, a detailed plan for the phased drawdown of the remainder of MUP forces. In the event that COMKFOR, in consultation with the CIM, does not approve the plan, he has the authority to issue his own binding plan for further MUP drawdowns. The CIM will decide at the same time when the remaining MUP units will wear new insignia. In any case, the following time-table must be met:

(1) by K-Day+60 days, 50% drawdown of the remaining MUP units including reservists. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day+90 days if he judges there to be a risk of a law enforcement vacuum;

(2) by K-Day+120 days, further drawdown to 2500 MUP. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day+180 days to meet operational needs;

(3) transition to communal police force shall begin as Kosovar police are trained and able to assume their duties. The CIM shall organize this transition between MUP and communal police;

(4) in any event, by EIF+one year, all Ministry, of Interior Civil Police shall be drawn down to zero. The CIM shall have the discretion to extend this deadline for up to an additional 12 months to meet operational needs.

d. The 2500 MUP allowed by this Chapter and referred to in Article V.1(a) of Chapter 2 shall have authority only for civil police functions and be under the supervision and control of the CIM.

ARTICLE VII: NOTIFICATIONS

1. By K-Day+5 days, the Parties shall furnish the following specific information regarding the status of all conventional military; all police, including military police, Department of Public Security Police, special police; paramilitary; and all Other Forces in Kosovo, and shall update the COMKFOR weekly on changes in this information:

a. location, disposition, and strengths of all military and special police units referred to above;

b. quantity and type of weaponry of 12.7mm and above, and ammunition for such weaponry, including location of cantonments and supply depots and storage sites;

c. positions and descriptions of any surface-to-air missiles/launchers, including mobile systems, anti-aircraft artillery, supporting radars, and associated command and control systems;

d. positions and descriptions of all miners, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglements, physical or military hazards to the safe movement of any personnel in Kosovo, weapons systems, vehicles, or any other military equipment; and

e. any further information of a military or security nature requested by the COMKFOR.

ARTICLE VIII: OPERATIONS AND AUTHORITY OF THE KFOR

1. Consistent with the general obligations of Article I, the Parties understand and agree that the KFOR will deploy and operate without hindrance and with the authority to take all necessary action to help ensure compliance with this Chapter.

2. The Parties understand and agree that the KFOR shall have the right:

a. to monitor and help ensure compliance by all Parties with this Chapter and to respond promptly to any violations and restore compliance, using military force if required. This includes necessary action to:

1) enforce VJ and MUP reductions; 2) enforce demilitarization of Other Forces; 3) enforce restrictions of all VJ, MUP and Other Forces' activities, movement and training in Kosovo;

b. to establish liaison arrangements with IM, and support IM as appropriate;

c. to establish liaison arrangements with local Kosovo authorities, with Other Forces, and with FRY and Serbian civil and military authorities;

d. to observe, monitor, and inspect any and all facilities or activities in Kosovo, including within the Border Zone, that the COMKFOR believes has or may have military capability, or are or may be associated with the employment of military or police capabilities, or are otherwise relevant to compliance with this Chapter;

e. to require the Parties to mark and clear minefields and obstacles and to monitor their performance;

f. to require the Parties to participate in the Joint Military Commission and its subordinate military commissions as described in Article XI.

3. The Parties understand and agree that the KFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks, its capabilities, and available resources, and as directed by the NAC, which include the following:

a. to help create secure conditions for the conduct by others of other tasks associated with this Agreement, including free and fair elections;

b. to assist the movement of organizations in the accomplishment of humanitarian missions;

c. to assist international agencies in fulfilling their responsibilities in Kosovo;

d. to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate threat to life and person.

4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the KFOR in implementing this Chapter.

5. KFOR operations shall be governed by the following provisions:

a. KFOR and its personnel shall have the legal status, rights, and obligations specified in Appendix B to this Chapter;

b. the KFOR shall have the right to use all necessary means to ensure its full ability to communicate and shall have the right to the unrestricted use of the entire electromagnetic spectrum. In implementing this right, the KFOR shall make reasonable efforts to coordinate with the appropriate authorities of the Parties;

c. The KFOR shall have the right to control and regulate surface traffic throughout Kosovo including the movement of the Forces of the Parties. All military training activities and movements in Kosovo must be authorized in advance by COMKFOR;

d. The KFOR shall have complete and unimpeded freedom of movement by ground, air, and water into and throughout Kosovo. It shall in Kosovo have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. Neither the KFOR nor any of its personnel shall be liable for any damages to public or private property that they may cause in the course of duties related to the implementation of this Chapter. Roadblocks, checkpoints, or other impediments to KFOR freedom of movement shall constitute a breach of this Chapter and the violating Party shall be subject to military action by the KFOR, including the use of necessary force to ensure compliance with its Chapter.

6. The Parties understand and agree that COMKFOR shall have the authority, without interference or permission of any Party, to do all that he judges necessary and proper, including the use of military force, to protect the KFOR and the IM, and to carry out the responsibilities listed in this Chapter. The Parties shall comply in all respects with KFOR instructions and requirements.

7. Notwithstanding any other provision of this Chapter, the Parties understand and agree that COMKFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific Forces and weapons, and to order the cessation of any activities whenever the COMKFOR determines such Forces, weapons, or activities to constitute a threat or potential threat to either the KFOR or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the KFOR shall be subject to military action by the KFOR, including the use of necessary force, to ensure compliance, consistent with the terms set forth in Article I, paragraph 3.

Article IX: Border Control

The Parties understand and agree that, until other arrangements are established, and subject to provisions of this Chapter and Chapter 2, controls along the international border of the FRY that is also the border of Kosovo will be maintained by the existing institutions normally assigned to such tasks, subject to supervision by the KFOR and the IM, which shall have the right to review and approve all personnel and units, to monitor their performance, and to remove and replace any personnel for behavior inconsistent with this Chapter.

Article X: Control of Air Movements

The appropriate NATO commander shall have sole authority to establish rules and procedures governing command and control of the airspace over Kosovo as well as within a 25 kilometer Mutual Safety Zone (MSZ). This MSZ shall consist of FRY airspace within 25 kilometers outward from the boundary of Kosovo with other parts of the FRY. This Chapter supersedes the NATO Kosovo Verification Mission Agreement of October 12, 1998 on any matter or area in which they may contradict each other. No military air traffic, fixed or rotary wing, of any Party shall be permitted to fly over Kosovo or in the MSZ without the prior express approval of the appropriate NATO commander. Violations of any of the provisions above, including the appropriate NATO commander's rules and procedures governing the airspace over Kosovo, as well as unauthorized flight or activation of FRY Integrated Air Defense (IADS) within the MSZ, shall be subject to military action by the KFOR, including the use of necessary force. The KFOR shall have a liaison team at the FRY Air Force HQ and a YAADF liaison shall be established with the KFOR. The Parties understand and agree that the appropriate NATO commander may delegate control of normal civilian air activities to appropriate FRY institutions to monitor operations, deconflict KFOR air traffic movements, and ensure smooth and safe operation of the air traffic system.

Articile XI: Establishment of a Joint Military Commission

1. A Joint Military Commission (JMC) shall be established with the deployment of the KFOR to Kosovo.

2. The JMC shall be chaired by COMKFOR or his representative and consist of the following members:

a. the senior Yugoslav military commander of the Forces of the FRY or his representative;

b. the Ministers of Interior of the FRY and Republic of Serbia or their representatives;

c. a senior military representative of all Other Forces;

d. a representative of the IM;

e. other persons as COMKFOR shall determine, including one or more representatives of the Kosovo civilian leadership.

3. The JMC shall:

a. serve as the central body for all Parties to address any military complaints, questions, or problems that require resolution by the COMKFOR, such as allegations of ceasefire violations or other allegations of noncompliance with this Chapter;

b. receive reports and make recommendations for specific actions to COMKFOR to ensure compliance by the Parties with the provisions of this Chapter;

c. assist COMKFOR in determining and implementing local transparency measures between the Parties.

4. The JMC shall not include any persons publicly indicted by the International Criminal Tribunal for the Former Yugoslavia.

5. The JMC shall function as a consultative body to advise COMKFOR. However, all final decisions shall be made by COMKFOR and shall be binding on the Parties.

6. The JMC shall meet at the call of COMKFOR. Any Party may request COMKFOR to convene a meeting.

7. The JMC shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at an appropriate level, as COMKFOR shall direct. Composition of such commissions shall be determined by COMKFOR.

Article XII: Prisoner Release

1. By EIF + 21 days, the Parties shall release and transfer, in accordance with international humanitarian standards, all persons held in connection with the conflict (hereinafter ''prisoners''). In addition, the Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work, in accordance with its mandate, to implement and monitor a plan for the release and transfer of prisoners in accordance with the above deadline. In preparation for compliance with this requirement, the Parties shall:

a. grant the ICRC full access to all persons, irrespective of their status, who are being held by them in connection with the conflict, for visits in accordance with the ICRC's standard operating procedures;

b. provide to the ICRC any and all information concerning prisoners, as requested by the ICRC, by EIF + 14 days.

2. The Parties shall provide information, through the tracing mechanisms of the ICRC, to the families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC in its efforts to determine the identity, whereabouts, and fate of those unaccounted for.

Article XIII: Cooperation

The Parties shall cooperate fully with all entities involved in implementation of this settlement, as described in the Framework Agreement, or which are otherwise authorized by the United Nations Security Council, including the International Criminal Tribunal for the former Yugoslavia.

Article XIV: Notification to Military Commands

Each Party shall ensure that the terms of this Chapter and written orders requiring compliance are immediately communicated to all of its Forces.

Article XV: Final Authority to Interpret

1. Subject to paragraph 2, the KFOR Commander is the final authority in theater regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

2. The CIM is the final authority in theater regarding interpretation of the references in this Chapter to his functions (directing the VJ Border Guards under Article II, paragraph 3; his functions concerning the MUP under Article VI) and his determinations are binding on all Parties and persons.

Article XVI: K–Day

The date of activation of KFOR—to be known as K–Day—shall be determined by NATO.

Appendices

A. Approved VJ/MUP Cantonment Sites

B. Status of Multi-National Military Implementation Force

Appendix A: Approved VJ/MUP Cantonment Sites

1. There are 13 approved cantonment sites in Kosovo for all VJ units, weapons, equipment, and ammunition. Movement to cantonment sites, and subsequent withdrawal from Kosovo, will occur in accordance with this Chapter. As the phased withdrawal of VJ units progresses along the timeline as specified in this Chapter, COMKFOR will close selected cantonment sites.

2. Initial approved VJ cantonment sites:

(a) Pristina SW 423913NO210819E.

(b) Pristina Airfield 423412NO210040E

(c) Vuctrin North 424936NO205227E.

(d) Kosovska Mitrovica 425315NO205227E.

(e) Gnjilane NE 422807NO212845E.

(f) Urosevac 422233NO210753E.

(g) Prizren 421315NO204504E.

(h) Djakovica SW 422212NO202530E.

(i) Pec 423910NO201728E.

(j) Pristina Explosive Storage Fac 423636NO211225E.

(k) Pristina Ammo Depot SW 423518NO205923E.

(l) Pristina Ammo Depot 510 424211NO211056E.

(m) Pristina Headquarters facility 423938NO210934E.

3. Within each cantonment site, VJ units are required to canton all heavy weapons and vehicles outside of storage facilities.

4. After EIF + 180 days, the remaining 2500 VJ forces dedicated to border security functions provided for this Agreement will be garrisoned and cantoned at the following locations: Djakovica, Prizren, and Ursoevac; subordinate border posts within the Border Zone; a limited number of existing facilities in the immediate proximity of the Border Zone subject to the prior approval of COMKFOR; and headquarters/C2 and logistic support facilities in Pristina.

5. There are 37 approved cantonment sites for all MUP and Special Police force units in Kosovo. There are seven (7) approved regional SUP's. Each of the 37 approved cantonment sites will fall under the administrative control of one of the regional SUPs. Movement to cantonment sites, and subsequent withdrawal of MUP from Kosovo, will occur in accordance with this Chapter.

6. Approved MUP regional SUPs and cantonment sites:

(a) Kosovska Mitrovica SUP 425300NO205200E.

(1) Kosovska Mitrovica (2 locations)
(2) Leprosavic
(3) Srbica
(4) Vucitrin
(5) Zubin Potok

(b) Pristina SUP 424000NO211000E.

(1) Pristina (6 locations)
(2) Glogovac
(3) Kosovo Polje
(4) Lipjan
(5) Obilic
(6) Podujevo

(c) Pec SUP 423900NO201800E.

(1) Pec (2 locations)
(2) Klina
(3) Istok
(4) Malisevo

(d) Djakovica SUP 422300NO202600E.

(1) Djakovica (2 locations)
(2) Decani

(e) Urosevac SUP 422200NO2111000E.

(1) Urosevac (2 locations)
(2) Stimlje
(3) Strpce
(4) Kacanik

(f) Gnjilane SUP 422800NO212900E.

(1) Gnjilane (2 locations)
(2) Kamenica
(3) Vitina
(4) Kosovska
(5) Novo Brdo

(g) Prizren SUP 421300NO204500E.

(1) Prizxen (2 locations)
(2) Orahovac
(3) Suva Reka
(4) Gora

7. Within each cantonment site, MUP units are required to canton all vehicles above 6 tons, including APCs and BOVs, and all heavy weapons outside of storage facilities.

8. KFOR will have the exclusive right to inspect any cantonment site or any other location, at any time, without interference from any Party.

APPENDIX B: STATUS OF MULTI-NATIONAL MILITARY IMPLEMENTATION FORCE

1. For the purposes of this Appendix, the following expressions shall have the meetings hereunder assigned to them:

a. ''NATO'' means the North Atlantic Treaty Organization (NATO), its subsidiary bodies, its military Headquarters, the NATO-led KFOR, and any elements/units forming any part of KFOR or supporting KFOR, whether or not they are from a NATO member country and whether or not they are under NATO or national command and control, when acting in furtherance of this Agreement.

b. ''Authorities in the FRY'' means appropriate authorities, whether Federal, Republic, Kosovo or other.

c. ''NATO personnel'' means the military, civilian, and contractor personnel assigned or attached to or employed by NATO, including the mililtary, civilian, and contractor personnel from non-NATO states participating in the Operation, with the exception of personnel locally hired.

d. ''the Operation'' means the support, implementation, preparation, and participation by NATO and NATO personnel in furtherance of this Chapter.

e. ''Military Headquarters'' means any entity, whatever its denomination, consisting of or constituted in part by NATO military personnel established in order to fulfill the Operation.

f. ''Authorities'' means the appropriate responsible individual, agency, or organization of the Parties.

g. ''Contractor personnel'' means the technical experts or functional specialists whose services are required by NATO and who are in the territory of the FRY exclusively to serve NATO either in an advisory capacity in technical matters, or for the setting up, operation, or maintenance of equipment, unless they are:

(1) nationals of the FRY; or
(2) persons ordinarily resident in the FRY.

h. ''Official use'' means any use of goods purchased, or of the services received and intended for the performance of any function as required by the operation of the Headquarters.

i. ''Facilities'' means all buildings, structures, premises, and land required for conducting the operational, training, and administrative activities by NATO for the Operation as well as for accommodation of NATO personnel.

2. Without prejudice to their privileges and immunities under this Appendix, all NATO personnel shall respect the laws applicable in the FRY, whether Federal, Republic, Kosovo, or other, insofar as compliance with those laws is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

3. The Parties recognize the need for expeditious departure and entry procedures for NATO personnel. Such personnel shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. At all entry and exit points to/from the FRY, NATO personnel shall be permitted to enter/exit the FRY on production of a national identification (ID) card. NATO personnel shall carry identification which they may be requested to produce for the authorities in the FRY, but operations, training, and movement shall not be allowed to be impeded or delayed by such requests.

4. NATO military personnel shall normally wear uniforms, and NATO personnel may posses and carry arms if authorized to do so by their orders. The Parties shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

5. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport, or facility.

6. a. NATO shall be immune from all legal process, whether civil, administrative, or criminal.

b. NATO personnel, under all circumstances and at all times, shall be immune from the Parties' jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the FRY. The Parties shall assist States participating in the Operation in the exercise of their jurisdiction over their own nationals.

c. Notwithstanding the above, and with the NATO Commander's express agreement in each case, the authorities in the FRY may exceptionally exercise jurisdiction in such matters, but only in respect of Contractor personnel who are not subject to the jurisdiction of their nation of citizenship.

7. NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY. NATO personnel erroneously arrested or detained shall immediately be turned over to NATO authorities.

8. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.

9. NATO shall be exempt from duties, taxes, and other charges and inspections and custom regulations including providing inventories or other routine customs documentation, for personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting the territory of the FRY in support of the Operation.

10. The authorities in the FRY shall facilitate, on a priority basis and with all appropriate means, all movement of personnel, vehicles, vessels, aircraft, equipment, or supplies, through or in the airspace, ports, airports, or roads used. No charges may be assessed against NATO for air navigation, landing, or takeoff of aircraft, whether government-owned or chartered. Similarly, no duties, dues, tolls or charges may be assessed against NATO ships, whether government-owned or chartered, for the mere entry and exit of ports. Vehicles, vessels, and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance.

11. NATO is granted the use of airports, roads, rails, and ports without payment of fees, duties, dues, tolls, or charges occasioned by mere use. NATO shall not, however, claim exemption from reasonable charges for specific services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

12. NATO personnel shall be exempt from taxation by the Parties on the salaries and emoluments received from NATO and on any income received from outside the FRY.

13. NATO personnel and their tangible moveable property imported into, acquired in, or exported from the FRY shall be exempt from all duties, taxes, and other charges and inspections and custom regulations.

14. NATO shall be allowed to import and to export, free of duty, taxes and other charges, such equipment, provisions, and supplies as NATO shall require for the Operation, provided such goods are for the official use of NATO or for sale to NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to unauthorized persons.

15. The Parties recognize that the use of communications channels is necessary for the Operation. NATO shall be allowed to operate its own internal mail services. The Parties shall, upon simple request, grant all telecommunications services, including broadcast services, needed for the Operation, as determined by NATO. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electromagnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall

make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities in the FRY.

16. The Parties shall provide, free of cost, such public facilities as NATO shall require to prepare for and execute the Operation. The Parties shall assist NATO in obtaining, at the lowest rate, the necessary utilities, such as electricity, water, gas and other resources, as NATO shall require for the Operation.

17. NATO and NATO personnel shall be immune from claims of any sort which arise out of activities in pursuance of the Operation; however, NATO will entertain claims on an ex gratia basis.

18. NATO shall be allowed to contract directly for the acquisition of goods, services, and construction from any source within and outside the FRY. Such contracts, goods, services, and construction shall be subject to the payment of duties, taxes, or other charges. NATO may also carry out construction works with their own personnel.

19. Commercial undertakings operating in the FRY only in the service of NATO shall be exempt from local laws and regulations with respect to the terms and conditions of their employment and licensing and registration of employees, businesses, and corporations.

20. NATO may hire local personnel who on an individual basis shall remain subject to local laws and regulations with the exception of labor/employment laws. However, local personnel hired by NATO shall:

a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

b. be immune from national services and/or national military service obligations;

c. be subject only to employment terms and conditions established by NATO; and

d. be exempt from taxation on the salaries and emoluments paid to them by NATO.

21. In carrying out its authorities under this Chapter, NATO is authorized to detain individuals and, as quickly as possible, turn them over to appropriate officials.

22. NATO may, in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure in the FRY, such as roads, bridges, tunnels, buildings, and utility systems. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the infrastructure returned to as near its original condition as possible, fair wear and tear excepted.

23. Failing any prior settlement, disputes with the regard to the interpretation or application of this Appendix shall be settled between NATO and the appropriate authorities in the FRY.

24. Supplementary arrangements with any of the Parties may be concluded to facilitate any details connected with the Operation.

25. The provisions of this Appendix shall remain in force until completion of the Operation or as the Parties and NATO otherwise agree.

CHAPTER 8

AMENDMENT, COMPREHENSIVE ASSESSMENT, AND FINAL CLAUSES

ARTICLE I: AMENDMENT AND COMPREHENSIVE ASSESSMENT

1. Amendments to this Agreement shall be adopted by agreement of all the Parties, except as otherwise provided by Article X of Chapter 1.

2. Each Party may propose amendments at any time and will consider and consult with the other Parties with regard to proposed amendments.

3. Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.

ARTICLE II: FINAL CLAUSES

1. This Agreement is signed in the English language. After signature of this Agreement, translations will be made into Serbian, Albanian, and other languages of the national communities of Kosovo, and attached to the English text.

2. This Agreement shall enter into force upon signature.

Mr. NICKLES. I further ask unanimous consent that in the permanent CONGRESSIONAL RECORD, the text of the agreement be printed immediately following my remarks of May 3, 1999.

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

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

Mr. HATCH. Mr. President, I object.

Mr. LAUTENBERG. I ask unanimous consent to be permitted to do that.

The PRESIDING OFFICER. Is there objection? The Senator from Utah?

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, 2 minutes ago the distinguished Senator from Utah had made the suggestion, another unanimous consent request, that Senators bring up things even if Senators were not available on the other side of an issue to speak, and that that Senator be given equal time on Monday or sometime prior to the vote. I might ask the Chair, is there such a unanimous consent pending? Am I perhaps stating it too broadly?

The PRESIDING OFFICER. There were two amendments authorized to be offered with the understanding, the proviso, that they would have adequate time on Monday. There was, further, an additional granting of the request of the Senator from California that her amendment to be considered. But it does take consent for further amendments to be offered at this time.

Mr. LEAHY. I thank the Chair. I note the Senator from New Jersey is within his rights to make such a request. The Senator from Utah is within his rights to object to it.

Mr. President, I note the distinguished majority leader was on the floor earlier, urging we move forward on this legislation, that we try to get as much done as possible today and Monday, a position both the distinguished Senator from Utah and I joined. I suspect the two of us have probably worked more hours than anybody else in this body to bring that about. But there are not an awful lot of Senators around here waiting to be heard. I urge the majority, they may well allow Senators like Senator LAUTENBERG or others who have amendments to bring them up, discuss them, have some debate on them, and then if there are those who wish to oppose those amendments, they would of course have an equal amount of time on Monday to do that. Otherwise, of course, the Senator from New Jersey can bring it up Monday.

But you cannot keep holding it off with the idea that maybe it will only come up at the time of the vote on Tuesday, because that would be, in effect, a debate cloture on the part of the Republican side that would say even if it was a serious matter they would only get 2.5 minutes of debate.

I know the distinguished senior Senator from Utah is a fair person. I think he would perhaps agree that 2.5 minutes debate is not quite enough on major amendments. I hope they will find in their heart to allow the distinguished senior Senator from New Jersey to bring up his amendment. Clearly, he is going to be allowed to bring it up sometime prior to the vote on it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Utah.

Mr. HATCH. Mr. President, when I suggested equal time, it was on those particular amendments because of the need for certain Senators to be here on those particular amendments. Earlier this morning, Senator LAUTENBERG desired to call up his amendment and I respectfully requested that he reserve bringing it up until Monday because there are people gone who will not have an opportunity, who have asked me—who believed these amendments would not be brought up, who asked me to protect their right to be here when the amendments are brought up. As a courtesy, I ask him not to bring up the amendment. So I have no alternative other than to object to it.

We have had six amendments brought up. It is our turn on our side to present an amendment. I think we are making progress. But we should honor, to the best of our abilities on each side—the request of some of our colleagues that they might be here on amendments they consider to be important to them, especially since this is a Friday and almost everybody left believing we would not do much more today.

Be that as it may, that is why I have to object. I have objected and I will object to certain amendments where I have to protect people on our side, as I would expect the distinguished Senator from Vermont to object if we tried to bring up an amendment when Senators on his side could not be here to respond.

I have another amendment for our side to bring up at this time. It is an amendment on the part of Senator SESSIONS and Senator ROBB and Senator ALLARD. I send the amendment to the desk and ask for its immediate consideration.

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

Y2K ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I call for the regular order with respect to the motion to proceed to S. 96.

The PRESIDING OFFICER. The motion to proceed to S. 96 is the regular order.

The Senator from New Jersey.

ORDER OF PROCEDURE

Mr. LAUTENBERG. Mr. President, while we were on the motion to proceed, taking a cue from earlier speeches—the distinguished Senator from Colorado spoke at some length earlier. I would just like to take a few minutes.

Mr. LEAHY. Will the Senator yield to me?

Mr. LAUTENBERG. I will be happy to yield.

Mr. LEAHY. I just note two things. First is that even though the last amendment brought up by the Republican side is vehemently opposed by a Member on this side who could not be present, we made no objection to that, knowing he would have time to debate later on. Mr. President, we did this to try to comply with the request of the majority leader and the distinguished Senator from Utah, who said they wanted to move forward with this. We did it in good faith. Frankly, for one of the very few times in my 25 years in the Senate, I find my faith shaken because it is very obvious nobody intended to go forward; they just wanted to go right back to Y2K and block anything else.

If their side wants to bring up something even if our side is not here to debate it, that is fine. If our side wants something similar, that is not fine. It is like the Democratic amendments being voted down over here so a day or so later they can be brought up as Republican amendments and voted up over there. And in between we hear complaints about this is taking too long.

I will repeat what I have said before: Every single Democrat wants a juvenile justice bill with everything from the prevention of crime to education to helping our juveniles. I question whether the same thing can be said for the other side of the aisle.

The Senator from New Jersey had the floor. I yield back to him.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HATCH. He can't yield the floor to another person—or did he have the floor? I don't know.

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. HATCH. Mr. President, let me just answer that and then I will be happy to yield to the distinguished Senator from New Jersey.

Look, the games are over as far as I am concerned. When a Senator stands on the floor and says he is protecting Members of his side and extends the same courtesy to the other side to protect Members on their side, all they have to do is tell us. If the distinguished Senator believes somebody on his side has to be protected, all he has to do to be protected is tell me and I will honor that. I asked for that same courtesy on our side because there are Senators who cannot be here who want to be here when Senator LAUTENBERG brings up his amendment. It is a fair request, a fair statement; it is a fair position. I really do not think people should try to make political points or political hay out of it.

I might also add, nobody wants this bill more than I do. I have been working on it for 2 solid years. I have been working on it every day on the floor. I am going to do everything in my power to get it passed. I have to admit I have had a lot of cooperation from our distinguished ranking minority leader on the Judiciary Committee, for which I am very grateful. But there is no reason to play these games here. It is unreasonable for anybody to suggest that because somebody is protecting his side, because I am protecting my side, there is something untoward about that. I would not suggest it if the Senator wanted to protect his side.

Naturally, I am going to yield the floor to my friend from New Jersey. I wish I could accommodate him, frankly, because I care for him. I know he is sincere on this amendment. But it is not unreasonable to ask that Senators, on something they feel very deeply about, since everybody left here today other than a few of us, that they be protected so they can be here when the amendment is brought up.

Also, I note the distinguished Senator from Arkansas is on the floor. She wants to make a statement that is unrelated to the bill, as I understand it, or to either of the bills—the current bill that is on the floor or the prior bill we were debating.

So I yield the floor for the distinguished Senator, and of course, hopefully the Senator from Arkansas will then make her statement.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Utah for his consummate interest in issues that matter, even though at times we differ. He did request a courtesy that I would like to have yielded to, except for the fact that we have allowed some on that side to be protected while not enabling this Senator to be able to obtain the same protection. I am bound, at 3:30, for Albania, Macedonia, Hungary, and Bulgaria.

I plan to visit with our people in Aviano, Italy, and Brussels headquarters and be back here Monday night. This is not intended to be a world endurance record. That is not why I am doing this. I am doing it because I have had a deep interest in what takes place there and am shocked by the horror of the deeds that the Serbian Government is perpetrating on these people.

I have had a chance to meet some of the refugees at Fort Dix. I was there last week with the First Lady to greet the first of the refugees who arrived in America. I did serve in World War II—not in this area, but I was in Europe during the war. The horrors we are witnessing are too much for a civilized world to bear.

I salute the leadership of the President, the courage and the commitment of our troops who are there for long hours each and every day working to the best of their ability, which ability is very good.

There have been mistakes made, and that happens in a wartime environment. Mistakes are made because we are trying to make sure our casualties are few.

That is where I am going, and I will not be here then on Monday to bring up this amendment. I would have offered the amendment without debate.

The fact of the matter is that everyone is pretty much aware of what my amendment is. It helps to further close the loopholes, which I know the Senator from Utah wanted to do. I do not think the amendment we voted on this morning does it. It does not close the loopholes. That is my judgment, and I am prepared to defend that judgment.

I want to correct it. I want to see all the loopholes closed, and so do the vast majority of Americans. Eighty-seven percent, as a matter of fact, in a national poll said they want the loopholes at the gun shows closed.

I take a second seat to no one in wanting to get a juvenile justice bill in place. I want to see if we can help our young people avoid the violence that seems to permeate our society. But the fact of the matter is that each of us in this parliamentary structure that we operate under is entitled to offer amendments.

I had hoped I would have been able to, as they say in the vernacular here, lay it down, put it at the desk and have it saved for debate at a later time. The Senator from Utah tried very hard to be cooperative, as he always does with me—we have a good relationship, and I respect that enormously—to say: All right, we can have some time. We will arrange not a lot of time on Tuesday for a discussion and a vote.

The inability to offer that amendment is decidedly a disadvantage, though it will be offered by one of my colleagues. I had hoped, since I authored it in the first place, to send it up. That may be a red flag to some over there, but the fact of the matter is that I know the Senator from Utah does not disagree with me in principle; in approach perhaps, in principle certainly not.

I ask once again if it is possible just to send it up. It does need unanimous consent. I will not force any objections. I take the liberty of asking the distinguished manager whether it is possible just to send it up and lay it down.

Mr. HATCH. We are no longer on that bill. I really cannot do that because of the courtesies I must extend to people on both sides. I am sorry I cannot accommodate the distinguished Senator from New Jersey. We are no longer on that bill. As I understand it, we are on the motion to proceed to the Y2K bill.

The PRESIDING OFFICER. The Senator from Utah is correct.

Mr. HATCH. Mr. President, I see some colleagues who want to speak at this time. I ask unanimous consent that Senator LINCOLN be recognized for 10 minutes and then Senator VOINOVICH, who will be on the floor shortly, be recognized for another 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE JUVENILE JUSTICE BILL

Mrs. LINCOLN. Mr. President, I rise today to speak on a bill that we have been addressing and that I think we have made some good progress on, the juvenile justice bill. But I rise today to encourage, to plead with both sides of the aisle, with all of my colleagues in the Senate, that we remember what it is we are here to address, and that is the well-being of our children; that we put down and put aside all of the other things to really focus on what it is we are here to do, and that is to address the well-being of our children in this country.

I think it is so important that we do not lose sight of the tragedies we have seen that have presented to us the agony which has brought us to this floor and to this debate to try to do something to correct those tragedies and, more importantly, to prevent any others from happening in the future.

It is so easy to lose sight of the forest for the trees. If we continue that in this debate on juvenile justice, we will have done a true disservice to the children of this Nation.

I will speak today on an amendment which will be offered, which I am joining two of my colleagues in offering, Senator HARKIN and Senator WELLSTONE. We think it will help to reduce crime and violence in our Nation's schools by preventing it before it ever happens, and that is exactly what can be the most important tool in this Nation in providing safety for our children.

It addresses the issues of the children's emotional well-being and providing schools with the necessary resources to help our children deal with the complicated problems that today society brings them.

Students bring more to school today than just backpacks and lunch boxes; they bring severe emotional problems. Our children in today's world come to school with problems far more severe than we can imagine, and certainly far more severe than we may have experienced ourselves. And 71 percent of the children ages 7 to 10 are worried whether they will be stabbed or shot while in their school. This is inexcusable in a country like ours, that that many children are frightened to go to school and they are frightened of what they will be up against.

The Department of Education reported that in 1997 there were approximately 11,000 incidents nationally of physical attacks or fights in which weapons were used. We can no longer continue to look for a solution which is only a Band-Aid. We must look at the source of the problem. Preventative medicine rather than a haphazard Band-Aid approach is something that is absolutely essential to the emotional well-being of our children today and the future of our country. Theodore Roosevelt said: To educate a man in mind and not in morals is to educate a menace to society.

It is so absolutely essential, in today's society where we are blessed with so much advanced technology, that we remind our children that their emotional well-being, that the friendships and the fellowships that they must build with their fellow students is essential to the safety of mankind and the future of this country. Isn't it great that my children and other people's children, one day when they are older, will be able to communicate on the Internet to children in France and other countries across the world?

But let us not forget that we must encourage them also to walk out the back door of the house and to talk over the back fence again with their neighbors and their neighbor's children so they know who their friends and their neighbors are and so they are less likely to violate them.

It is absolutely essential that we do not lose sight of what it is we are here to do on behalf of our children. Improvements, changes in accountability, are absolutely essential in our children's education. Metal detectors and surveillance cameras in schools won't get rid of the root of the problem. They will help us in dealing with what we have to deal with right now, but the most important thing we can do is provide our children with the kind of counseling and background to deal with the severity of problems they are coming to school with at a younger and younger age. We must minimize access to guns that can address the means to act out, but it doesn't address the illnesses that we begin with in our children's minds.

I have traveled across our State of Arkansas, and in absolutely every school I have visited, every teacher and administrator has said the same thing to me—we do not have adequate counselors and trained professionals to deal with the severity of problems our children are coming to school with today in K through 3. We do not have the appropriate resources to give to our teachers and our administrators to help them recognize the problem in these children.

It is absolutely essential that we give them that resource in counselors and professionally trained individuals. The National Institutes of Health estimates although 7.5 million children under the age of 18 require mental health services, fewer than one in five receives it.

All of us have our own personal stories to tell of a relationship or something we have heard through the education process. One of my older sisters was a teacher in the public schools. She had a classroom of 31 students, 6 and younger. She said that wasn't the biggest challenge in her classroom. The biggest challenge in her classroom was that those students came to school hungry and sick and, most importantly, frightened.

We have a severe crisis on our hands in the fact that we now, in our State of Arkansas and in other States, have no young people going into the teaching profession. Less than 25 percent of the teachers in the State of Arkansas are under the age of 40. We will hit a brick wall soon, because no one is going into the teaching profession. My sister is a great example. One of the reasons she got out of teaching was she said she couldn't handle bus duty when she had it, because there were students that clung to her leg and said, please, don't make me go home. It is essential that we deal with the emotional well-being of our children.

I rise today in support, with two other colleagues, of an amendment we will offer to this juvenile justice bill when we get beyond the forest and we start to recognize what it is we are here to do; that is, the details of dealing with the well-being of our children.

The details of the Harkin-Lincoln-Wellstone amendment are basically to put $100 million in authorizing funds for fiscal year 2000. The first $60 million must be spent for counseling services in elementary schools where the illness and the problem begins, before it grows into the problems that we deal with in terms of guns and violence in later grades. Only qualified mental health professionals may be hired with this funding. The funds are eligible to urban, suburban and rural local school districts, knowing that every school is suffering from these problems. Some more than others, but all of them equally in need.

It is absolutely essential. The benefits of what we are proposing are to treat the emotional problems before they are out of control, to work hand in hand with an advisory board of parents, teachers, administrators and community leaders to design and implement counseling services, because we know that the most important part of any child's well-being is their parental and family involvement. It is essential in what we are doing.

We know that when we involve the parents in the child's life, it is far more

productive. But involve the parents of the children who receive services so that the parents can be more involved in the development and the well-being of their children, so it is not just one shot at trying to fix the problem, but a continuing of trying to fix the problem both through the counseling services to the children and assistance with the parents.

Teachers focus more on a student's skills at writing and arithmetic, rather than their potential for violence, because they do not have the support that they need, because their classroom sizes are too large, and they don't have the time to devote to it. I plead with my colleagues that we must get back to the business at hand, and that business is the well-being of the children of this country who are our future.

I urge Congress to act quickly, and I certainly want to devote the time to this important issue that we have begun to do and I hope we will continue. I just plead with my colleagues to remember that what we are dealing with in this legislation is our Nation's greatest resource—our children.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AN ALTERNATIVE APPROACH ON JUVENILE CRIME

Mr. VOINOVICH. Mr. President, this week in the Senate, we are discussing legislation that is meant to address the seemingly ever-growing problem of juvenile crime. Before we despair, let us recognize that the overwhelming majority of young people in America are good kids and don't get into trouble with the law and are making a substantial contribution to our society. In fact, in my State of Ohio, the adjudications of young people are down as well as incarceration of young offenders.

However, most Americans cannot turn on television, read a newspaper, or pick up a magazine without being told about the crisis facing our society because of young people who have turned violent. The fact that this problem exists at all is a sad commentary on our modern society. However, it is a reality, and we have got to deal with it. The question is, How do we deal with it? As we in Congress try to answer that question we have to make sure that we take the time to deal with juvenile crime from the proper perspective.

We cannot expect there to be a silver bullet or a quick fix that will solve our problems, although the recent tragedy in Littleton, CO, has intensified the urgency and our search for answers.

Naturally, part of the solution to juvenile crimes is traditional crime prevention, penalties and sentences. However, these remedies, while important, only treat the symptoms of the disease and not the disease itself. I believe our focus should not only be on the symptoms of juvenile crime, but on the root causes as well.

Two or three years ago, Princeton University Professor John DiIulio lamented over the upcoming ''predator generation'' because projected demographics showed a marked increase in the amount of young people who were going to become violent in our society. Professor DiIulio commented that we would have a real problem around 2010 to 2015 As Professor DiIulio stated, we have a generation, it seems, growing up in moral poverty. And that is the poverty of being without loving, capable, responsible adults who teach kids right from wrong.

Concerned about his pronouncement, I convened a juvenile crime summit in 1997 in Ohio and again in 1998, as Governor. We found that it wasn't longer sentences or boot camps or harsher penalties that were required. What we found we needed to do was to get into the lives of our children at an early age, including while they are in their mother's womb, to give them the positive influences they need.

Within the next two weeks, I will be introducing legislation along with Senator BOB GRAHAM from Florida that will help us address the needs of our children in the most critical times of their lives—pre-natal to three.

When I was Governor, I often said that if I had a magic wand to solve Ohio's problems, I would reconstitute the family.

It's the dysfunction of the family and the lack of moral and religious values that causes so many problems in our nation today.

Too often our children are groundless—they have no honor nor fear of the Lord, nor any understanding of the 10 Commandments.

I believe the best place to catch problems and prevent them from ever occurring is when children are at their youngest, when parents and young children are forming life-long attachments and when parents and other care-givers have an opportunity to construct lasting values.

Government is a lousy substitute for the family. Unfortunately, there are circumstances where the government is the only alternative because there is no family in place.

In these situations, we must look for the most effective way to give them our assistance.

I truly believe there is something we can do to help in that respect.

Today, thanks to decades of research on brain chemistry and through the utilization of sophisticated new technologies, neuro-scientists are telling us that the experiences that fill a baby's first days, months, and years have a decisive impact on the development of the brain and on the nature and extent of one's adult capacities.

As a result of the research, we know that throughout the entire process of development, beginning before birth, the brain is affected by environmental conditions such as nourishment, nurturing and sensory stimulation; early childhood care has a decisive and long-lasting impact on how people develop their ability to learn, and their capacity to regulate their own emotions; there are times when negative experiences—or the absence of appropriate stimulation—are more likely to have serious and sustained effects, the period of prenatal to three is such a time in a child's development; the human brain has a remarkable capacity to change, but timing is crucial and the first three years of life appear to be the most influential period for growth and change.

To ensure that children prenatal to three have the best possible start in life, we must establish specific support mechanisms to help parents and other adult care-givers. We have to become better partners.

These include health care, nutrition programs, childcare, early intervention services, adoption assistance, education programs, and other support services.

We must also reach out to parents—our children's first teachers and caregivers—to help them understand that the day-to-day interaction with children helps them to develop cognitively, socially and emotionally.

A mother comforting her crying baby, a father holding and reading to his toddler and a care-giver singing and playing with an infant are not just involved in ''feel-good'' interactions.

They are involved in biological activities that exert a powerful, enduring impact on the young child's physical, intellectual, emotional and social development.

Mr. President, you know, with your large family, that these positive early childhood experiences give children a jump-start or a life-long learning opportunity.

It is imperative that our nationwide education agenda be geared toward ensuring that children enter school ready to learn. Otherwise, we put our children at a grave disadvantage of not being well-rounded and productive members of society.

In 1991, in my first State of the State Address, I drew a line in the sand in Ohio and said that this was going to be the last generation of children to go on welfare, go to jail, to get pregnant while they are teenagers.

We make a commitment to Head Start, to enroll as many eligible children as possible and increasing the funding for that program from $18.4 million in fiscal year 1990 to $181.3 million in fiscal year 1998.

And, the fact of the matter is that today in Ohio, we have a slot for every child who is eligible for Head Start, public school, pre-school or special needs. Ohio leads the nation—and does so primarily with state tax dollars.

In addition, we established Early Start, which was designed to provide early intervention services for children from pre-natal to three who are at significant risk of abuse, neglect or future developmental delay. It's just a fantastic program.

I believe a Federal investment in our children at the most critical juncture of their lives—pre-natal to three—will do more to end the cycle of crime and violence in America than anything else the Senate could do.

Studies looking at resiliency in adolescents are finding that a stable beginning contributes significantly to the youth's ability to take control and turn their life around.

During consideration of this juvenile justice legislation, we have considered, and may still consider, controversial proposals associated with this bill that elicit either solid support of deep opposition.

Yet, when it comes time to consider our legislation to provide enhanced prenatal-to-3 services, I am hopeful that proposal will receive support from both sides of the aisle.

I will speak again on this issue when I introduce our legislation in the next 2 weeks.

However, with the context of the floor debate, I could not pass up this opportunity to express my views on how best we can get to the root of juvenile crime in this country.

Thank you, Mr. President.

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. VOINOVICH. 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. Mr. President. During the debate over juvenile crime, we have heard a lot about the negative activities that juveniles participate in—playing violent video games, viewing unseemly sites on the Internet, and watching objectionable movies. But little has been said about the constructive things that kids can be—and are—doing with their time. It seems, sometimes, that there are few alternatives to the pollution that modern culture often feeds to our children.

However, in my home state of Utah there are many programs that help children to focus their attention away from destructive activities. For example, the Police Athletic League in Ogden, Utah provides sports lessons and intramural teams for 325 kids. Police officers serve as mentors to children and supply much needed attention through athletic activities.

The Hispanic Cultural Youth Program in Utah holds dances and social events that present a safe place for youth to socialize. And the LDS church has an extensive youth program that provides social events, educational activities, mentoring and community service activities.

I want my colleagues to be aware of an excellent program in Arizona that gives juveniles positive alternatives to the destructive activities that contribute to juvenile crime. ''Kid-Star'' Radio 590 AM, in Phoenix, allows children to produce, broadcast, and promote their own radio shows. Perry Damone, son of my good friend Vic Damone, has founded this program that places radio stations in the public schools and allows the children to control the broadcast. The kids run the entire program and have had phenomenal success with it. Over 3,000 students throughout Arizona have participated in the program. Individual schools report an almost immediate improvement in over-all student responsibility, and better written and oral skills.

Under this program, the students have conducted numerous interviews with prominent individuals including country singer Garth Brooks, comedian Jay Leno and our esteemed colleague Senator JOHN MCCAIN. Children have emerged from this program with a better self-esteem, greater maturity, and life skills.

In S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, the Federal Government is required to disseminate data on prevention programs that are successful. This bill provides over $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. This money will help the Department of Justice isolate and encourage successful prevention programs. Programs like the Police Athletic League, the Hispanic Cultural Youth Program, and ''Kid-Star'' should receive our special attention and be encouraged to continue the good work that they do.

As we continue to search for solutions to juvenile crime, let's remember the best solutions come from individuals working on a local level to make a difference. We can learn much from these initiatives on behalf of our children. I am extremely enthusiastic about the programs I have mentioned and hope the positive benefits of programs such as this can be extended to the entire Nation.

ARLINGTON, VIRGINIA DMV DEMONSTRATES IMPORTANCE OF THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM

Mr. LOTT. Mr. President, I rise to thank the Virginia Department of Motor Vehicles (DMV) and the American Association of Motor Vehicle Administrators for hosting a demonstration of the National Motor Vehicle Title Information System (NMVTIS) today in Arlington, Virginia.

Staff representing Senators from both sides of the aisle were shown how the national titling information system will allow participating states to track a motor vehicle from essentially birth to death. NMVTIS will let DMVs and consumers know where a vehicle was previously titled and which, if any, brands have been associated with the vehicle. It will also let law enforcement know if a vehicle being registered or titled is stolen. Again, this is crucial disclosure information for states, car buyers, and police forces across the country.

It is a system that is consistent with advances in technology. One that allows states to share information over the wire. NMVTIS makes a great deal of sense as state governments move to paperless systems and greater use of the Internet to share information with their citizenry.

Mr. President, Congress directed the establishment of NMVTIS as part of the Anti-Car Theft Act of 1992. In part, to curtail motor vehicle theft, but also to allow states to share ''real time'' up-to-date vehicle information.

It is clear though, that the effectiveness of a national titling information system depends on maximum state participation. Congress knew this when it authorized incentive grants to encourage states to use the system. A minimum of $300,000 is available to a state to offset its implementation costs.

Virginia, often a technology leader, embraced NMVTIS early and agreed to be the first state to pilot test the system. It will have the system online at all DMVs this June. Indiana, Massachusetts, Florida, and Arizona are also in the process of implementing NMVTIS. Kentucky and New Hampshire are not far behind. Both states submitted formal grant applications to the Department of Justice which oversees NMVTIS. Additionally, a number of states have also sent letters of interest and are hopeful to obtain startup funding this year. These include: Alabama, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Louisiana, Maryland, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Tennessee, Texas, and West Virginia.

It is expected that 21 states will be full partners in the national titling system by 2000 and that all states will choose to participate in the system by 2003.

Mr. President, I congratulate Virginia and the other participating states for leading the way. NMVTIS is one significant tool that will be used to combat title fraud and vehicle theft. With NMVTIS, and appropriate and workable uniform salvage vehicle titling definitions and standards, consumers across the country will have the kind of disclosure detail they need to make informed purchase decisions.

Somewhere down the road, consumers will be able to conduct vehicle queries and get ''real time'' vehicle history information from their home computers.

Mr. President, the 106th Congress does not need to put roadblocks in the way. My colleagues must reject any proposal that would jeopardize full nationwide implementation of this much needed system. Instead, this Congress must do everything it can to maintain the vitality of NMVTIS. For America's motorists, for car purchasers, and for all 50 states.

Mr. President, I ask unanimous consent to have printed in the RECORD an

AAMVA news release and other background information on NMVTIS.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, May 14, 1999.

SALVAGE LEGISLATION KILLS TITLE WASHING RIDS ROAD OF UNSAFE VEHICLES

ARLINGTON, VA.—Senate staffers tomorrow at 10:30 a.m., get a first hand, real-time look at what could signal the end of automobile title theft and help rid our highways of unsafe vehicles.

At the Virginia Department of Motor Vehicles (DMV), 4150 South Four Mile Run Drive, Arlington, Virginia, members of the Committee on Commerce, Science, and Transportation will peek at the technology serving as the backbone for Senator Lott's S. 655.

This bill encourages the standardization of title laws combating the fraudulent resale of damaged and stolen vehicles. Under Lott's bill, federal incentives would be provided to those states enacting uniform state title branding laws. An opposing bill circulating through committee doesn't provide the federal incentives and increases the paper trail with salvaged vehicles.

''We support S. 655 and the standardization of title laws to combat fraud,'' said Kenneth M. Beam, president, American Association of Motor Vehicle Administrators (AAMVA). ''Ridding our highways of unsafe vehicles and eliminating 'title washing' is of eminent importance to highway safety.''

The Anti-Car Theft Act of 1992 required the U.S. Department of Transportation (DOT) to implement a National Motor Vehicle Title Information System (NMVTIS pronounced min-veet-us). The American Association of Motor Vehicle Administrators (AAMVA) undertook the responsibility of assisting states in complying with the new legislation. And in 1996, Congress mandated responsibility of the system to the U.S. Department of Justice (DOJ).

Currently five states are online with NMVTIS including; Virginia, Indiana, Massachusetts, Florida and Arizona. Lott's bill will reinforce the effort to implement NMVTIS nationwide.

PUBLIC RELATIONS OFFICE,
DEPARTMENT OF MOTOR VEHICLES,
Richmond, VA, May 14, 1999.

NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS)

INTRODUCTION

NMVTIS is required by the Anti Car Theft Act of 1992, which was enacted to deter trafficking of stolen vehicles by strengthening law enforcement, combating automobile title fraud, preventing ''chop shop'' related thefts, and inspecting exports for stolen vehicles. Approximately $800,000 was appropriated to the National Highway Transportation Safety Administration (NHTSA) to develop a prototype system for a national clearinghouse of vehicle title information. The idea is to have a central file which, when polled, would tell a state where the vehicle is currently titled and verify the validity before a new title is issued. NHTSA allocated the funds to the American Association of Motor Vehicle Administrators (AAMVA) for AAMVAnet, the AAMVA non-profit entity that manages the network, to coordinate the project and to run a pilot of the program. Virginia developed a system design for the pilot program and was the first state to place all NMVTIS transactions into production. The other states participating in the pilot are Arizona, Florida, Indiana, Kentucky, Massachusetts, and New Hampshire.

AAMVA has contracted with the Polk Company to provide the Central File Operator (CFO) services for Manufacturer's Statement of Origin (MSO), VIN and State of Title (SOT) information. They have also contracted with NICB-Facta to provide similar services for the Brand and Theft files (to advise the inquiring state of any reported thefts and any brands on the vehicle). Also, Congress provided an additional $1,000,000 for the project to the Department of Justice, Federal Bureau of Investigation (FBI) and moved the project responsibility from NHTSA to the FBI.

This online, real-time system currently includes vehicle information from both pilot and non-pilot states. Non-repairable and salvage vehicle information from junkyards, salvage yards, and insurance carriers is also included. Manufacturers also enter Manufacturer's Certificate of Origin (MCO) information into the system.

The following types of data are exchanged between states, private sector service providers (i.e. salvage yards), and users:

Title
Registration
Brand
Theft
Detailed vehicle information

Vehicle information is also provided to:

Other states
Federal, state, and local law enforcement
Insurance carriers
Prospective purchasers

States use the system to determine:

Validity and status of a Manufacturers Certificate of Origin (MCO)
Validity and status of a title document
Current State of Title (SOT)
Title and registration history
If a vehicle is non-repairable, salvage, or otherwise branded
A vehicle's last recorded odometer reading
If a vehicle has been reported stolen
Detailed vehicle data from manufacturer and/or SOT

States update the system when:

A vehicle has been titled from an MCO or issued from an MCO in error
A vehicle has been re-titled from another state or re-titled from another state in error
Title data has changed
A title record has been deleted from a state's files
A vehicle has been registered or registered in error
A brand has been recorded on a title or has been recorded in error

The system notifies the states when another state has:

Titled a vehicle or titled a vehicle in error
Registered a vehicle or registered a vehicle in error

Examples of vehicle information maintained on NMVTIS are:

VIN
Make
Year
Model
Body type
Color
GVW (Gross Vehicle Weight)

The following information is not included in NMVTIS:

An individual's Social Security Number (SSN) or address
Non-electronic updates of brand data from junk yards, salvage yard, or insurance carriers
Pointers to the State of Registration (SOR)
Any guarantee that brand history is complete at the time of inquiry (Junkyards, salvage yards, and insurance carriers report monthly.)

The following vehicles (based on body type) are currently excluded from NMVTIS:

All trailers
Mopeds
Motor bikes
Manufactured homes
Equipment

NMVTIS will benefit states by allowing for:

A framework to promote uniformity in titling procedures among U.S. jurisdictions.

Titling jurisdictions to verify the vehicle and title information, obtain information on all brands ever applied to a vehicle, and obtain information on whether the vehicle has been reported stolen, prior to issuing a title.

The VIN to be checked against a national pointer file, which provides the last jurisdiction that issued a title on a vehicle and requests detail of the vehicle from the jurisdiction.

Law enforcement to create lists of vehicles, by junkyard, salvage yard, or insurance carrier that are reported as junk or salvage. The Act requires junkyard, salvage yards, and insurance carriers to report monthly to NMVTIS on all junk and salvage vehicles obtained. Law enforcement's inquiries to NMVTIS will further assist its investigations of vehicle theft and fraud.

Manufacturers to dramatically reduce the use of paper Manufacturer's Certificate of Origin. NMVTIS will incorporate the functionality of the AAMV Anet Paperless MCO application, which allows jurisdictions to inquire on an electronic MCO file for data necessary to create the vehicle's first title. The manufacturers reduce their use of the paper MCO, and the jurisdictions build their initial title records from the electronic data created by manufacturers, which will significantly reduce data entry errors.

The consumer, through a Prospective Purchaser Inquiry (PPI), to have access to any current or former title brands that relate to the value and condition of a particular vehicle. This allows consumers to make better-informed decisions on whether to buy a vehicle and at what purchase price.

NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM

EXECUTIVE SUMMARY

Background: Anti Car Theft Act of 1992

The Anti Car Theft Act of 1992 (the Act) was enacted to deter trafficking in stolen vehicles by strengthening law enforcement against auto theft (Title I), combating automobile title fraud (Title II), preventing ''chop shop'' related thefts (Title III), and inspecting exports for stolen vehicles (Title IV). Title II of the Act required the Department of Transportation (DOT) to implement a National Motor Vehicle Title Information System (NMVTIS).

Title II intent

The intent of Title II is to make it as difficult as possible for automobile thieves to obtain legitimate vehicle ownership documentation. Also, consumers will have ready access to vehicle information.

System capabilities

NMVTIS will allow jurisdictions to verify the validity of titles prior to issuing new titles. This will inhibit title fraud and auto theft by making it harder to title stolen vehicles. Law enforcement officials will be provided access to junk yard and salvage yard information, allowing them to identify illegal activities. The consumer will have access to the latest odometer reading and any current or former title brands that relate to the value and condition of a particular vehicle. This allows consumers to make better-informed decisions on whether to buy a vehicle and at what purchase price.

Authorized users of NMVTIS

The Act specifies that the information within NMVTIS shall be available to jurisdictions; federal, state and local law enforcement officials; insurance carriers and other prospective purchasers (e.g., individuals, auction companies, and used car dealers).

The NMVTIS pilot

AAMVA has developed a pilot NMVTIS. The design of the system was selected by the U.S. jurisdictions as one that posed the least burden on the states for creating, maintaining, and operating a system for the exchange of vehicle titling and brand data. The purpose of the pilot is to confirm the feasibility and benefits of the system's technical design and operational procedures. The pilot will allow for a fine-tuning of the technical and procedural issues prior to the national rollout of NMVTIS.

Pilot participants are Kentucky, Massachusetts, Indiana, Virginia, Florida, and Arizona.

The Anti Car Theft Improvements Act

To implement the National Motor Vehicle Title Information System (NMVTIS) nationwide (i.e., post-pilot), the states need Congressional authorization of funds for grants. The Anti Car Theft Improvements Act of 1996 was signed into law on July 2, 1996. It amends the Anti Car Theft Act of 1992 to:

authorize funding for states' development of NMVTIS,

remove the cap previously placed on state grant funding,

give the Department of Justice the responsibility for the information system, and

move the date of implementation of NMVTIS to December 1997.

Data available

Data supported by this system and available to its users include:

registration and title data,

brand history data,

detailed vehicle data.

Benefits of the system

NMVTIS will allow for:

Titling jurisdictions to verify the vehicle and title information, obtain information on all brands ever applied to a vehicle, and obtain information on whether the vehicle has been reported stolen. This information can be received prior to issuing a title, which allows the title jurisdiction to verify the data before creating the title.

The VIN is checked against a national pointer file, which provides the last jurisdiction that issued a title on a vehicle and requests details of the vehicle from that jurisdiction. The details include the latest odometer reading for the vehicle. This verification of title, brand, theft, and odometer data will allow for a reduction in the issuance of fraudulent titles and a reduction in odometer fraud. Once the inquiring jurisdiction receives the information, it can decide whether to issue a title; if so, NMVTIS notifies the last titling jurisdiction that another jurisdiction has issued a title. The old jurisdiction can then inactivate its title record. This will allow jurisdictions to identify and purge inactive titles on a regular basis.

Law enforcement to create lists of vehicles, by junk yard, salvage yard, or insurance carrier, that are reported as junk or salvage. The Act requires junk yards, salvage yards, and insurance carriers to report monthly to NMVTIS on all junk and salvage vehicles obtained. Law enforcement's inquiries will allow it to use NMVTIS to further its investigations of vehicle theft and fraud.

Manufacturers to dramatically reduce the use of paper Manufacturer's Certificate of Origin. NMVTIS will incorporate the functionality of the AAMVAnet Paperless MCO application, which allows jurisdictions to inquire on an electronic MCO file for data necessary to create the vehicle's first title. The manufacturers reduce their use of the paper MCO, and the jurisdictions build their initial title records from the electronic data created by the manufacturers, which will significantly reduce data entry errors.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 13, 1999, the federal debt stood at $5,579,720,008,674.59 (Five trillion, five hundred seventy-nine billion, seven hundred twenty million, eight thousand, six hundred seventy-four dollars and fifty-nine cents).

One year ago, May 13, 1998, the federal debt stood at $5,492,157,000,000 (Five trillion, four hundred ninety-two billion, one hundred fifty-seven million).

Five years ago, May 13, 1994, the federal debt stood at $4,579,502,000,000 (Four trillion, five hundred seventy-nine billion, five hundred two million).

Twenty-five years ago, May 13, 1974, the federal debt stood at $469,298,000,000 (Four hundred sixty-nine billion, two hundred ninety-eight million) which reflects a debt increase of more than $5 trillion—$5,110,422,008,674.59 (Five trillion, one hundred ten billion, four hundred twenty-two million, eight thousand, six hundred seventy-four dollars and fifty-nine cents) during the past 25 years.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Mr. AKAKA. Mr. President, last night, the Senator from Alaska and I introduced the Commonwealth of the Northern Mariana Islands Covenant Implementation Act, legislation to end immigration abuses in a U.S. territory know as the CNMI. This is a bipartisan reform bill, and the changes we propose were supported by the Clinton Administration during the 105th Congress.

I commend my colleague from Alaska, Senator MURKOWSKI, for his leadership on CNMI reform. He traveled more than 10,000 miles to get a first-hand understanding of this issue. Our bill responds to the profound problems that we witnessed while visiting the CNMI.

The Commonwealth of the Northern Mariana Islands is a group of islands located in the far western Pacific. Following World War II, the United States administered the islands under a U.N. Trusteeship.

In 1975, the people of the CNMI voted for political union with the United States. Today, the CNMI is a U.S. territory.

A 1976 covenant enacted by Congress gave U.S. citizenship to CNMI residents. The covenant also exempted the Commonwealth from U.S. immigration law. This exemption led to the immigration abuses that our bill will correct.

I don't represent the CNMI, but the Commonwealth is in Hawaii's backyard. I speak as a friend and neighbor when I say that conditions in the CNMI must change. The CNMI system of indentured immigrant labor is morally wrong, and violates basic democratic principles.

The CNMI shares the American flag, but it does not share our immigration system. When the Commonwealth became a territory of the United States, we allowed them to write their own immigration laws. After twenty years of experience, we know that the CNMI immigration experiment has failed.

Conditions in the CNMI prompt the question whether the United States should operate a unified system of immigration, or whether a U.S. territory should be allowed to establish laws in conflict with national immigration policy.

Common sense tells us that a unified system is the only answer. If Puerto Rico, or Hawaii, or Arizona, or Oklahoma could write their own immigration laws—and give work visas to foreigners—our national immigration system would be in chaos.

America is one country. We need a uniform immigration system, rather than one system for the 50 states and another system for one of our territories.

There is a mountain of evidence proving just how bad the CNMI situation has become. Let me cite a few examples:

Twenty years ago, the CNMI had a population of 15,000 citizens and 2,000 alien workers. Today, the citizen population has increased to 28,000. Yet the alien worker population has mushroomed to 42,000—a 2000 percent increase. Three to four thousand of these alien workers are illegal aliens.

The Immigration and Naturalization Service reports that the CNMI has no reliable records of aliens who have entered the Commonwealth, how long they remain, and when, if ever, they depart. A CNMI official testified that they have ''no effective control'' over immigration in their island.

The bipartisan Commission on Immigration studied immigration and indentured labor in the CNMI. The Commission called it ''antithetical to American values,'' and announced that no democratic society has an immigration policy like the CNMI. ''The closest equivalent is Kuwait,'' the Commission found.

The Department of Commerce found that the territory has become ''a Chinese province'' for garment production. The CNMI garment industry employs 15,000 Chinese workers, some of whom sign contracts that forbid participation in religious or political activities while on U.S. soil. China is exporting their workers, and their human rights policies, to the CNMI.

The CNMI is becoming an international embarrassment to the United States. We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuses and the treatment of workers.

Despite efforts by the Reagan, Bush and Clinton Administrations to persuade the CNMI to correct these problems, the situation has only deteriorated.

My colleagues, the Senator from Alaska and I have been patient. After years of waiting, the time for patience has ended. Conditions in the CNMI are a looming political embarrassment to our country. I urge the Senate to respond by enacting the reform legislation we have introduced.

AGRICULTURAL BOND ENHANCEMENT ACT

Mr. GRASSLEY. Mr. President, yesterday, Senator CONRAD, and Representatives NUSSLE and BOSWELL helped me stand up for American agriculture.

Agriculture is capital intensive. As a family farmer myself, I know you can't put your love of the land to work if you don't have the resources to get started.

My colleagues and I introduced a bipartisan bicameral bill that will expand opportunities for beginning farmers who are in need of low interest loans for capital purchases of farmland and equipment. This legislation is called the ''Agricultural Bond Enhancement Act.''

Back in the early 1980s, I realize the federal government needed to do more to provide young farmers an opportunity to start farming. In 1981, I pushed for pilot projects to establish the Aggie Bond program. After temporarily reauthorizing the program many times I succeeded in making the Beginning Farmer Loan Program permanent in the 103rd Congress.

Current law permits state authorities to issue tax exempt bonds and to loan the proceeds from the sale of the bonds to beginning farmers and ranchers to finance the cost of acquiring land, buildings and equipment used in a farm or ranch operation. The tax-exempt nature of the Aggie Bonds provides a below-market interest rate on the loan made to the farmer or rancher.

The program has been very successful, especially in my home state of Iowa. Since the beginning of the program in 1981, more than 2,600 Iowans have taken advantage of this opportunity. Iowa's program has provided over $260 million in qualified beginning loans and the default rate has only been 1.5% of the total number of loans. I believe most ag lenders would agree those are very good numbers.

We have an opportunity to make the Beginning Farmer Loan Program even better. Currently, Aggie Bonds are subjected to a volume cap. That puts them in competition with industrial projects for bond allocation. This is the problem we would like to remedy.

Aggie Bonds share few similarities to Industrial Revenue Bonds and should not be subjected to the same volume cap. Insufficient funding due to the volume cap limits the effectiveness of this program.

The solution: amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap.

During the past three years the Iowa Agricultural Development Authority has consistently used all of the $24 million bond allocation it was allowed. Some beginning farmers had to sit idle until the next year to close their loan, or pay a higher interest rate if they closed their loan without the bond.

We cannot afford to stand by and allow the next generation of family farmers to lose out on an opportunity to start farming. The average age of America's family farmers continues to climb.

Deserving young farmers should not be forced to compete against industry for reduced interest loans.

The ''Agricultural Bond Enhancement Act'' will open the door to more young farmers and help cultivate the next crop of family farmers in the 21st century.

KOSOVO REFUGEE REGISTRATION

Mr. GRAMS. Mr. President, we are all horrified by the human suffering that we are seeing every day as ethnic Albanians are being forced to flee Kosovo. The scope of this tragedy is overwhelming. Many of the refugees have not only lost their homes and other material possessions—they have been separated from their families and stripped of their identities, as documents were stolen and destroyed. While NATO and the United Nations are trying to manage the refugee crisis, there have been glaring shortcomings in their capacity to help refugees to be reunited with loved ones.

I am pleased the United Nations High Commissioner for Refugees (UNHCR) is looking to the private sector for assistance, and that the private sector is generously contributing equipment, funds, and expertise to help ease this horrible situation. UNHCR currently does not have the technological capability to furnish a registration system which could log and issue identification papers to over 400,000 displaced Kosovars who have taken refuge in Albania. So Microsoft, Hewlett-Packard, Compaq, Securit World Ltd, and ScreenCheck B.V., have offered to provide a registration system that will facilitate the distribution of relief supplies and assist in the reunification of family members. Clearly, this effort will make a substantial difference in helping the refugees in Albania to rebuild their lives. While we automatically rely on government agencies to respond to such a crisis, it is encouraging to see companies step up to the plate and volunteer assistance they can provide faster and more efficiently than the public sector. This kind of private sector involvement should serve as an example for other companies to follow.

UNITED STATES EMBASSY IN ISRAEL

Mr. BROWNBACK. Mr. President, yesterday, Israel marked 32 years since Jerusalem was united under Israeli control in the 1967 Mideast war. I rise today to strongly urge the President of the United States not to employ the waiver provision in the Jerusalem Embassy Act of 1995, but rather to fulfill the intent of that law by moving our embassy in Israel from Tel Aviv to Israel's capital city, Jerusalem.

The United States has diplomatic relations with 184 countries around the world. With only one of those countries—Israel—do we neither recognize the country's designated capital nor have our embassy located in the designated capital. That is as incredible as it is unacceptable. It is not only that Israel is one of our closet and most important allies. Nor is it only the obvious principle that every country has the right to designate its own capital. It is also that there is no other capital city anywhere whose history is more intimately associated than is Jerusalem's with the nation of Israel.

Jerusalem is the only city on earth that is the capital of the same country, inhabited by the same people who speak the same language and worship the same God as they did 3,000 years ago. No other city on earth can make that claim. Three thousand years ago, David, King of Israel, made Jerusalem his capital city and brought the Ark of the Covenant into its gates. Ever since, Jerusalem has been the cultural, spiritual, and religious center of the Jewish people. Twenty-five hundred years ago an anonymous Jewish psalmist living in forced exile wrote the following words: ''By the rivers of Babylon, there we sat down and wept when we remembered Zion . . . If I forget the O Jerusalem, may my right hand lose its cunning; may my tongue cleave to the roof of my mouth if I do not remember thee, If I do not set Jerusalem above my chief joy.''

Jerusalem has been a capital city of an independent country only three times in its history, and all three were under Jewish sovereignty: under the four hundred year rule of the House of Davids, under the restored Jewish commonwealth following the period of Babylonian exile (586–536 BC), and now under the reborn State of Israel. Jerusalem has been the capital of no other independent state, nor of any other people. It has had a continuous Jewish presence for three thousand years, and for the last hundred and fifty years, Jews have been the largest single part of its population.

In 1947, The United Nations General Assembly passed the Partition Resolution for Palestine to partition what is today Israel, the West Bank, and Gaza into what was supposed to become a Jewish state and a Palestinian Arab state. In the resolution, Jerusalem was to have been an international city under UN auspices. The Jewish community of Palestine accepted the partition

proposal but the Arab community, along with the rest of the Arab world, refused. Instead, Arab armies invaded the nascent Jewish state intent on destroying it—a de facto rendering the Partition Resolution null and void.

Nevertheless, the United States established its embassy in Tel Aviv, where it sits to this day. But Jerusalem is Israel's capital: it is the seat of its government, its parliament, its supreme court. The President and Prime Minister reside there. Our ambassador travels daily from Tel Aviv to meetings with Israeli government officials in Jerusalem. All major political parties in Israel agree, moreover, that Jerusalem will remain Israel's undivided capital.

The United States Congress also agrees. Congress overwhelmingly passed legislation in 1995 that contained an official statement of US policy on Jerusalem: that it should remain united and be recognized as Israel's capital, and that our embassy should be located there by the end of May, 1999. If the embassy were not located in Jerusalem by that date, 50 percent of the State Department's budget for buildings and maintenance abroad would be withheld unless the President issued a national security waiver. That is the waiver which the President now considers issuing. I strongly believe that he should not do so, that instead he should do what is right by recognizing that Jerusalem is Israel's capital.

There are those who timidly argue that to do what is right will damage the peace process. How can that be possible? Is it not more harmful to fuel unrealizable expectations by pretending that Jerusalem is not Israel's capital or that it might someday be redivided? Would it not be better simply to finally do what we should have done fifty years ago by recognizing the only city that could ever be. Israel's capital, the one city that has always been Israel's capital, the eternal city of Jerusalem?

President Clinton stated when he was running for office on June 30, 1992 the following: ''Whatever the outcome of the negotiations, . . . Jerusalem is still the capital of Israel, and must remain an undivided city accessible to all.'' He was right then, and he has the chance to do right now.

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. BOND:

S. 1053. A bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999; to the Committee on Environment and Public Works.

By Ms. COLLINS:

S. 1054. A bill to amend the Internal Revenue Code of 1986 to enhance various tax incentives for education; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. AKAKA):

S. 1055. A bill to amend title 36, United States Code, to designate the day before Thanksgiving as ''National Day of Reconciliation''; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 1056. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for the Highway Trust Fund and to reduce the number of separate taxes deposited into the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. HATCH, Mr. CONRAD, Mr. NICKLES, Mr. KERREY, Mr. GRAMM, Mr. BRYAN, Mr. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. ROBB, Mr. COVERDELL, Mr. ROCKEFELLER, Mr. HELMS, Mr. TORRICELLI, and Mrs. HUTCHISON):

S. 1057. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 1053. A bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999; to the Committee on Environment and Public Works.

CLEAN AIR ACT AMENDMENTS

Mr. BOND. Mr. President, on March 2, 1999, the United States Court of Appeals for the District of Columbia issued its decision in the Environmental Defense Fund versus Environmental Protection Agency lawsuit whereby the EDF filed suit challenging several provisions of the EPA's air quality conformity rule. The court ruled in favor of the EDF.

This decision overturned a well-established EPA rule permitting previously approved transportation projects being ''grandfathered'' into transportation air quality conformity plans. The court decision eliminates any flexibility for local authorities to proceed with projects and protect them from disruptions caused by issues often beyond their control—including changes in federal regulations and standards. In addition, the court decision impacted use of submitted budgets, non-federal project flexibility, grace periods before SIP disapprovals, and SIP safety margins.

As of April 19, the Federal Highway Administration had identified ten areas in conformity lapse where transportation projects are impacted. The areas are: Ashland, Kentucky; Memphis, Tennessee; Raleigh, North Carolina; Winston-Salem, North Carolina; Atlanta, Georgia; Monterey, California; Santa Barbara, California; Knoxville, Tennessee; Paducah, Kentucky; and South Bend, Indiana.

Many people probably thought that would be the end of the list. To give another example of why this is such an important issue—one week ago today the United States Department of Transportation determined that the Kansas City metropolitan area's conformity plan had lapsed. The Kansas and Missouri Divisions of the Federal Highway Administration halted approval of transportation projects in the region. More and more areas could be faced with this situation.

If we do not address this issue, it could potentially bring to a halt transportation improvement projects around the country—further jeopardizing the safety of the traveling public, hindering economic growth, and in my opinion, doing nothing to improve the air quality situation in any of these areas.

Mr. President, I send a bill to the desk.

Mr. President, the only thing this legislation does is amend the Clean Air Act to reinstate those EPA rules which were struck down or remanded in the Environmental Defense Fund vs. Environmental Protection Agency lawsuit. No more. No less. This legislation has zero impact on the Clean Air Act of EPA's rules.

In 1997, in the EPA's information on the final conformity rule that incorporated the 1997 changes, EPA reported the following:

> The conformity rule changes promulgated today result from the experience that EPA, the Department of Transportation, and state and local air and transportation officials have had with implementation of the rule since it was first published in November of 1993. While these changes clarify the rule and in some cases offer increased flexibility, they will not result in any negative change in health and environmental benefits.

So the EPA got together with the stakeholders, issued a rulemaking, provided the public comment period, issued a final rule, practiced for several years, and defended the position in court. I want to take this position and codify it.

Mr. President—there will be some who will argue for more or less restrictive changes to the underlying conformity provision in the Clean Air Act. Should that discussion and debate occur? Yes. I might support some of those changes. However, we have an immediate situation where transportation projects around the country are or could be impacted by the court's ruling. States and metropolitan areas across the country are needing assistance with this issue. I urge my colleagues to cosponsor and support this common sense legislation that simply takes EPA's own regulations on conformity that the court overturned and puts them into law.

Mr. President, we must address the immediate situation and then continue the debate on conformity to address further needs.

By Ms. COLLINS:

S. 1054. A bill to amend the Internal Revenue Code of 1986 to enhance various tax incentives for education; to the Committee on Finance.

SAVINGS FOR SCHOLARS ACT

Ms. COLLINS. Mr. President, I rise today to introduce legislation, the Savings for Scholars Act, to help families

save for college expenses. This bill would make education IRAs and State tuition plans more effective vehicles for families to use in saving for postsecondary education. I want to thank Senator ROTH and his staff on the Finance Committee for working with me and my staff in drafting this legislation. In the 3 years that he has chaired the Finance Committee, Senator ROTH has been a true champion for all of us who place a tremendous value on educating our nation's children and young adults.

When Congress created the education IRA 2 years ago, we took an important first step in the direction of encouraging families to save for their children's education. But, the law contains a very significant limitation—families cannot contribute more than $500 a year to these accounts. This restriction makes it difficult for a family to accumulate savings sufficient to pay the cost of a college degree. Even if parents start saving from the time their child is born, an investment in an education IRA of $500 a year, assuming an average annual return of 8 percent, will only yield about $19,000 when that child begins higher education. Today, the average cost of 4 years of higher education is about $30,000 at a public institution and about $75,000 at a private school. In short, the current limits are not nearly high enough to finance even today's college costs, much less the cost 18 years from now.

Raising the maximum contribution to $2,000 will allow a family to accumulate at least as much as the current average cost of attending a private school. This is money that many middle-class families and their children otherwise would need to borrow; it is tens of thousands of dollars in student loans that would burden graduates with a mountain of debt. Most important, raising the education IRA contribution limit would make a 4-year college education more accessible and less of a financial challenge for middle-income families.

In addition to increasing the education IRA contribution limit, this bill would make a technical change to remove a confusing inconsistently between the education IRA and the traditional IRA. The last date on which a contribution to an education IRA can be made is December 31 of any year. Traditional IRAs may receive contributions until April 15 of the year following the tax year. This bill changes the deadline for contributions to education IRAs to coincide with that of the traditional IRA. This modest change would eliminate a source of confusion that might cause a family planning to contribute to a child's IRA to inadvertently miss the deadline.

The second part of my bill deals with qualified State tuition plans. These are tax-deferred plans, administered by the individual states, that allow families to prepay college tuition or to accumulate tax-deferred savings for postsecondary education expenses. My bill makes two changes in the requirements of these plans that should make them more flexible and useful to families. The first is to require that all qualified State tuition plans allow at least three rollovers without any change in beneficiary. This change would guarantee that participants in one state's plan can transfer their assets to another state's plan. The need for this could be the result of a family moving from one state to another or of a change in a child's education plans. My bill will give greater flexibility in the choice of postsecondary education institutions to the beneficiaries of these plans.

The bill also proposes one additional change to the qualified tuition programs—a change that will make the plans more attractive to families. Under current law, the assets of a plan can be rolled over to specified members of a beneficiary's family. This allows the plan's assets to be used by a sibling if the original beneficiary cannot or does not use the plan. However, the definition of a family member does not include first cousins. Thus, a parent of a single child could not transfer the benefits to a niece or nephew if his or her child did not use the plan. Perhaps more significantly, this change would make the qualified state tuition plan more desirable for grandparents. They could be assured that a plan established for the benefit of one grandchild could be transferred to any of their grandchildren.

The final part of this bill corrects an unfair consequence of the interaction between the HOPE tax credits and the education IRA. Currently, a taxpayer is prohibited from claiming the HOPE tax credit in any year in which a withdrawal from an education IRA is made—regardless of the total amount the taxpayer spends on education. This bill allows the HOPE tax credit to be claimed to the extent that the cost of education exceeds the amount withdrawn from the IRA. It does not allow a double benefit, but it does prevent one benefit—the IRA withdrawal—from canceling another benefit. It also eliminates a potential trap for the unwary taxpayer who may accidentally claim both benefits and, as a result, incur a penalty.

Mr. President, investing in education is the surest way for us to build our country's assets for the future. We need to ensure that postsecondary education is affordable and that graduates do not accumulate crippling debts while attending school. Adopting this bill will help us to accomplish both of these goals. I urge my colleagues to support these efforts.

By Mr. BROWNBACK (for himself and Mr. AKAKA):

S. 1055. A bill to amend title 36, United States Code, to designate the day before Thanksgiving as ''National Day of Reconciliation''; to the Committee on the Judiciary.

NATIONAL DAY OF RECONCILIATION LEGISLATION

Mr. BROWNBACK. Mr. President, today, I, along with Senator AKAKA, introduce the National Day of Reconciliation Bill. In this bill, the President will issue a yearly proclamation designating the day before Thanksgiving as a ''National Day of Reconciliation.'' On this day, it is our hope that every person in the U.S. should seek out those individuals who have been alienated and pursue forgiveness and reconciliation from them. Historically, Thanksgiving is a time when we put all of our differences aside and give thanks for all that we have achieved and shared. I cannot think of a better day in which to reconcile than the day before Thanksgiving.

When considering the need for this piece of legislation, I was reminded of times when our nation was at war with itself, and the very fabric of our Constitution was held together by a few threads. The Civil War placed our democracy and national sovereignty in great jeopardy. However, Abraham Lincoln, one of our nation's greatest leaders, knew the importance of ''binding'' our nation together after civil war had ravaged our nation. It was through his wisdom and ability to forgive that he helped heal our nation's wounds. Once again, there is the absence of peace in America.

We live in a society where there is too much alienation, from one another and from God. We, in too many cases, have allowed our focus to shift from one another to ourselves. Lincoln recognized the need to reconcile with one another. He also knew that reconciliation efforts would never be successful without looking first to the divine authority.

In his second Inaugural speech, Lincoln said, ''with malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds * * * to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.''

The Rev. Dr. Martin Luther King, Jr. was yet another one of our nation's great leaders who knew the importance of focusing on a higher moral power to achieve peaceful reconciliation. Dr. King, through wisdom and sacrificial love, reconciled an entire nation with individuals who, through discrimination, were alienated from sections of our society. Dr. King said, ''It is time for all people of conscience to call upon America to return to her true home of brotherhood and peaceful pursuits. * * * We must work unceasingly to lift this nation that we love to a higher destiny, to a new plateau of compassion, to a more noble expression of humaneness.'' Mr. President, we need to restore peace in our nation, we need to restore charity for one another, and we need to return our focus to a higher moral authority.

As we look at our culture today, we see images that influence not only our

actions but the actions of young people as well. Our culture glorifies conflict, greed, and violence. It is no wonder that we see atrocities that seem impossible to imagine. It is time for our country to reconcile, and the ''National Day of Reconciliation'' will remind us of this solemn obligation.

If Americans hope to ''bind up [our] nation's wounds,'' as Lincoln suggested, we must first make the commitment in the Congress. This bill makes that commitment by calling for a ''National Day of Recognition''—a day that recognizes the need to move from alienation to reconciliation. In a ''Letter From A Birmingham Jail,'' Dr. King expressed his hope for national reconciliation. I too hope ''that the dark clouds of [misconceptions] will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.'' I urge all of my colleagues to support this much needed measure and begin to foster reconciliation throughout our country in order for us to once again be ''one nation under God.''

By Mr. CHAFEE:

S. 1056. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for the Highway Trust Fund and to reduce the number of separate taxes deposited into the Highway Trust fund, and for other purposes; to the Committee on Finance.

HIGHWAY TAX EQUITY AND SIMPLIFICATION ACT OF 1999

Mr. CHAFEE. Mr. President, I am introducing today, the Highway Tax Equity and Simplification Act of 1999. This bill improves the equity among taxpayers paying into the Highway Trust Fund. Under current law, some users pay too much into the trust fund relative to the costs they impose on the nation's highway system, while other pay too little. This proposal more fairly apportions the tax burden to those who impose the greatest costs to our highway infrastructure.

In my statement today, I plan to briefly describe:

(1) Who pays too much and too little?

(2) Why the current tax structure fails?

(3) Why the current tax structure can't be just tinkered with and therefore needs radical change?

(4) A description of the plan I am introducing today.

Who pays too much and who pays too little?

If we look at the U.S. Department of Transportation's (DOT) latest cost allocation study of the highway system, it is clear that the current system does not fairly apportion the relative burden of taxes paid compared to costs imposed. At this time, I will submit for the RECORD a table which summarizes the relative burden among users based on analysis provided by the U.S. Department of Transportation.

As this table shows, some users are paying 150 percent of their share while some of the heaviest trucks are paying as low as 40 percent of their share. This is simply unfair and needs to be changed.

Another way to look at the unfairness of the current situation is to look at the per vehicle subsidies for heavy trucks that the U.S. DOT provided in their latest report to the Congress. In determining these subsidies, DOT simply subtracted what these vehicles should have paid in taxes, based on the costs they impose, from the amount of taxes they do pay. These subsidies are thousands of dollars per vehicle annually, with several above $5,000 per vehicle. At the end of my statement, I would like to enter into the RECORD a table showing a few examples of the subsidies summarized in the DOT report.

One of the reasons that the current tax structure fails so miserably at properly allocated costs is because neither the Congress nor the U.S. DOT has looked seriously at this issue for a very long time. The last significant cost allocation study was completed in 1982, more than 17 years ago. Without up-to-date analysis, it has been virtually impossible for the Congress to address this significant problem. I want to commend Secretary Slater for taking the initiative to have his Department provide an up-to-date analysis to the Congress. It is my understanding that DOT plans on keeping its analytical capability current regarding cost allocation so that the Congress doesn't have to wait every 17 years to address this issue.

Lack of good information is one of the reasons we have this unfair situation. The other reason deals more directly with basic engineering concepts. Highway pavement wear and tear imposed by a vehicle is related to two primary factors: how much you drive on the road and the weight of the vehicle.

Now, why is the weight of a vehicle so important?

It is important because pavement damage increases dramatically (actually exponentially) with weight. At this time, I will submit for the record information which shows the relationship between weight and pavement damage.

This chart shows that on a rural Interstate Highway, a single 100,000 pound standard tractor-trailer wears the equivalent of more than 1,700 automobiles. But, that truck certainly does not pay 1,700 times the amount of taxes.

On a rural arterial road, not built to Interstate standards, this dynamic is even worse, wearing the equivalent of 3,500 cars.

The problem with the current tax system is that it does not attempt to recover from trucks the dramatic pavement damage costs that are incurred as the weight of these vehicles increases. Until we address this fundamental principle, we will not have an equitable tax system.

Now, let's briefly look at each of the current taxes and how well they contribute to tax equity.

Excise Tax—Under current law, we impose a 12 percent excise tax on the purchase of new trucks. This tax raises more than $2 billion annually. However, it has no relationship to either road usage or pavement damage and therefore does not contribute to tax equity.

Tire Tax—the exist tax imposed on tires is moderately helpful for improving tax equity because it varies by miles driven and, to some extend by weight. However, it raises a relatively small amount of money (about $400 million per year or less than 5 percent of truck taxes) and therefore has a small effect on cost allocation.

Diesel Tax—currently, diesel fuel is taxed at 24 cents per gallon. Although diesel taxes paid do vary by mileage, diesel taxes do a poor job of recovering pavement damage related to the weight of the vehicle. When the weight of a truck is increased, fuel use increases only marginally. However, the pavement damage imposed by that same vehicle goes up exponentially. Increasing diesel tax rates does not resolve this fundamental problem and actually exacerbates the unfairness of the current system. I would submit for the RECORD information which illustrates the problem.

Heavy Vehicle Use Tax—this tax sounds like it might be the right place to address concerns related to weight, but it also falls well short of the mark. Even the name is deceiving. First, this tax does not vary by use. A truck that travels 10,000 miles annually and another that travels 100,000 miles pay the same tax. Secondly, although the name implies it applies to Heavy Vehicles, this tax is capped at 75,000 pounds, the point at which pavement damage goes up dramatically. I will also submit information which compares pavement damage and the Heavy Vehicle Use tax.

In summary, our review of the current taxes led me to conclude that they do a poor job of aligning taxes paid with road damage. In other words, they just can't get the job done. We need a new mechanism.

The bill I introduce today eliminates 3 of the separate taxes and replaces them with a straightforward tax that more fairly distributes the tax burden among highway users.

Specifically, the bill eliminates the tire tax, the 12 percent excise tax on new trucks, and the Heavy Vehicle Use Tax. It also eliminates the so-called ''diesel differential,'' the additional 6 cents per gallon imposed on diesel fuel compared to gasoline, which is taxed at 18.33 cents per gallon.

To replace the lost revenue from these repeals and tax reductions, and to improve the equity of the truck taxes paid, the bill establishes a new user fee, an axle-weight distance tax. This new tax varies based on the truck's axle-weight loads and the distance traveled, the exact same concepts that affect pavement damage.

The bill collects the same amount of tax revenue from trucks overall as current law, about $11 billion annually.

Overall, there are more winners than losers under this bill. The vast majority of trucks—more than 5.9 million—will see a tax reduction. This compares to roughly 1.5 million who will see an increase.

The bill also reduces double taxation on toll roads by allowing a credit against the axle-weight distance tax for travel on a toll facility such as the Oklahoma or Florida Turnpikes.

This new axle-weight tax has long been recognized in the transportation community as the best way to tax trucks. As an example, the American Association of State Highway Transportation Officials, the association representing State Transportation Departments, policy resolution on this matter finds:

. . . truck taxes based upon a combination of the weight of vehicles and the distance they travel more equitably distribute financing responsibility proportional to costs imposed on the system than other tax alternatives.

In fact, AASHTO policy calls for substituting a weight-distance tax for the heavy vehicle use tax and all other federal user fees on trucks except for a federal fuel tax—a perfect description of the proposal we are introducing today.

Now, I would like to briefly touch upon a few areas where I expect opponents of this effort may focus.

Some may argue that this is an anti-truck proposal and will impose new costs on consumers. My response to this assertion is that overall truck taxes are held constant and most of the trucking industry benefits from this proposal. Unfortunately, this benefit is at the expense of the portion of the industry that is doing damage to our nation's roadways without paying for it, and they will probably fight hard to keep their undeserved subsidies. The trick for the rest of the industry and for all roadway users is to recognize that virtually all of these arguments are attempts to distract us from the real issue—should heavy trucks pay their fair share?

Heavy truck operators will try to argue about all sorts of ancillary items to distracts us from this fundamental issue. They will argue about tax evasion, administrative burden, additional record keeping and the like. Anything but the core issue of whether these trucks should pay their fair share.

As the Congress considers, this issue, I hope we can remain focused on this fundamental question and not be distracted by arguments that are not intended to squash efforts to address the unfair system we have today.

I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of the bill, a summary of the legislation, and the materials previously cited be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1056

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 ''Highway Tax Equity and Simplification Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Congress should enact legislation to correct the distribution of the tax burden among the various classes of persons using the Federal-aid highways, or otherwise deriving benefits from such highways;

(2) the most recent highway cost allocation study by the Department of Transportation found that owners of heavy trucks significantly underpay Federal highway user fees relative to the costs such vehicles impose on such highways, while owners of lighter trucks and cars overpay such fees;

(3) pavement wear and tear is directly correlated with axle-weight loads and distance traveled, and to the maximum extent possible, Federal highway user fees should be structured based on this fundamental fact of use and resulting cost;

(4) the current Federal highway user fee structure is not based on this fundamental fact of use and resulting cost; to the contrary—

(A) the 12-percent excise tax applied to the sales of new trucks has no significant relationship to pavement damage or road use and does the poorest job of improving tax equity,

(B) the heavy vehicle use tax does not equitably apply to heavy trucks (such tax is capped with respect to trucks weighing over 75,000 pounds) and does not vary by annual mileage, thus 2 heavy trucks traveling 10,000 miles and 100,000 miles, respectively, pay the same heavy vehicle use tax, and

(C) diesel fuel taxes do a poor job recovering pavement costs because such taxes only increase marginally with weight increases while pavement damage increases exponentially with weight, and increasing the rates for diesel fuel will not resolve this fundamental flaw;

(5) truck taxes based on a combination of the weight of vehicles and the distance such trucks travel provide greater equity than a tax based on either of these 2 factors alone; and

(6) the States generally have in place mechanisms for verifying the registered weight of trucks and the miles such trucks travel.

(b) PURPOSES.—The purposes of this Act are—

(1) to replace the heavy vehicle use tax and all other Federal highway user charges (except fuel taxes) with a Federal weight-distance tax which is designed to yield at least equal revenues for highway purposes and to provide equity among highway users; and

(2) to provide that such a tax be administered in cooperation with the States.

SEC. 3. REPEAL AND REDUCTION OF CERTAIN HIGHWAY TRUST FUND TAXES.

(a) REPEAL OF HEAVY VEHICLE USE TAX.—Subchapter D of chapter 36 of the Internal Revenue Code of 1986 (relating to tax on use of certain vehicles) is repealed.

(b) REPEAL OF TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—Section 4051(c) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''October 1, 2005'' and inserting ''July 1, 2000''.

(c) REPEAL OF TAX ON TIRES.—Section 4071(d) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''October 1, 2005'' and inserting ''July 1, 2000''.

(d) REDUCTION OF TAX RATE ON DIESEL FUEL TO EQUAL RATE ON GASOLINE.—Section 4081(a)(2)((A)(iii) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking ''24.3 cents'' and inserting ''18.3 cents''.

(e) CONFORMING AMENDMENTS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 (relating to certain tax-free sales) is amended by striking ''October 1, 2005'' and inserting ''July 1, 2000''.

(2) Subchapter A of chapter 62 of such Code (relating to place and due date for payment of tax) is amended by striking section 6156.

(3) The table of sections for subchapter A of chapter 62 of such Code is amended by striking the item relating to section 6156.

(4) Section 9503(b)(1) of such Code (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively

SEC. 4. TAX ON USE OF CERTAIN VEHICLES BASED ON WEIGHT-DISTANCE RATE.

(a) IN GENERAL.—Chapter 36 of the Internal Revenue Code of 1986, as amended by section 3(a), is amended by adding at the end the following:

''Subchapter D—Tax on Use of Certain Vehicles

''Sec. 4481. Imposition of tax.

''Sec. 4482. Definitions.

''Sec. 4483. Exemptions.

''Sec. 4484. Cross references.

''SEC. 4481. IMPOSITION OF TAX.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—A tax is hereby imposed on the use of any highway motor vehicle (either in a single unit or combination configuration) which, together with the semitrailers and trailers customarily used in connection with highway vehicles of the same type as such highway motor vehicle, has a taxable gross weight of over 25,000 pounds at the rate of—

''(A) the cents per mile rate specified in the table contained in paragraph (2), or

''(B) in the case of a highway motor vehicle with a taxable gross weight in excess of the weight for the highest rate specified in such table for such vehicle, the cents per mile rate specified in paragraph (3).

''(2) RATE SPECIFIED IN TABLE.—The table contained in this paragraph is as follows:

Taxable Gross Weight in Thousands of Pounds	Cents Per Mile								
	2-axle single unit	3-axle single unit	4-axle+ single unit	3-axle combination	4-axle combination	5-axle combination	6-axle combination	7-axle combination	8-axle+ combination
Over 25 to 30	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Over 30 to 35	1.00	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Over 35 to 40	3.00	0.50	0.00	0.50	0.00	0.00	0.00	0.00	0.00

Taxable Gross Weight in Thousands of Pounds	Cents Per Mile								
	2-axle single unit	3-axle single unit	4-axle+ single unit	3-axle combination	4-axle combination	5-axle combination	6-axle combination	7-axle combination	8-axle+ combination
Over 40 to 45	5.00	1.50	0.50	1.00	0.00	0.00	0.00	0.00	0.00
Over 45 to 50	8.00	3.00	1.00	1.50	0.25	0.00	0.00	0.00	0.00
Over 50 to 55	12.00	6.00	2.00	2.50	0.50	0.25	0.00	0.00	0.00
Over 55 to 60	21.00	10.00	4.00	3.50	1.00	0.50	0.00	0.00	0.00
Over 60 to 65	30.00	17.00	7.00	5.00	2.50	1.00	0.25	0.00	0.00
Over 65 to 70	.....	25.00	10.00	7.50	4.00	2.00	0.50	0.00	0.00
Over 70 to 75	.....	33.00	14.00	11.00	5.50	3.00	1.25	0.00	0.00
Over 75 to 80	.....	41.00	19.00	17.00	7.50	3.75	2.00	0.00	0.00
Over 80 to 85	.....	50.00	24.00	25.00	13.00	7.00	4.00	0.50	0.00
Over 85 to 90	.....	.....	30.00	.....	19.00	11.00	6.00	1.00	0.00
Over 90 to 95	.....	.....	36.00	.....	25.00	15.00	8.50	1.50	0.25
Over 95 to 100	.....	.....	42.00	.....	.....	20.00	11.00	2.00	0.50
Over 100 to 105	.....	.....	50.00	.....	.....	25.00	14.00	3.50	1.00
Over 105 to 110	.....	.....	.....	.....	.....	30.00	17.00	5.00	2.00
Over 110 to 115	.....	.....	.....	.....	.....	35.00	20.00	7.00	3.00
Over 115 to 120	.....	.....	.....	.....	.....	.....	23.00	9.00	4.00
Over 120 to 125	.....	.....	.....	.....	.....	.....	26.00	11.00	6.00
Over 125 to 130	.....	.....	.....	.....	.....	.....	29.00	13.00	8.00
Over 130 to 135	.....	.....	.....	.....	.....	.....	32.00	15.00	10.00
Over 135 to 140	.....	.....	.....	.....	.....	.....	35.00	17.00	12.00
Over 140 to 145	.....	.....	.....	.....	.....	.....	.....	19.00	14.00
Over 145 to 150	.....	.....	.....	.....	.....	.....	.....	21.00	16.00

''(3) RATE SPECIFIED IN PARAGRAPH.—The cents per mile rate specified in this paragraph is as follows:

''(A) In the case of any single unit highway motor vehicle with 2 or more axles or any combination highway motor vehicle with 3 or 4 axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 10 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

''(B) In the case of any combination highway motor vehicle with 5 or 6 axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 5 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

''(C) In the case of any combination highway motor vehicle with 7 or more axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 2 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

''(b) DETERMINATION OF NUMBER OF AXLES.—For purposes of this section—

''(1) IN GENERAL.—The total number of axles with respect to any highway motor vehicle shall be determined without regard to any variable load suspension axle, except if such axle meets the requirements of paragraph (2).

''(2) ELIGIBILITY REQUIREMENTS.—The requirements of this paragraph are as follows:

''(A) All controls with respect to the variable load suspension axle are located outside of and inaccessible from the driver's compartment of the highway motor vehicle.

''(B) The gross axle weight rating of all such axles with respect to the highway motor vehicle shall conform to the greater of—

''(i) the expected loading of the suspension of such vehicle, or

''(ii) 9,000 pounds.

''(3) VARIABLE LOAD SUSPENSION AXLE DEFINED.—The term 'variable load suspension axle' means an axle upon which a load may be varied voluntarily while the highway motor vehicle is enroute, whether by air, hydraulic, mechanical, or any combination of such means.

''(4) TERMINATION OF EXCEPTION.—The exception under paragraph (1) shall not apply after June 30, 2004.

''(c) DETERMINATION OF MILES.—

''(1) USE OF CERTAIN TOLL FACILITIES EXCLUDED.—For purposes of this section, the number of miles any highway motor vehicle is used shall be determined without regard to the miles involved in the use of a facility described in paragraph (2).

''(2) TOLL FACILITY.—A facility is described in this paragraph if such facility is a highway, bridge, or tunnel, the use of which is subject to a toll.

''(d) BY WHOM PAID.—The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State or contiguous foreign country in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

''(e) TIME FOR PAYING TAX.—The time for paying the tax imposed by subsection (a) shall be the time prescribed by the Secretary by regulations.

''(f) PERIOD TAX IN EFFECT.—The tax imposed by this section shall apply only to use before October 1, 2005.

''SEC. 4482. DEFINITIONS.

''(a) HIGHWAY MOTOR VEHICLE.—For purposes of this subchapter, the term 'highway motor vehicle' means any motor vehicle which is a highway vehicle.

''(b) TAXABLE GROSS WEIGHT.—For purposes of this subchapter—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'taxable gross weight' means, when used with respect to any highway motor vehicle, the maximum weight at which the highway motor vehicle is legally authorized to operate under the laws of the State in which it is registered.

''(2) SPECIAL PERMITS.—If a State allows a highway motor vehicle to be operated for any period at a maximum weight which is greater than the weight determined under paragraph (1), its taxable gross weight for such period shall be such greater weight.

''(c) OTHER DEFINITIONS AND SPECIAL RULE.—For purposes of this subchapter—

''(1) STATE.—The term 'State' means a State and the District of Columbia.

''(2) USE.—The term 'use' means use in the United States on the public highways.

''SEC. 4483. EXEMPTIONS.

''(a) STATE AND LOCAL GOVERNMENT EXEMPTION.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any highway motor vehicle by any State or any political subdivision of a State.

''(b) EXEMPTION FOR UNITED STATES.—The Secretary may authorize exemption from the tax imposed by section 4481 as to the use by the United States of any particular highway motor vehicle, or class of highway motor vehicles, if the Secretary determines that the imposition of such tax with respect to such use will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

''(c) CERTAIN TRANSIT-TYPE BUSES.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any bus which is of the transit type (rather than of the intercity type) by a person who, for the last 3 months of the preceding year (or for such other period as the Secretary may by regulations prescribe for purposes of this subsection), met the 60-percent passenger fare revenue test set forth in section 6421(b)(2) (as in effect on the day before the day of the enactment of the Energy Tax Act of 1978) as applied to the period prescribed for the purposes of this subsection.

''(d) TERMINATION OF EXEMPTIONS.—Subsections (a) and (c) shall not apply on and after October 1, 2005.

''SEC. 4484. CROSS REFERENCES.

''(1) For penalties and administrative provisions applicable to this subchapter, see subtitle F.

''(2) For exemption for uses by Indian tribal governments (or their subdivisions), see section 7871.''

(b) ADMINISTRATION OF TAX.—To the maximum extent possible, the Secretary of the Treasury shall administer the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as added by this section)—

(1) in cooperation with the States and in coordination with State administrative and reporting mechanisms, and

(2) through the use of the International Registration Plan and the International Fuel Tax Agreement.

SEC. 5. COOPERATIVE TAX EVASION EFFORTS.

The Secretary of Transportation is authorized to use funds authorized for expenditure under section 143 of title 23, United States Code, and administrative funds deducted under 104(a) of such title 23, to develop automated data processing tools and other tools or processes to reduce evasion of the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as added by section 4(a)). These funds may be allocated to the Internal Revenue Service, States, or other entities.

SEC. 6. STUDY.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall conduct a study of—

(1) the tax equity of the various Federal taxes deposited into the Highway Trust Fund,

(2) any modifications to the tax rates specified in section 4481 of the Internal Revenue Code of 1986 (as added by section 4(a)) to improve tax equity, and

(3) the administration and enforcement under subsection (e) of the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as so added).

(b) REPORT.—Not later than July 1, 2002, and July 1 of every fourth year thereafter, the Secretary of Transportation shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under subsection (a) together with—

(1) recommended tax rate schedules developed under subsection (a)(2), and

(2) such recommendations as the Secretary may deem advisable to make the administration and enforcement described in subsection (a)(3) more equitable.

SEC. 7. EFFECTIVE DATE AND FLOOR STOCK REFUNDS.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect on July 1, 2000.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before July 1, 2000, tax has been imposed under section 4071 or 4081 of the Internal Revenue Code of 1986 on any article, and

(B) on such date such article is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such article had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefore is filed with the Secretary of the Treasury before January 1, 2001, and

(B) in any case where an article is held by a dealer (other than the taxpayer) on July 1, 2000—

(i) the dealer submits a request for refund or credit to the taxpayer before October 1, 2000, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR ARTICLES HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any article in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

HIGHWAY TAX EQUITY AND SIMPLIFICATION ACT (HTESA) OF 1999

BILL SUMMARY

The Highway Tax Equity and Simplification Act of 1999 is designed to improve the equity among taxpayers paying into the Highway Trust Fund. In doing so, it eliminates 3 of the separate taxes paid into the Highway Trust Fund and replaces them with a straightforward tax that more fairly distributes the tax burden among highway users.

TEA 21 restructured the Highway Trust Fund's budgetary treatment to ensure that transportation taxes would be spent for transportation purposes. Congress did not, however, take any steps to improve the allocation of transportation taxes among highway users. Under current law, some users pay too much into the trust fund relative to the costs they impose on the nation's highway system while others pay too little. This proposal more fairly apportions the tax burden to those who impose the greatest costs to our highway infrastructure.

SPECIFIC POINTS

Tax Simplification—3 Taxes Replaced with 1.

This bill eliminates three taxes (the 12% sales tax on new trucks, the tire tax, and the Heavy Vehicle Use Tax) and replaces it with a straightforward and fair axle-weight distance tax. The taxes that are eliminated are either poor surrogates for user impact or raise relatively small amounts of money and are duplicative of the new axle-weight distance tax.

Direct Correlation Between Taxes and Road Damage.

Pavement and bridge damage imposed by trucks is directly correlated to axle-weight loads and distance traveled. This bill recognizes this clear and direct relationship and imposes user fees based on this principle.

No Tax Increase for Trucks Overall.

The bill collects the same amount of tax revenue from trucks overall as current law. The U.S. Department of Transportation estimates that transportation taxes paid by trucks total $11 billion annually, the same as under the bill.

Overwhelming More Winner than Losers.

Under the bill, the vast majority of trucks—more than 5.9 million trucks—will see a tax reduction. This compares to roughly 1.5 million who will see an increase.

Eliminates ''Corporate Welfare'' for Heavy Trucks.

By reforming the Highway Trust Fund taxes, this legislation substantially reduces the subsidy provided to the heaviest trucks using our nation's roadways. Most heavy trucks pay less into the Highway Trust Fund than the costs they impose on roads. The heaviest trucks pay less than half of the costs of damage they inflict.

Eliminates Perverse Provisions in Current Law.

The Heavy Vehicle Use Tax (HVUT) under current law doesn't apply to ''heavy trucks''. The HVUT is capped at 75,000 pounds—meaning that ''heavy trucks'' don't pay any more in taxes as their weight increases even though the extra weight does exponentially more damage to the nation's roads and bridges.

Secondly, the HVUT has no mileage component meaning that a truck registered at 70,000 lbs traveling 10,000 miles per year pays the same HVUT tax as an identical 70,000 pound truck traveling 100,000 miles per year—not a fair or sensible result.

Administrative Burden.

Under the bill, taxes are paid according to the distance you traveled and your registered weight. The process is no more complicated than reading your odometer and your truck registration.

Current Mileage Filing Requirements for Interstate Carriers.

Under current law, all Interstate trucks are required to file with their ''base state'' mileage logs that report mileage driven in individual states. This existing requirement of the International Fuel Tax Agreement (IFTA) is more detailed than what is required for the axle-weight tax included in this bill, which only requires the aggregate total of all mileage driven.

Reduces Double Taxation on Toll Roads.

This bill reduces double taxation on toll roads by allowing a credit against the axle-weight distance tax for travel on a toll facility. (e.g., the Oklahoma Turnpike, the Pennsylvania Turnpike, Ohio Turnpike, Florida Turnpike, etc.).

Eliminates ''Diesel Differential''.

The bill also eliminates the so-called ''diesel differential'', where diesel is taxed at a higher rate than gasoline. Under this proposal, the diesel fuel tax is lowered from 24.3 cents to 18.3 cents, the same rate as gasoline.

Overall Tax Equity Still Short by $4 Billion Annually.

Proposal does not achieve perfect equity among all contributors to the Highway Trust Fund. Although the bill equalizes the relative tax burden among trucks, the trucking sector as a whole will still underpay its fair share of transportation taxes by $4 billion annually.

State Transportation Departments Support Weight-Distance Taxes.

The American Association of State Highway and Transportation Officials (AASHTO), the association representing State Transportation Departments, supports weight-distance taxes. AASHTO's policy resolution on this matter finds:

''Truck taxes based upon a combination of the weight of the vehicles and the distance they travel more equitably distribute financing responsibility proportional to costs imposed on the system than other tax alternatives.''

AASHTO policy call for substituting a weight-distance tax for the heavy vehicle use tax and all other federal user fees on trucks except for a federal fuel tax—(the HTESA proposal).

Cost allocation for cars and trucks

[Revenue to cost ratio—Current law]

Automobiles	1.0
Pickups/Vans	1.5
Single-unit trucks:	
<25,000 lbs	1.5
25,001–50,000 lbs	0.7
>50,000 lbs	0.4
Combination trucks:	
<50,000 lbs	1.5
50,000–70,000 lbs	1.0
70,001–75,000 lbs	0.9
75,001–80,000 lbs	0.8
80,001–100,000 lbs	0.5
>100,000 lbs	0.4

ANNUAL PER VEHICLE SUBSIDIES

[Comparing taxes paid to pavement costs imposed]

	5-axle semitrailer	6-axle semitrailer
Registered weight:		
90,000	−$3,864	−$2,188
100,000	−5,176	−4,985
110,000	−6,022	−7,746

PAVEMENT DAMAGE—CARS VS. TRUCKS

Underlying Principle—Pavement damage goes up dramatically with weight.

On a rural Interstate highway, a 100,000 lb standard tractor-trailer wears the equivalent of more than 1,700 cars.

On a rural arterial road, the same truck is equivalent to 3,500 cars.

DIESEL FUEL TAX

Diesel Tax meets one of the two guiding principles discussed earlier, because the amount paid by trucks varies by mileage.

However, because diesel fuel usage only rises marginally with weight increases, while pavement damage increases *exponentially*, it also is a poor mechanism to align costs and payments.

Increasing rates for diesel, as is sometimes advocated by the trucking industry in reaction to concerns about truck underpayment, will not resolve this fundamental flaw.

HEAVY VEHICLE USE TAX (HVUT)

HEAVY VEHICLE USE TAX DOESN'T LIVE UP TO ITS NAME

1. The HVUT is a poor surrogate for cost responsibility as shown by the widening gap between the red and blue lines to the right. HVUT taxes go up slightly with weight while pavement damage goes up dramatically.

2. Although the word use is in its name—this tax does not vary by use or mileage. A truck traveling 100,000 miles per year and another of the same weight traveling 10,000 per year will pay the same tax.

3. Although, the name implies it is targeted at heavy vehicles, it does not increase with truck weight. Incredibly, the tax is capped at 75,000 lbs, the point at which pavement damage goes up dramatically.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. HATCH, Mr. CONRAD, Mr. NICKLES, Mr. KERREY, Mr. GRAMM, Mr. BRYAN, Mr. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. ROBB, Mr. COVERDELL, Mr. ROCKEFELLER, Mr. HELMS, Mr. TORRICELLI, and Mrs. HUTCHISON):

S. 1057. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

REAL ESTATE INVESTMENT TRUST MODERNIZATION ACT OF 1999

Mr. MACK. Mr. President, today Senator BOB GRAHAM and I, along with 17 of our colleagues, are introducing legislation to modernize the tax rules that apply to real estate investment trusts (''REITs'').

This legislation is designed to remove barriers in the tax laws that impose unnecessary administrative burdens and make it more difficult for REITs to compete in an evolving marketplace. Our bill is similar to a proposal included in the President's Fiscal Year 2000 budget that permits REITs to establish a new type of subsidiary called a ''taxable REIT subsidiary'' (''TRS''). As with the President's proposal, the legislation we introduce today would permit REITs to establish a TRS to provide non-customary services to their tenants and to provide services to third parties. In return for these new rules, the TRS would be subject to a number of rules designed to prevent any income from being shifted out of the taxable subsidiary to the REIT.

Congress created REITs in 1960 to enable small investors to invest in real estate. The REIT provisions were modeled after the rules that applied to mutual funds. If a number of requirements are met, a corporation electing to be a REIT may deduct all dividends paid to its shareholders. One of the major requirements for REIT status is that REITs must distribute virtually all of their taxable income to their shareholders. Thus, unlike other C corporations that tend to retain most of their earnings, the income tax burden for REITs is shifted to the shareholder level. Unlike partnerships, REITs cannot pass losses through to their investors.

REITs are subject to a number of rules to ensure their primary focus is real estate activities. For example, at least 75% of a REIT's assets must be comprised of rental real estate, mortgages, cash items and government securities. A REIT also must satisfy two income tests. First, at least 75% of a REIT's annual gross income must consist of real property rents, mortgage interest, gain from the sale of a real estate asset and certain other real estate-related sources. Second, at least 95% of a REIT's annual gross income must be derived from the income items from the above 75% test plus other ''passive income'' sources such as dividends and any type of interest. In addition, a REIT cannot own more than 10% of the voting securities of a non-REIT corporation, and the securities of a single non-REIT corporation cannot be worth more than 5% of the REIT's assets.

Although REITs were created in 1960, they did not really become a significant part of the real estate marketplace until the 1990s—partly because the original legislation did not permit REITs to manage their own property. The Tax Reform Act of 1986 changed this, by permitting REITs to manage their own properties through the provision of ''customary services'' to tenants.

The market capitalization of REITs grew from about $13 billion at the end of 1991 to over $140 billion today. The taxes generated from REITs similarly have increased, with dividends from public REITs increasing from about $1 billion in 1991 to more than $8 billion today. While REITs remain a small portion of the entire real estate sector—in the range of 10% nationally—they account for as much as half of some sectors that require immense amounts of capital, such as shopping centers. While the REIT industry has come a long way in recent years, it continues to fulfill its original mission: permitting small investors access to attractive real estate investments. Almost 90% of REIT shareholders are individuals either investing directly or through mutual funds.

Although REITs have seen remarkable growth in the 1990s, their ability to meet new competitive pressures in the real estate sector is in question as a result of tax law limitations on their activities. These rules limit the ability of REITs to provide full services to their tenants and to third parties. In general, REITs may only provide services to their tenants which the IRS has determined to be ''customary'' in the business, meaning services already provided by the typical real estate company in the market. REITs may only provide real estate-related services to third parties through preferred stock subsidiaries which they can own but not control. REITs are thus prohibited from offering leading edge, full service options to their tenants and limited in the use of their expertise to serve third parties. This presents competitive problems for REITs as the real estate marketplace has evolved and property owners have sought to provide a range of services to their tenants and other customers.

As a result, REITs increasingly have been unable to compete with privately-held partnerships and other more exclusive forms of ownership. Today, the rules prevent REITs from offering the same types of customer services as their competitors, even as such services are becoming more central to marketing efforts. Examples abound: (1) offering concierge services to office and apartment tenants to pick up tickets or dry cleaning, to walk pets, etc.; (2) offering a branded credit card at shopping malls, with rebates to be used as store credits at stores in the mall; (3) high speed Internet hook-ups, including enhanced telecommunications services (e.g., creating and maintaining a website) offered by a landlord's partner; (4) partnering with an office supply provider to offer reduced prices on office supplies; and (5) pick-up and delivery services at self-storage rentals.

Without greater flexibility to provide competitive services to tenants and other customers, REITs will become less and less competitive with others in the real estate marketplace. REITs will have to wait for services to be deemed ''customary.'' As a practical matter, that means a REIT must wait until the IRS concludes that almost everybody else has been providing the service. If a REIT is forced to lag the market, it can be neither competitive nor provide its investors with a satisfactory return on their investment. Certainly, this is not consistent with what Congress intended when it created REITs, and when it modified the REIT rules over the years. In keeping with the Congressional mandate to provide a sensible and effective way for the average investor to benefit from ownership of income-producing real estate, REITs should be able to provide a range of services through taxable subsidiaries.

The Administration's proposed Fiscal Year 2000 Budget acknowledges this problem. The Administration proposes modernizing REIT rules to permit REITs, on a limited basis, to use taxable subsidiaries to provide the services necessary to compete in the evolving real estate marketplace. The Administration proposal is a good start, but I believe additional refinements would further promote competitiveness. The legislation that we are introducing today builds upon the Administration proposal. Our bill addresses the

appropriate needs of the REIT industry and its investors in a manner consistent with the underlying rationale for REITs and the requirements of the highly competitive, evolving real estate marketplace.

This legislation would give greater flexibility to REITs by permitting them to establish ''taxable REIT subsidiaries'' (''TRSs'') that could provide non-customary services to tenants and services to third parties. The 5% and 10% asset tests would not apply to the TRS. REITs would continue to be subject to the 75% asset tests so the value of their TRS, together with the value of other non-real estate assets, could not exceed 25% of the total value of a REIT's assets. In addition, the REIT would have to continue to satisfy the 95% and 75% income tests, with dividends or interest from a TRS to a REIT counting towards the 95% test, but not the 75% test. Accordingly, at least 75% of a REIT's gross income would continue to consist of rents, mortgage interest, real estate capital gains and the other miscellaneous real estate-related items already listed in the Code. The income a TRS would receive from both third parties and REIT tenants would be fully subject to corporate tax.

To ensure that a TRS could not inappropriately reduce its corporate tax liability by shifting income to the REIT, the bill includes a number of stringent rules that limit the relationship between the REIT and the TRS. To prevent the TRS from making excessive intra-party interest payments to its affiliated REIT, the proposal contains two safeguards. One, it would apply the current anti-earnings stripping provisions of Code section 163(j) to payments between a REIT and its TRS. This would prevent the TRS from deducting intra-party interest beyond a modest amount regulated by objective criteria in the Code. Two, a 100% excise tax would be imposed on any interest payments by a TRS to its affiliated REIT to the extent the interest rate was above a commercially-reasonable rate.

Also, to be certain that a TRS could not reduce its tax obligations by deducting rents to its affiliated REIT, our legislation would retain the current rules under which any payments to a REIT by a related party would not be considered qualified rents for purposes of the REIT gross income tests. The only exception would be when a TRS rents less than 10% of a REIT-owned property and pays rents to the REIT comparable to the rents the REIT charges to its unrelated tenants at the same property. Under this exception, any rents paid to the REIT that turn out to be above comparable rents would be subject to a 100% excise tax.

Under our bill, a 100% excise tax is also imposed on any rents a REIT charges its tenants that are inflated to disguise charges for services rendered to the tenant by its affiliated TRS. Limited exceptions would be made when: (1) the TRS charges the same amounts for its services to both REIT tenants and third parties; (2) rents for comparable space are the same regardless of whether the TRS provides a service to the tenant; and (3) the TRS recognizes income for its services at least equal to 150% of its direct costs of providing the service to an affiliated REIT's tenants.

To discourage a REIT from allocating its expenses to its TRS (which would reduce the TRS's corporate tax obligation), the proposal would impose a 100% excise tax on any improper cost allocations between a REIT and its TRS. The Treasury Department would issue guidance on proper ways to allocate such costs.

Finally, the bill proposes to eliminate the use of preferred stock subsidiaries by REITs. These subsidiaries, which have been established pursuant to IRS letter rulings since 1988, allow a REIT to provide services to third parties. While the asset test rules prevent a REIT from owning more than 10% of the voting securities of these subsidiaries, they typically own more than 95% of the value of the subsidiary. We propose to eliminate these subsidiaries by prohibiting REITs from owning more than 10% of the vote or the value in another corporation other than a TRS. REITs would be given three years to convert, tax-free, their preferred stock subsidiaries to taxable REIT subsidiaries.

In addition, the bill includes some miscellaneous changes to the REIT rules that were under consideration when Congress approved a REIT simplification package a few years ago. The first provision deals with health care property. Under current law, a REIT can conduct a trade or business using property acquired through foreclosure for 90 days after it acquired such property, if it makes a ''foreclosure property'' election. After this period, the REIT can only conduct the trade or business through an independent contractor from whom the REIT does not derive any income. A health care REIT faces special challenges in using these rules when its lease of a nursing home or other health care property expires.

To remedy these challenges and to ensure that care to patients remains uninterrupted, the proposal would make two technical changes to the REIT foreclosure rules. First, the foreclosure property rules would be extended to include leases that terminate (they already apply to leases that are breached). Second, for purposes of the foreclosure rules, a health care provider would not be disqualified as an independent contractor solely because the REIT receives rental income from the provider with respect to one or more other properties. For this purpose, other rules would be made to ensure that the terms of leases of other properties could not be manipulated to circumvent this rule.

Another provision deals with the 95% distribution rule. From 1960 through 1980, REITs and mutual funds shared a requirement to distribute at least 90% of their taxable income. Since 1980, REITs have had to distribute 95% of their taxable income. The proposal would restore the 90% distribution requirement.

Mr. President, I believe this is a major improvement in the REIT rules that preserves the original intent of Congress when it first created REITs in 1960, while permitting the industry to adapt to a changing marketplace. Most importantly, these REIT modernization rules would not expand the activities that can be conducted within the REIT, they simply give the REIT greater flexibility to establish fully-taxable subsidiaries that will enable the REIT to better serve its customers.

This legislation is supported by the American Resort Development Association, the International Council of Shopping Centers, the National Apartment Association, the National Association of Real Estate Investment Trusts, the American Seniors Housing Association, the Mortgage Bankers Association of America, the National Association of Industrial and Office Properties, the National Association of Realtors, the National Multi Housing Council, and the National Realty Committee.

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. 1057

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Real Estate Investment Trust Modernization Act of 1999''.

(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.

TITLE I—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES

SEC. 101. MODIFICATIONS TO ASSET DIVERSIFICATION TEST.

Subparagraph (B) of section 856(c)(4) is amended to read as follows:

''(B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)), and

''(ii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

''(I) not more than 5 percent of the value of its total assets is represented by securities of any 1 issuer,

''(II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any 1 issuer, and

''(III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any 1 issuer.''

SEC. 102. TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.

(a) INCOME FROM TAXABLE REIT SUBSIDIARIES NOT TREATED AS IMPERMISSIBLE TENANT SERVICE INCOME.—Clause (i) of section 856(d)(7)(C) (relating to exceptions to impermissible tenant service income) is amended by inserting ''or through a taxable REIT subsidiary of such trust'' after ''income''.

(b) CERTAIN INCOME FROM TAXABLE REIT SUBSIDIARIES NOT EXCLUDED FROM RENTS FROM REAL PROPERTY.—

(1) IN GENERAL.—Subsection (d) of section 856 (relating to rents from real property defined) is amended by adding at the end the following new paragraphs:

''(8) SPECIAL RULE FOR TAXABLE REIT SUBSIDIARIES.—For purposes of this subsection, amounts paid to a real estate investment trust by a taxable REIT subsidiary of such trust shall not be excluded from rents from real property by reason of paragraph (2)(B) if the requirements of subparagraph (A) or (B) are met.

''(A) LIMITED RENTAL EXCEPTION.—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in section 856(d)(2)(B). The preceding sentence shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents made by the other tenants of the trust's property for comparable space.

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.

''(9) ELIGIBLE INDEPENDENT CONTRACTOR.—For purposes of paragraph (8)(B)—

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility, any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate the facility, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility by reason of any of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of the facility pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such facility, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as on the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility.

''(C) RENEWALS, ETC., OF EXISTING LEASES.—For purposes of subparagraph (B)(iii)—

''(i) a lease shall be treated as in effect on January 1, 1999, without regard to its renewal after such date, so long as such renewal is pursuant to the terms of such lease as in effect on whichever of the dates under subparagraph (B)(iii) is the latest, and

''(ii) a lease of a property entered into after whichever of the dates under subparagraph (B)(iii) is the latest shall be treated as in effect on such date if—

''(I) on such date, a lease of such property from the trust was in effect, and

''(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

''(D) QUALIFIED LODGING FACILITY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified lodging facility' means any lodging facility unless wagering activities are conducted at or in connection with such facility by any person who is engaged in the business of accepting wagers and who is legally authorized to engage in such business at or in connection with such facility.

''(ii) LODGING FACILITY.—The term 'lodging facility' means a hotel, motel, or other establishment more than one-half of the dwelling units in which are used on a transient basis.

''(iii) CUSTOMARY AMENITIES AND FACILITIES.—The term 'lodging facility' includes customary amenities and facilities operated as part of, or associated with, the lodging facility so long as such amenities and facilities are customary for other properties of a comparable size and class owned by other owners unrelated to such real estate investment trust.

''(E) OPERATE INCLUDES MANAGE.—References in this paragraph to operating a property shall be treated as including a reference to managing the property.

''(F) RELATED PERSON.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.''.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 856(d)(2) is amended by inserting ''except as provided in paragraph (8),'' after ''(B)''.

SEC. 103. TAXABLE REIT SUBSIDIARY.

(a) IN GENERAL.—Section 856 is amended by adding at the end the following new subsection:

''(l) TAXABLE REIT SUBSIDIARY.—For purposes of this part—

''(1) IN GENERAL.—The term 'taxable REIT subsidiary' means, with respect to a real estate investment trust, a corporation (other than a real estate investment trust) if—

''(A) such trust directly or indirectly owns stock in such corporation, and

''(B) such trust and such corporation jointly elect that such corporation shall be treated as a taxable REIT subsidiary of such trust for purposes of this part.

Such an election, once made, shall be irrevocable unless both such trust and corporation consent to its revocation. Such election, and any revocation thereof, may be made without the consent of the Secretary.

''(2) 35 PERCENT OWNERSHIP IN ANOTHER TAXABLE REIT SUBSIDIARY.—The term 'taxable REIT subsidiary' includes, with respect to any real estate investment trust, any corporation (other than a real estate investment trust) with respect to which a taxable REIT subsidiary of such trust owns directly or indirectly—

''(A) securities possessing more than 35 percent of the total voting power of the outstanding securities of such corporation, or

''(B) securities having a value of more than 35 percent of the total value of the outstanding securities of such corporation.

The preceding sentence shall not apply to a qualified REIT subsidiary (as defined in subsection (i)(2)).

''(3) EXCEPTIONS.—The term 'taxable REIT subsidiary' shall not include—

''(A) any corporation which directly or indirectly operates or manages a lodging facility or a health care facility, and

''(B) any corporation which directly or indirectly provides to any other person (under a franchise, license, or otherwise) rights to any brand name under which any lodging facility or health care facility is operated.

Subparagraph (B) shall not apply to rights provided to an eligible independent contractor to operate or manage a lodging facility if such rights are held by such corporation as a franchisee, licensee, or in a similar capacity and such lodging facility is either owned by such corporation or is leased to such corporation from the real estate investment trust.

''(4) DEFINITIONS.—For purposes of paragraph (3)—

''(A) LODGING FACILITY.—The term 'lodging facility' has the meaning given to such term by paragraph (9)(D)(ii).

''(B) HEALTH CARE FACILITY.—The term 'health care facility' has the meaning given to such term by subsection (e)(6)(D)(ii).''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 856(i) is amended by adding at the end the following new sentence: ''Such term shall not include a taxable REIT subsidiary.''

SEC. 104. LIMITATION ON EARNINGS STRIPPING.

Paragraph (3) of section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) any interest paid or accrued (directly or indirectly) by a taxable REIT subsidiary (as defined in section 856(l)) of a real estate investment trust to such trust.''.

SEC. 105. 100 PERCENT TAX ON IMPROPERLY ALLOCATED AMOUNTS.

(a) IN GENERAL.—Subsection (b) of section 857 (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

''(7) INCOME FROM REDETERMINED RENTS, REDETERMINED DEDUCTIONS, AND EXCESS INTEREST.—

''(A) IMPOSITION OF TAX.—There is hereby imposed for each taxable year of the real estate investment trust a tax equal to 100 percent of redetermined rents, redetermined deductions, and excess interest.

''(B) REDETERMINED RENTS.—

''(i) IN GENERAL.—The term 'redetermined rents' means rents from real property (as defined in subsection 856(d)) the amount of which would (but for subparagraph (E)) be reduced on distribution, apportionment, or allocation under section 482 to clearly reflect income as a result of services furnished or rendered by a taxable REIT subsidiary of the real estate investment trust to a tenant of such trust.

''(ii) EXCEPTION FOR CERTAIN SERVICES.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust for services described in paragraph (1)(B) or (7)(C)(i) of section 856(d).

''(iii) EXCEPTION FOR DE MINIMIS AMOUNTS.—Clause (i) shall not apply to amounts described in section 856(d)(7)(A) with respect to

a property to the extent such amounts do not exceed the one percent threshold described in section 856(d)(7)(B) with respect to such property.

''(iv) EXCEPTION FOR COMPARABLY PRICED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

''(I) such subsidiary renders a significant amount of similar services to persons other than such trust and tenants of such trust who are unrelated (within the meaning of section 856(d)(8)(F)) to such subsidiary, trust, and tenants, but

''(II) only to the extent the charge for such service so rendered is substantially comparable to the charge for the similar services rendered to persons referred to in subclause (I).

''(v) EXCEPTION FOR CERTAIN SEPARATELY CHARGED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

''(I) the rents paid to the trust by tenants (leasing at least 25 percent of the net leasable space in the trust's property) who are not receiving such service from such subsidiary are substantially comparable to the rents paid by tenants leasing comparable space who are receiving such service from such subsidiary, and

''(II) the charge for such service from such subsidiary is separately stated.

''(vi) EXCEPTION FOR CERTAIN SERVICES BASED ON SUBSIDIARY'S INCOME FROM THE SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if the gross income of such subsidiary from such service is not less than 150 percent of such subsidiary's direct cost in furnishing or rendering the service.

''(vii) EXCEPTIONS GRANTED BY SECRETARY.—The Secretary may waive the tax otherwise imposed by subparagraph (A) if the trust establishes to the satisfaction of the Secretary that rents charged to tenants were established on an arms' length basis even though a taxable REIT subsidiary of the trust provided services to such tenants.

''(viii) NO INFERENCE WITH RESPECT TO RENTS NOT WITHIN EXCEPTIONS.—In determining whether rents are subject to reduction upon distribution, apportionment, or allocation under section 482 for purposes of subparagraph (B), the fact that rents from real property do not meet the requirements of clauses (ii) through (vii) shall not be taken into account; and such determination, in the case of rents not meeting such requirements, shall be made as if such clauses had not been enacted.

''(ix) NO INFERENCE AS TO WHETHER REDETERMINED RENT IS RENT FROM REAL PROPERTY.—Rent received by a real estate investment trust shall not fail to qualify as rents from real property under section 856(d) by reason of the fact that all or any portion of such rent is determined to be redetermined rent.

''(C) REDETERMINED DEDUCTIONS.—The term 'redetermined deductions' means deductions (other than redetermined rents) of a taxable REIT subsidiary of a real estate investment trust if the amount of such deductions would (but for subparagraph (E)) be increased on distribution, apportionment, or allocation under section 482 to clearly reflect income as between such subsidiary and such trust.

''(D) EXCESS INTEREST.—The term 'excess interest' means any deductions for interest payments by a taxable REIT subsidiary of a real estate investment trust to such trust to the extent that the interest payments are in excess of a rate that is commercially reasonable.

''(E) COORDINATION WITH SECTION 482.—The imposition of tax under subparagraph (A) shall be in lieu of any distribution, apportionment, or allocation under section 482.

''(F) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph. Until the Secretary prescribes such regulations, real estate investment trusts and their taxable REIT subsidiaries may base their allocations on any reasonable method.''.

(b) AMOUNT SUBJECT TO TAX NOT REQUIRED TO BE DISTRIBUTED.—Subparagraph (E) of section 857(b)(2) (relating to real estate investment trust taxable income) is amended by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (7)''.

SEC. 106. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall apply to taxable years beginning after the date of enactment of this Act.

(b) TRANSITIONAL RULES RELATED TO SECTION 101.—

(1) EXISTING ARRANGEMENTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by section 101 shall not apply to a real estate investment trust with respect to—

(i) securities of a corporation held directly or indirectly by such trust on April 28, 1999,

(ii) securities received by such trust (or a successor) in exchange for, or with respect to, securities described in clause (i) in a transaction in which gain or loss is not recognized, and

(iii) securities acquired directly or indirectly by such trust as part of a reorganization (as defined in section 368(a)(1) of the Internal Revenue Code of 1986) with respect to such trust if such securities are described in clause (i) or (ii) with respect to any other real estate investment trust.

(B) NEW TRADE OR BUSINESS OR SUBSTANTIAL NEW ASSETS.—Subparagraph (A) shall cease to apply to securities of a corporation as of the first day after April 28, 1999, on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than—

(i) pursuant to a binding contract in effect on such date and at all times thereafter before the acquisition of such asset,

(ii) in a transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Internal Revenue Code of 1986, or

(iii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(2) TAX-FREE CONVERSION.—If—

(A) at the time of an election for a corporation to become a taxable REIT subsidiary, the amendment made by section 101 does not apply to such corporation by reason of paragraph (1), and

(B) such election first takes effect during the 3-year period beginning on the date of the enactment of this Act,

such election shall be treated as a reorganization qualifying under section 368(a)(1)(A) of such Code.

TITLE II—HEALTH CARE REITS

SEC. 201. HEALTH CARE REITS.

(a) SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.—Subsection (e) of section 856 (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

''(A) ACQUISITION AT EXPIRATION OF LEASE.—The term 'foreclosure property' shall include any qualified health care property acquired by a real estate investment trust as the result of the termination of a lease of such property (other than a termination by reason of a default, or the imminence of a default, on the lease).

''(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

''(i) the qualified health care property shall cease to be foreclosure property as of the close of the second taxable year after the taxable year in which such trust acquired such property, and

''(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust's interest in such qualified health care property, the Secretary may grant 1 or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the close of the 6th year after the taxable year in which such trust acquired such qualified health care property.

''(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property by reason of subparagraph (A) or paragraph (1), income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

''(i) any lease of property in effect on the date the real estate investment trust acquired the qualified health care property (without regard to its renewal after such date so long as such renewal is pursuant to the terms of such lease as in effect on such date), or

''(ii) any lease of property entered into after such date if—

''(I) on such date, a lease of such property from the trust was in effect, and

''(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

''(D) QUALIFIED HEALTH CARE PROPERTY.—

''(i) IN GENERAL.—The term 'qualified health care property' means any real property (including interests therein), and any personal property incident to such real property, which—

''(I) is a health care facility, or

''(II) is necessary or incidental to the use of a health care facility.

''(ii) HEALTH CARE FACILITY.—For purposes of clause (i), the term 'health care facility' means a hospital, nursing facility, assisted living facility, congregate care facility, qualified continuing care facility (as defined in section 7872(g)(4)), or other licensed facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the medicare program under title XVIII of the Social Security Act with respect to such facility.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

TITLE III—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

SEC. 301. CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.

(a) DISTRIBUTION REQUIREMENT.—Clauses (i) and (ii) of section 857(a)(1)(A) (relating to requirements applicable to real estate investment trusts) are each amended by striking

''95 percent (90 percent for taxable years beginning before January 1, 1980)'' and inserting ''90 percent''.

(b) IMPOSITION OF TAX.—Clause (i) of section 857(b)(5)(A) (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking ''95 percent (90 percent in the case of taxable years beginning before January 1, 1980)'' and inserting ''90 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

TITLE IV—CLARIFICATION OF DEFINITION OF INDEPENDENT CONTRACTOR

SEC. 401. CLARIFICATION OF DEFINITION OF INDEPENDENT CONTRACTOR.

(a) IN GENERAL.—Paragraph (3) of section 856(d) (relating to independent contractor defined) is amended by adding at the end the following flush sentence:

''In the event that any class of stock of either the real estate investment trust or such person is regularly traded on an established securities market, only persons who own, directly or indirectly, more than 5 percent of such class of stock shall be taken into account as owning any of the stock of such class for purposes of applying the 35 percent limitation set forth in subparagraph (B) (but all of the outstanding stock of such class shall be considered outstanding in order to compute the denominator for purpose of determining the applicable percentage of ownership).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE V—MODIFICATION OF EARNINGS AND PROFITS RULES

SEC. 501. MODIFICATION OF EARNINGS AND PROFITS RULES.

(a) RULES FOR DETERMINING WHETHER REGULATED INVESTMENT COMPANY HAS EARNINGS AND PROFITS FROM NON-RIC YEAR.—Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

''(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

''(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from the earliest earnings and profits accumulated in any taxable year to which the provisions of this part did not apply rather than the most recently accumulated earnings and profits, and

''(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(D) and section 855.''.

(b) CLARIFICATION OF APPLICATION OF REIT SPILLOVER DIVIDEND RULES TO DISTRIBUTIONS TO MEET QUALIFICATION REQUIREMENT.—Subparagraph (B) of section 857(d)(3) is amended by inserting before the period ''and section 858''.

(c) APPLICATION OF DEFICIENCY DIVIDEND PROCEDURES.—Paragraph (1) of section 852(e) is amended by adding at the end the following new sentence: ''If the determination under subparagraph (A) is solely as a result of the failure to meet the requirements of subsection (a)(2), the preceding sentence shall also apply for purposes of applying subsection (a)(2) to the non-RIC year.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, I am pleased to join my colleague, Senator MACK, in the introduction of the REIT Modernization Act, legislation that would modernize the tax rules that apply to real estate investment trusts (''REITs'').

REITs were created in 1960 to give small investors the ability to invest in income producing real estate. But it was not until the early part of this decade that REITs emerged as a significant factor in real estate finance. Their repid growth then contributed in a major way to the development of real estate markets. The real estate industry is experiencing change today as owners seek to maximize returns by taking greater advantage of their employee expertise and tenant base. This bill will better enable REITS to expand their services to tenants and customers.

The Administration's Fiscal Year 2000 budget includes a proposal to change the rules governing REITs. The legislation that we are introducing today is largely based on that proposal. It would permit REITs to establish taxable subsidiaries to offer services that a REIT cannot offer directly to tenants and third parties. Stringent rules are included to ensure that the subsidiary would be fully subject to taxation. Current rules designed to ensure that REIT income is primarily earned from real estate activities would continue to apply. The bill also modifies the tratment of health care facilities to ensure that patients' lives are not disrupted in the event of an expired lease, and restores the 90% distribution rule that had previously applied to REITs.

REITs play a positive role in the real estate economy that has helped to stabilize property values and provide liquidity to the market. As long as the basic limitations on REIT activities are preserved, those tax rules which impose restraints on REIT activities must be modified. In my own state of Florida, REITs have invested more than $13 billion in the Florida economy, and are an important source of investment capital that has reinvigorated real estate markets.

I want to thank Senator MACK for his leadership on this issue and I welcome the bipartisan support this measure has received from members of the Senate Finance Committee, along with others, who have joined as cosponsors of the bill. I look forward to working with them in the months ahead.

Mr. MOYNIHAN. Mr. President: I commend the efforts of my respected colleagues from Florida, Senator MACK and Senator GRAHAM, as they work to modernize the tax rules that apply to Real Estate Investment Trusts (REITs). I have worked with the REIT industry over the years and have seen it grow to be a major contributor to the strength of the real estate sector in New York and nationally.

Congress first authorized REITs in 1960 so that investors of modest means could invest in income producing real estate assets. During the last four decades, REITs have provided not only real estate ownership opportunities for individual investors, but also an important source of capital for real estate investment.

As tax policy makers we have the responsibility to make sure that tax laws governing REITs are updated to reflect the realities of a dynamic market and to maintain a proper competitive balance between real estate owned through the REIT structure and through more traditional corporate and partnership structures. But because REITs are pass-through entities, we also have a responsibility to ensure that they are not used as vehicles for sheltering corporate taxes in a manner inconsistent with Congressional intent. In fact, twice in the last Congress the Finance Committee crafted legislation, later signed into law, to stop inappropriate use of the REIT structure in the case of so-called ''stapled entities'' and liquidating subsidiaries.

The Administration has included a proposal in its FY 2000 budget that would, among other things, allow REITs to own a taxable REIT subsidiary. The legislation introduced by Senators MACK and GRAHAM builds on the Administration proposal, and would expand the permissible business activities of REITs.

The approach taken in the proposals advanced by the Administration and by Senators MACK and GRAHAM warrant consideration. I have asked my staff to review the legislation and work with the authors of the bill. It is my hope that Congress can enact REIT modernization legislation this year.

ADDITIONAL COSPONSORS

S. 201

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 201, a bill to amend the Family and Medical Leave Act of 1993 to apply the Act to a greater percentage of the United States workforce, and for other purposes.

S. 247

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Utah (Mr. HATCH), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 459

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

(Mr. BUNNING) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 487

At the request of Mr. GRAMS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 512

At the request of Mr. GORTON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 577

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Kansas (Mr. BROWNBACK) 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. 763

At the request of Mr. THURMOND, the name of the Senator from Maine (Ms. COLLINS) 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. 879

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 1017

At the request of Mr. MACK, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1034

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 22

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Joint Resolution 22, a joint resolution to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

ALLARD (AND OTHERS) AMENDMENT NO. 351

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. CRAIG, Mr. HELMS, and Mr. ENZI) submitted an amendment intended to be proposed by them 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:

At the appropriate place in the bill, insert the following:

SEC. . CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

KOHL (AND OTHERS) AMENDMENT NO. 352

Mr. KOHL (for himself, Mr. HATCH, and Mr. CHAFEE) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place in the bill, in Title ___, General Provisions, insert the following new sections:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe Handgun Storage & Child Handgun Safety Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(a) To promote the safe storage and use of handguns by consumers.

(b) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one the circumstances provided for in the Youth Handgun Safety Act.

(c) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 3. FIREARMS SAFETY.

(a) UNLAWFUL ACTS—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

''(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

''(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

''(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

''(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

''(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), provided that the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.''.

''(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

''(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in

any federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person describe din subparagraph (A0 for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

''(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

''(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

''A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

''(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this Act shall be construed to—

(A) create a cause of action against any federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this Act shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 4. 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 FEINSTEIN) AMENDMENT NO. 353

Mr. HATCH (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 254, supra; as follows:

On page 47, strike line 4 and all that follows through page 48, line 9, and insert the following:

SEC. 204. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking ''5'' and inserting ''3'';

(B) by inserting '', whether formal or informal'' after ''or more persons''; and

(C) in subparagraph (A), by inserting ''or activities'' after ''purposes'';

(2) in subsection (b), by inserting after ''10 years'' the following: ''and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)'';

(3) in subsection (c)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

''(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

''(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

''(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

''(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46'' and inserting ''section 521, chapter 46,''.

On page 51, line 12, strike ''25 percent'' and insert ''40 percent''.

On page 51, line 10, strike ''75 percent'' and insert ''60 percent''.

On page 54, after line 16, add the following:

SEC. 207. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term ''criminal street gang'' has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 204 of this Act.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 208. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

''§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

''(a) PROHIBITED CONDUCT AND PENALTIES.—

''(1) IN GENERAL.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(i) distribute the proceeds of any unlawful activity; or

''(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

''(2) CRIMES OF VIOLENCE.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

''(b) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

''(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

''(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States;

''(C) the use of bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

''(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.''.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States

Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term ''unlawful activity'' has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code (as added by section 207 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 209. PROHIBITIONS RELATING TO FIREARMS.

(a) SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in clause (i) or (ii);''.

(b) TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.—Section 924(h) of title 18, United States Code, is amended by inserting ''and if the transferee is a person who is under 18 years of age, imprisoned not less than 3 years,'' after ''10 years,''.

SEC. 210. CLONE PAGERS.

(a) IN GENERAL.—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

''(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or'';

(b) EXCEPTION.—Section 3121 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).'';

(2) in subsection (b), by striking ''a pen register or a trap and trace device'' and inserting ''a pen register, trap and trace device, or clone pager''; and

(3) by striking the section heading and inserting the following:

''§ 3121. General prohibition on pen register, trap and trace device, and clone pager use; exception''.

(c) ASSISTANCE.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following:

''(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title.''; and

(3) by striking the section heading and inserting the following:

''§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager''.

(d) EMERGENCY INSTALLATIONS.—Section 3125 of title 18, United States Code, is amended—

(1) by striking ''pen register or a trap and trace device'' and ''pen register or trap and trace device'' each place they appear and inserting ''pen register, trap and trace device, or clone pager'';

(2) in subsection (a), by striking ''an order approving the installation or use is issued in accordance with section 3123 of this title'' and inserting ''an application is made for an order approving the installation or use in accordance with section 3122 or section 3128 of this title'';

(3) in subsection (b), by adding at the end the following: ''If such application for the use of a clone pager is denied, or in any other case in which the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e) of this title.''; and

(4) by striking the section heading and inserting the following:

''§ 3125. Emergency installation and use of pen register, trap and trace device, and clone pager''.

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) by striking ''pen register orders and orders for trap and trace devices'' and inserting ''orders for pen registers, trap and trace devices, and clone pagers''; and

(2) by striking the section heading and inserting the following:

''§ 3126. Reports concerning pen registers, trap and trace devices, and clone pagers''.

(f) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end; and

(B) by striking subparagraph (B) and inserting the following:

''(B) with respect to an application for the use of a pen register or trap and trace device, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

''(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) the term 'clone pager' means a numeric display device that receives communications intended for another numeric display paging device.''.

(g) APPLICATIONS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

''§ 3128. Application for an order for use of a clone pager

''(a) APPLICATION.—

''(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

''(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

''(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

''(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation;

''(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

''(3) a description of the numeric display paging device to be cloned;

''(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

''(5) the identity, if known, of the person who is subject of the criminal investigation; and

''(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, establishing probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

''§ 3129. Issuance of an order for use of a clone pager

''(a) IN GENERAL.—Upon an application made under section 3128 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

''(b) CONTENTS OF AN ORDER.—An order issued under this section—

''(1) shall specify—

''(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

''(B) the numeric display paging device to be cloned;

''(C) the identity, if known, of the subscriber to the pager service; and

''(D) the offense to which the information likely to be obtained by the clone pager relates; and

''(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.

''(c) TIME PERIOD AND EXTENSIONS.—

''(1) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins use of the clone pager under the order or the tenth day after the order is entered.

''(2) EXTENSIONS.—Extensions of an order issued under this section may be granted, but only upon an application for an order under section 3128 of this title and upon the judicial finding required by subsection (a). An extension under this paragraph shall be for a period not to exceed 30 days.

''(3) REPORT.—Within a reasonable time after the termination of the period of a clone

pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court the number of numeric pager messages acquired through the use of the clone pager during such period.

''(d) NONDISCLOSURE OF EXISTENCE OF CLONE PAGER.—An order authorizing the use of a clone pager shall direct that—

''(1) the order shall be sealed until otherwise ordered by the court; and

''(2) the person who has been ordered by the court to provide assistance to the applicant may not disclose the existence of the clone pager or the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.

''(e) NOTIFICATION.—

''(1) IN GENERAL.—Within a reasonable time, not later than 90 days after the date of termination of the period of a clone pager order or any extensions thereof, the issuing judge shall cause to be served, on the individual or individuals using the numeric display paging device that was cloned, an inventory including notice of—

''(A) the fact of the entry of the order or the application;

''(B) the date of the entry and the period of clone pager use authorized, or the denial of the application; and

''(C) whether or not information was obtained through the use of the clone pager.

''(2) POSTPONEMENT.—Upon an ex-parte showing of good cause, a court of competent jurisdiction may in its discretion postpone the serving of the notice required by this subsection.''.

(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by striking the item relating to section 3121 and inserting the following:

''3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.'';

(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:

''3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

''3125. Emergency installation and use of pen register, trap and trace device, and clone pager.

''3126. Reports concerning pen registers, trap and trace devices, and clone pagers.''; and

(3) by adding at the end the following:

''3128. Application for an order for use of a clone pager.

''3129. Issuance of an order for use of a clone pager''.

(i) CONFORMING AMENDMENT.—Section 704(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking ''chapter 119,'' and inserting ''chapters 119 and 206 of''.

Add the following at the end:

SEC. 402. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

''(1) DEFINITIONS.—In this subsection:

''(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

''(B) The term 'explosive' has the same meaning as in section 844(j).

''(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

(2) by striking the period at the end and inserting ''; and'';

(3) by adding at the end the following:

''(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(4) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (p)''.

Subtitle C—James Guelff Body Armor Act

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''James Guelff Body Armor Act of 1999''.

SEC. 442. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 443. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 444. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 445. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921 of title 18, United States Code, is amended by adding at the end the following:

''(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.''.

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Prohibition on purchase, ownership, or possession of body armor by violent felons

''(a) IN GENERAL.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

''(1) a crime of violence (as defined in section 16); or

''(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

''(b) AFFIRMATIVE DEFENSE.—

''(1) IN GENERAL.—It shall be an affirmative defense under this section that—

''(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

''(B) the use and possession by the defendant were limited to the course of such performance.

''(2) EMPLOYER.—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Prohibition on purchase, ownership, or possession of body armor by violent felons.''.

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.''.

SEC. 446. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) DEFINITIONS.—In this section, the terms ''Federal agency'' and ''surplus property'' have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

SEC. 447. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 448. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place it appears and inserting ''this subpart''; and

(3) by adding at the end the following:

''Subpart B—Grant Program For Bullet Resistant Equipment

''SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

''SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

''(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(5) the term 'law enforcement officer' means any officer, agent, or employee of a

State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

''In this subpart—

''(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

''(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.''.

(c) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the item relating to the part heading of part Y and inserting the following:

''PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

''SUBPART A—GRANT PROGRAM FOR ARMOR VESTS''; AND

(2) by adding at the end of the matter relating to part Y the following:

''SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

''2511. Program authorized.
''2512. Applications.
''2513. Definitions.

''SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

''2521. Program authorized.
''2522. Applications.
''2523. Definitions.''.

SEC. 449. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 450. TECHNOLOGY DEVELOPMENT.

Section 202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

''(1) IN GENERAL.—The Institute is authorized to—

''(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

''(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

''(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

''(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.''.

SEC. 451. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the portion''; and

(2) by adding at the end the following:

''(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

Subtitle D—Animal Enterprise Terrorism and Ecoterrorism

SEC. 461. ENHANCEMENT OF PENALTIES FOR ANIMAL ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A), by striking ''under this title'' and inserting ''consistent with this title or double the amount of damages, whichever is greater,''; and

(B) by striking ''one year'' and inserting ''five years''; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.''; and

(C) in paragraph (3), as so redesignated, by striking ''under this title and'' and all that follows through the period and inserting ''under this title, imprisoned for life or for any term of years, or sentenced to death.''.

SEC. 462. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) IN GENERAL.—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any commercial activity because of the perceived impact or effect of such commercial activity on the environment; or

(3) committed against or directed at any person because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) CLEARINGHOUSE.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) SCOPE OF INFORMATION.—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) DESIGN OF CLEARINGHOUSE.—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) PUBLICITY.—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) RESOURCES.—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) COORDINATION.—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) DEFINITIONS.—In this section:

(1) The term ''animal enterprise'' has the same meaning as in section 43 of title 18, United States Code.

(2) The term ''Director'' means the Director of the Federal Bureau of Investigation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as are necessary to carry out this section.

FEINSTEIN AMENDMENT NO. 354

Mrs. FEINSTEIN proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, add the following:

SEC. ___. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

(a) IN GENERAL.—Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting ''a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a'' after ''accompanied by''; and

(B) by inserting ''and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''contained therein,''; and

(2) in section 1264, by inserting ''or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''consignee,''.

(b) REVOCATION OF BASIC PERMIT.—The Director of the Bureau of Alcohol, Tobacco, and Firearms shall revoke the basic permit of any person who has been convicted of 3 or more violations of the provisions of title 18, United States Code, added by this section.

FRIST (AND OTHERS) AMENDMENT NO. 355

Mr. FRIST (for himself, Mr. ASHCROFT, Mr. HELMS, Mr. COVERDELL, Mr. ALLARD, and Mr. NICKLES) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

Subtitle ___—School Safety

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 educational 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 chooses 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) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, 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: ''Except as provided in section 615(k)(10), whenever''.

SEC. ___3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free Schools 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(k)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(10)).''.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–341, announces the appointment of the following individuals to the Women's Progress Commemoration Commission: Joan Doran Hedrick, of Connecticut; Lisa Perry, of New York; and Virginia Driving Hawk Sneve, of South Dakota.

SEQUENTIAL REFERRAL OF S. 1009

Mr. WARNER. Mr. President, pursuant to section 3(b) of S. Res. 400 of the 94th Congress, I request that S. 1009, the Intelligence Authorization Act for Fiscal Year 2000, which was reported out on May 11 by the Select Committee on Intelligence, be sequentially referred to the Committee on Armed

Services for a period not to exceed 30 days.

ORDERS FOR MONDAY, MAY 17, 1999

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, May 17. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to 1 hour of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. VOINOVICH. For the information of all Senators, it is expected that the Senate will resume debate on the juvenile justice bill on Monday afternoon. On Monday, it may be the intention of the leadership to postpone or vitiate the cloture vote with respect to Y2K, if an agreement can be reached regarding proceeding to the bill. However, until or if that vote is canceled, all Senators should be prepared to vote beginning at 9:45 on Tuesday.

Senators who have amendments on the list with respect to juvenile justice should be prepared to offer their amendments on Monday. However, no votes will occur on Monday.

As previously announced, the majority leader would like to consider the Y2K legislation later in the week, as well as the supplemental appropriations conference report and the bankruptcy reform bill. Therefore, next week, beginning Tuesday, it will be a busy week with rollcall votes throughout each day and evening, if necessary. Consequently, all Members' cooperation will be greatly appreciated.

ORDER FOR ADJOURNMENT

Mr. VOINOVICH. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order, following the remarks of Senator BAUCUS and Senator WYDEN.

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

Mr. VOINOVICH. 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. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CHINA, WTO, AND PERMANENT NORMAL TRADING RELATIONS

Mr. BAUCUS. Mr. President, on behalf of a bipartisan group of 30 Senators, this morning I sent a letter to President Clinton expressing our view that bilateral negotiations with China over accession to the World Trade Organization should be resumed immediately and finalized quickly. After completion of an agreement that clearly advances U.S. economic interests, we are committed to granting China permanent Normal Trading Relations (NTR) status.

It is critical, especially after the events in Belgrade and Beijing over this past week, that we understand what is in America's national interest. It is in our national interest to ensure that China is incorporated into the global trade community through membership in the WTO. It is in our national interest to make sure that China follows internationally accepted trade rules. It is in our national interest to improve market access and open China's markets to American agricultural products, services, and manufactured goods. And it is in our national interest to do what we can to help anchor and sustain the economic reform process currently underway in China.

As I look at the Senators who signed this letter, I see a broad representation of our country, our society, and our economy. The nature of this group, half Democrat and half Republican, demonstrates that there is strong and broad support in the Senate for us to focus on America's long-term national economic interests in developing our trading relationship with China. We cannot, we must not, and we will not, ignore the many problem areas in the broad U.S.-China relationship, from human rights to espionage to weapons proliferation. But the message is clear that we must look closely at every aspect of this relationship in an objective way, determine what is best for us as a nation, and act accordingly.

The agreements reached during Chinese Premier Zhu Rongji's recent visit to Washington are solid. We want no back-pedaling on those understandings. We want an early resumption of the trade negotiations and a rapid conclusion. We want to bring China into the global trade community, and to do so it is necessary to grant China permanent normal trading relations status. The broad bipartisan group of Senators who signed today's letter firmly supports that.

Let me be clear about the intended recipients of the message in this letter. We want the administration to know that a core bipartisan group in the Senate is behind resumption of negotiations and conclusion of a WTO agreement, and that group will support permanent NTR status for China. We want the most senior levels of the Chinese government to know that a good WTO agreement with the United States will lead rapidly to WTO accession and to permanent NTR status. We want the American public to understand that we in the Senate are taking strong leadership in promoting the long-term economic interests of this country.

And we want the American business community to know that they have responsibilities: first, to work ceaselessly to take advantage of the concessions China will make as it enters the WTO, second, to expand exports to China that will grow jobs in the United States, and, third, to educate the public and policymakers about the importance of integrating China into the global economy.

The terms negotiated by USTR, the Department of Agriculture, and others are excellent. These are structural changes, market opening measures, and trade concessions made by China, not by the United States. We, the United States, are giving up nothing and are obtaining immeasurable possibilities for the future.

I ask unanimous consent that this bipartisan letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 14, 1999.

President WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to encourage you to finalize bilateral negotiations over Chinese accession to the WTO. For our part, upon conclusion of a market access agreement that clearly advances our economic interests in China, we are committed to granting China permanent Normal Trading Relations status.

Despite the events of this week in Belgrade and China, it is critical that we focus on what is important to America's national interest. Incorporating China into the global trade community through WTO membership; encouraging China to follow internationally accepted trade rules; opening Chinese markets to our manufactured goods, agricultural products, and services; and helping to anchor the economic reform process underway in China, all serve our national interest. The recent events in Belgrade and Beijing are reason neither to weaken those commitments made during Premier Zhu Rongji's visit last month nor to delay conclusion of the accession process.

We look forward to working with you to ensure an early conclusion of these negotiations and China's accession to the WTO.

Sincerely,

Max Baucus, John H. Chafee, Jay Rockefler, Don Nickles, John Breaux, Chuck Grassley, Dianne Feinstein, Ted Stevens, Tom Daschle, Frank Murkowski, Mitch McConnell, Larry Craig, Orrin Hatch, Conrad Burns, Chuck Hagel, Daniel Inouye, Patty Murray, Harry Reid, Sam Brownback, Bob Kerrey, Pat Roberts, Rod Grams, Daniel K. Akaka, George Voinovich, Ron Wyden, Jeff Bingaman, Richard H. Bryan, Gordon Smith, Slade Gorton, Craig Thomas.

RACE FOR THE CURE

Mr. BAUCUS. Mr. President, I rise today to recognize a very important event.

All over the country, women and men alike are preparing for the ''Race for the Cure,'' a 5-kilometer foot race to raise money in the fight against breast cancer. Each year, the number of participants in the race has grown. Sixteen years after its inception, the Race

for the Cure has become the largest 5–K in the world.

I believe this race is widely attended because breast cancer has affected so many people. One in 9 women and approximately 12,000 men are diagnosed with breast cancer every year. So, in some way, everyone—every man, woman, and child is affected by this disease. The Race for the Cure is important because it brings awareness to this disease that is so prevalent today.

This cause and this race are important to me for many reasons. There are several women who are very important to me who are survivors of this terrible disease. I have learned so much from these women; I have seen their courage and, believe me, I want to underscore that point—very courageous. I have seen their willingness to fight. Through them, I have learned more about the value of life.

We often take for granted the gifts that we have been given. We catch ourselves thinking about what will happen in an hour, or in a couple of days, and we forget to live for right now. The precious time that we have with our loved ones is invaluable. We take too little time with them. Through their struggles to fight breast cancer, these women have shown me the importance of a life lived well. And for that, I thank each of them.

This race is being held in over 95 cities in the United States over the next few weeks. I am proud to say that this weekend, on May 15, the Race for the Cure will be held in Helena, MT, my State's capital. Approximately 3,000 runners will participate. More important, over 300 breast cancer survivors will participate this weekend in the race for life.

Seventy-five percent of the race proceeds are used to provide mammography vouchers and grants for follow-up diagnostic tests for more than 600 women in Montana. Thirty-two health care facilities in my State participate in this program.

I extend my special thanks to the Montana Race organizers Connie Malcom and Bobbie Pomroy and the hundreds of volunteers working together to make this important event occur. Women like Jan Paulsen, a seven-year survivor who will represent my State at the National Race for the Cure here in Washington, DC, on June 5.

Congratulations to everyone involved in this important event and good luck to all!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Y2K ACT

Mr. WYDEN. Mr. President, as the Senate prepares for a Tuesday cloture vote on the Y2K litigation reform legislation, I want to spend just a few minutes this afternoon trying to describe where I believe we are in the course of the Senate debate and all the bipartisan progress that has been made in the last few weeks on this issue. I especially emphasize the bipartisan focus that has been taking place in the Senate.

The House had a vote, as the Presiding Officer knows, this week. Regrettably, it was pretty much along partisan lines. There is certainly nothing partisan about this issue. If we have chaos early in the next century as a result of Y2K frivolous lawsuits, folks are not going to be sitting around asking whether Democrats or Republicans caused it. They are going to be saying: What was the problem? Why didn't the Congress deal with it?

Fortunately, the Senate, unlike the House, has been working in a bipartisan way to deal with this. On the Republican side, Chairman MCCAIN and Chairman HATCH, Senator GORTON, Senator BENNETT, and a variety of Senators have worked with me and Senator DODD, who is the Democratic leader on this issue and has done such a good job on the Y2K committee. And Senator FEINSTEIN has made enormous contributions. She represents California, of course, a State that has a great interest in technology issues.

The most important thing, as the Senate goes to the important Y2K debate next week, is for all of us to recognize that we have taken a completely different approach from that of the House of Representatives. There was no evidence of bipartisanship in the House last week. That has not been the case in the Senate.

I also want to make it clear, both Senate Democrats and Republicans are interested in working with the White House on this legislation. For the White House to veto a responsible Y2K bill would be like throwing a monkey wrench into the technology engine that is driving this Nation's economic prosperity.

I cannot believe the White House would want to do that. I know there are many in the White House who have ideas and suggestions and are talking to Senators of both parties. We are anxious to hear from them, because the Senate is going to move next week to this debate and now is the time for them to come forward with their practical suggestions.

As the Presiding Officer knows, this is a topic that cannot wait. There are a variety of issues before the Senate where the immediacy may not be all that crucial. This is an issue that cannot wait, because if we do not deal with it now, I personally believe what will happen is, early in the next century we really will have chaos as a result of this Y2K situation. The Senate could find itself back in a special session at that time having to deal with it. It is much better to do it now and to do it in a bipartisan way.

I want to spend a few minutes talking about how this effort to make this issue bipartisan and ensure that it is fair to both consumers and business has evolved over the last few weeks.

The legislation that is coming before the Senate early next week is the legislation that began in the Senate Commerce Committee, led in that effort by Chairman MCCAIN and Senator GORTON. Unfortunately, there was a strict party-line vote in the Senate Commerce Committee. I and others said there were a whole lot of features of that original Senate Commerce bill that were just unacceptable to us.

For example, it included language that would have provided what is called a ''reasonable effort'' sort of defense which just was not fair to the plaintiff and to the consumer, and I and others said that we could not support the bill at that time.

But after it came out of the Senate Commerce Committee, Chairman MCCAIN, to his credit, with other leaders on the Republican side of the aisle, made it clear that they wanted to work with Senator DODD, Senator FEINSTEIN, Senator KERRY, myself, and others to fashion a truly bipartisan bill. I believe that is what the Senate has before it now.

For example, the legislation which is coming before the Senate on Tuesday, which we will vote on Tuesday morning, has a sunset provision in it. We have heard all this talk on the floor of the Senate about how Y2K litigation legislation is going to be changing the tort laws and our legal system for all time, that it is going to be making these changes that are just going to last for time immemorial.

The fact of the matter is, the Y2K legislation sunsets in 2003. It is for a short period of time, and for a period of time to deal with what we think will otherwise be a variety of frivolous lawsuits and unnecessary litigation.

Second, the legislation which will be before the Senate early next week does absolutely nothing to change the tort remedies that consumers would have if they were injured as a result of a Y2K-related problem.

For example, if an individual is in an elevator that falls as a result of a computer failure, and tragically falls, say, 10 floors in an office building, and that individual is badly injured or killed, in that instance all of the existing legal remedies, all of the existing tort remedies that are now on the books, would still apply. The legislation before the Senate now would not touch in any way, not in any way, those remedies for personal injuries that would come about as a result of a Y2K failure.

So those two consumer protections—the sunset provision and ensuring that tort remedies are available to injured consumers—are in place and there to protect the public, and it is important that the Senate know that as we go to the upcoming Tuesday vote.

Third, the legislation which is before the Senate now eliminates the new and vague Federal defense, ''reasonable efforts,'' which was what was in the original Commerce Committee legislation. We think that was simply too mushy, too vague. It has been eliminated.

Fourth, after the legislation left the Commerce Committee, there were concerns about a new preemptive Federal standard for establishing punitive damages. Now, under the legislation before the Senate, the current standards as set out in our various States are going to prevail.

Fourth, after the legislation left the committee, we restored punitive damages in the most important cases. If a defendant is acting in bad faith, is engaged in egregious conduct that is offensive to consumers, all of the opportunities for punitive damages will lie. Also, if the defendant is insolvent, there will be a chance for the plaintiff to be made whole in those kinds of instances as well.

So the principle of joint liability for defendants in these key areas is in fact kept in place.

Next, we restore liability for directors and officers when they make misleading statements and withhold information regarding any actual or potential Y2K problem.

So all of that was essentially in the changes which Senator MCCAIN and I brought to the Senate several weeks ago. We thought that that showed a good-faith effort to work with all sides, to work with the technology community, to work with consumer organizations. We consulted with the organizations representing trial lawyers. We thought it reflected a good balance.

After that effort, Senator DODD, the Democratic leader on the Y2K issue, presented a number of other very, very good suggestions, and those have been added as well.

So the Senate now has a Y2K reform bill in front of it where there have been 10 major changes made since this legislation left the Commerce Committee, changes that Senator MCCAIN and I agreed to, that we thought did the job. Senator DODD came forward with some other additional and excellent changes. And Senator MCCAIN, to his credit and effort to be bipartisan, accepted those as well.

So we have now, I think, addressed what has been the original concern of a number of Senators. We keep in place, for example, the States' standards with respect to evidence in these cases. There was a concern by some Senators that somehow this legislation had raised the bar in terms of the plaintiff having to meet higher standards of evidence in order to make their case. We kept the current State evidentiary standards.

So now in fact our standards with respect to evidence track the language in the securities litigation reform bill that was passed and signed into law as well as the 1992 Y2K Information Readiness Disclosure Act. So it is clear that there is precedent for the evidentiary standards we are using in this legislation.

These are major changes. They were put together by a bipartisan group and together, I think, reflect the kind of legislation that the Senate ought to pass and I think will pass when we get an opportunity to vote on the legislation on the merits.

I will also tell you that this makes the Senate bill a very, very different bill from the legislation the House of Representatives enacted a few days ago. The House legislation in fact had a vague reasonable-efforts defense. We got rid of that after it came out of the Senate Commerce Committee. Senator MCCAIN and I and Senator FEINSTEIN and others looked at the legislation. We got rid of that. We said it is too vague, it is not fair to the plaintiff or the consumer. The House kept it earlier in the week.

The House legislation did not have a sunset date in it. Our legislation does. It says this is going to be for a short time window, until 2003.

A number of other changes which we think are not fair to the plaintiff or the consumer were areas that the House was unwilling to touch. On the directors and officers, they do not take the position that we take. They would limit liability for directors and officers. They do not take the position that we take on proportionate liability. And in fact they do have a higher evidentiary standard for the plaintiff and the consumer than we do.

So the fact is, the Senate will be voting on a very, very different bill. I am hopeful that the Senate will strongly endorse our approach, which we think is fair to both plaintiffs and defendants.

There have been other ideas floated in the last couple of days. I will wrap up just for a few minutes by talking about them, because I think if you look at what is being floated now, our legislation again falls right into the balanced, centrist kind of approach the Senate ought to be taking. I am going to wrap up just by briefly discussing some of these other ideas which have been circulated in the last couple of days.

There are some who would like to limit the legislation only to commercial laws. This would deny the consumer the chance to get a Y2K problem fixed in a timely manner. That is what we do in our legislation. But some who would limit the legislation only to commercial laws would force those who are least able to afford attorneys to go out and have to hire them. Under our bill, the consumer tells the manufacturer or the vendor how they want the problem fixed and they would be able to get the job done in 90 days or less.

I do not think the consumer wants to spend months and even years waiting in line after all the other frivolous lawsuits go forward before theirs. I think people want to get their problems solved and want to get them solved quickly. The fact is, under our legislation, if the consumer, if the plaintiff, is not treated fairly, if the consumers do not believe they get a fair shake, they can go out and file suit on the very first day—the very first day—and be in a position to have their issue aired immediately.

Some of the other proposals that have been offered would offer no protection for small business from punitive damages. Without some protection, a small business could be facing an avalanche of lawsuits. Putting a small business out of business is, in my view, an odd way to try to fix the Y2K problem. But what Senator DODD did, with the valuable additions that he made, was the kind of approach that I think really does protect the small business and deal with the issue of small businesses and punitive damages responsibly. Unlimited joint liability, and we have heard some who have advocated that, would declare open season on anybody in the wholesale or in the retail chain. You do that, and there is absolutely no protection for the small business mainstream retailer.

Now, what has been interesting is that some who have opposed the efforts that our bipartisan group has made on the Y2K issue have said that we are against small business and that small business does not get a fair shake under our legislation.

The fact of the matter is that hundreds of small business organizations have endorsed the bipartisan legislation that is before the Senate. I think the idea of having unlimited joint liability really would be inequitable to the small business. Certainly, we ought to make sure those small businesses that are most vulnerable get a fair shake.

Other approaches just do not offer the incentives to business that we think are necessary to help fix the Y2K problem. They just force the consumer into the courtroom, really give businesses no reason to help mitigate the Y2K situation.

This isn't a partisan issue. It affects every computer system that uses date information. Every piece of hardware, every piece of an operating support system, and every software program that uses date-related information may be affected. It is not a design flaw.

There has somehow been spread across the country the notion that all of this stems from design flaws in our computer systems. It was an engineering trade-off. To get more space on a disk and in memory, the precision of century indicators was abandoned. It is hard for all of us to believe today that disk and memory space used to be at a premium, but it was. In the early 1960s, for example, computer memory cost as much as $1 million for what today can be purchased for less than $100. No computer programmer thought that the programs written then would still be running in the year 2000, but they are.

The trade-off became the industry standard, and computers cannot work at all without industry standards. Those standards are the means by which programs and systems exchange information.

I guess you could try to solve the Y2K problem by just dumping all the old layers of computer code that have been accumulated in the last few decades, but that is not a realistic way to proceed. Everybody involved, from CEOs to all of the people doing basic programming, need to continue the painstaking process of making sure that all systems are Y2K compliant. Our goal ought to be to bring every information technology system into Y2K compliance as soon as possible. That ought to be our principal focus and, at the same time, we ought to make sure, as our legislation does, that there is a good safety net in place.

I am very hopeful that the Senate will pass this legislation. We all know that the economic good times that we have seen recently are being driven by technology. I have said repeatedly that if there is a veto of a bipartisan, responsible Y2K bill, that really would be like throwing a monkey wrench into the technology engine that is driving our Nation's prosperity. There is no other way to put it. We have to get a good bipartisan Y2K reform bill on the President's desk. We need to do it now.

I am hopeful that the White House will work with us constructively in the days ahead. I think the changes that have been made since this legislation originally came out of the Senate Commerce Committee do the job. I can tell you, having heard from Senator MCCAIN and Senator HATCH and Senator DODD and Senator FEINSTEIN, we are open to other ideas and suggestions as well. But we have to get this legislation moving. We have to get it signed. It is too important.

I hope our colleagues get a little bit of R&R over the weekend. This has been a long week with the juvenile justice legislation. That bill and Y2K and other subjects are coming up next week, which will be hectic as well. I am very hopeful our colleagues will support the bipartisan Y2K bill that we will have before us Tuesday at 9:45.

Mr. President, I yield the floor.

RECESS UNTIL MONDAY, MAY 17, 1999

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until Monday, May 17, 1999.

Thereupon, the Senate, at 3:29 p.m., recessed until Monday, May 17, 1999, at 12 noon.

EXTENSIONS OF REMARKS

HONORING STUDENTS IN FREE ENTERPRISE

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GREENWOOD. Mr. Speaker, I rise today to pay tribute to an outstanding organization in our country called Students In Free Enterprise.

Students In Free Enterprise (SIFE), is a nonprofit organization located on over 600 college campuses across the United States. SIFE has continually encouraged the free enterprise system through educational programs since its inception more than 20 years ago. Students in the organization dedicate their time and resources to helping others. SIFE's mission is to provide college students the best opportunity to develop leadership, teamwork, and communications skills through learning, practicing and teaching the principles of free enterprise. SIFE is not only involved with the encouragement of free enterprise, but has also worked closely with international charitable organizations. Students involved in this organization gain valuable leadership, communication, and business skills by teaching others, especially at-risk youth.

The Students In Free Enterprise organization is a valuable asset to the citizens of our country. In honor of their many charitable and civil contributions, I join my colleagues in the House of Representatives in recognizing May 18, 1999 as the third annual National Students In Free Enterprise Day

I especially congratulate the Bucks County Community College SIFE chapter as they continue their mission of helping people achieve their dreams through free enterprise education.

RECOGNIZING COLLIS PAUL CHANDLER

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 exceptional life and significant achievements of one of Colorado's oil and gas executives, Collis Paul Chandler. After 72 years of life, Collis Paul Chandler passed away May 6, 1999. While family, friends and colleagues remember the truly exceptional life of Collis Paul Chandler, I, too, would like to pay tribute to this remarkable man.

Collis Paul Chandler started his oil company in Colorado in 1954. A third generation independent oil man, Mr. Chandler was also a self made man. In the Navy, he fought bravely in World War II and returned to graduate from Purdue University with a bachelor of science degree in 1948. Mr. Chandler later served on the Purdue University Alumni Association board of directors as president. He also served on the board for the Public Service Company of Colorado and the Colorado National Bank. Additionally, he was also on the board of ''Up With People''. Mr. Chandler also served as chairman of the National Petroleum Council, the Natural Gas Supply Association and the Rocky Mountain Oil and Gas Association.

In 1994 Collis Chandler was awarded the American Petroleum Institutes' highest award, the Gold Medal for distinguished achievement. He was also awarded the Secretary of Energy's distinguished service medal, as well as the Texas Mid-Continent Oil and Gas Association's Independent of the Year Award.

The rest of Collis Chandler's accomplishments are too numerous to list, but they comprise a long and impressive list. No doubt his accomplishments will be long remembered and admired. It is clear that the multitude of those who have come to know Collis Chandler will mourn his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of Collis Paul Chandler can take solace in the knowledge that each is a better person for having known him.

TRIBUTE TO LT. COL. SCOTT G. ANDERSON

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. WALSH. Mr. Speaker, on June 30, 1999, Lt. Col. Scott G. Anderson is retiring as the Vice Commander for the 174 Fighter Wing, New York Air National Guard in Syracuse, NY. He assumed this position on Aug. 12, 1997. Previously, he was the Air Force Advisor for the Wing, serving as the active duty personnel representative for the 9th Air Force Commander, as well as assisting the 174th Fighter Wing in preparing for mobilization while attaining the highest possible level of combat readiness. He assumed this position on March 1, 1996.

Lt. Col. Anderson was born on March 2, 1956 in Fargo, ND, but now calls Syracuse, NY, home. He graduated from the U.S. Air Force Academy in 1978 receiving a commission and Bachelor of Science degree in Mechanical Engineering. After earning his wings in June 1979 at Vance Air Force Base, OK, he was assigned to Hahn Air Base, Germany, as an operational F–4E fighter pilot, first with the 313th and then the 10th Tactical Fighter Squadrons.

Following Wild Weasel up-grade at George Air Force Base, CA, he was reassigned to Germany in the 81st Fighter Squadron, Spangdahlem Air Base in 1982. He served as Squadron Flight Scheduler and Weapons Officer and qualified as an Instructor Pilot in the F–4G. In April 1984 he was selected to attend the Air Force Fighter Weapons School at Nellis Air Force Base, NV, and following graduation returned to Spangdahlem as Chief of Weapons and Tactics for the 480th Fighter Squadron. In August 1985 he was assigned to the 4443rd Test and Evaluation Group, George Air Force Base, CA, as the Tactics Development and Evaluation Officer. Projects included HARM anti-radiation missile, Wild Weasel/F–16 mixed force tactics, and development of F–16 HASRM missile capability.

In August, 1990 he received his Masters of Business Administration from Golden Gate University, San Francisco, was selected for the U.S. Air Force Air Demonstration Squadron (Thunderbirds) as the Logistics Officer, and transitioned to the F–16. Flying the number ''Seven'' aircraft, he served as the Deputy Commander for Maintenance, flight check pilot, team evaluator, and safety observer for each air demonstration. He then served as Chief of Weapons and Tactics Documentation Division, 57th Test Group, Nellis Air Force Base, NV, responsible for developing Multi-Command tactics manuals while attached to the 422 Test and Evaluation Squadron as an F–16 Test and Evaluation pilot.

Prior to his current position with the 174 Fighter Wing, he was assigned to the Department of State as the Operational Program and Training Manager, Air Force Directorate, JUSMAG–K, Seoul, Korea, acting as in-country liaison and consultant between the United States Government, aerospace industry, and the Republic of Korea concerning defense acquisition projects. His programs included the Korean F–16 Fighter, airborne missiles and munitions, Early Warning and tactical intelligence acquisition systems, and interface for joint exercise and training programs.

Lt. Col. Anderson is a command pilot with over 3,400 flying hours. His military decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal with oak leaf cluster, and the Combat Readiness Medal with oak leaf cluster.

Lt. Col. Anderson is married to the former Theresa Garrison of Brooklyn Park, MN. They have four children: Clint, Jenny Lynn, Grant and Katie Rose.

1999 INTERNATIONAL CFIDS/CFS/ M.E. AWARENESS DAY

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. TOOMEY. Mr. Speaker, I would like to submit the following proclamation for the CONGRESSIONAL RECORD.

PROCLAMATION

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley joins the CFIDS Association of America in observing May 12, 1999 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley, a member of the CFIDS Support Network of the CFIDS Association of America, is celebrating their seventh year of service to the CFIDS community; and,

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley has been awarded The CFIDS Support Network Action Award for Excellence in Service in the area of CFIDS Awareness Day in 1996, and for Excellence in commitment and service to the CFIDS Community in the area of Public Policy in 1995; and,

Whereas, chronic fatigue and immune dysfunction syndrome (CFIDS), also known as chronic fatigue syndrome (CFS) is a complex illness which affects many different body systems and is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue and numerous other symptoms that can be severely debilitating and can last for many years; and,

Whereas, it is imperative that education and training of health professionals regarding CFIDS be expanded, that further research be encouraged and that public awareness of this serious health problem be increased.

Now, therefore, Congressman Patrick J. Toomey recognizes May 12, 1999 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day, commends the Chronic Fatigue Association of the Lehigh Valley on its Seventh Anniversary, and pays tribute to its efforts to conquer CFIDS on behalf of those battling this disabling illness.

Signed and sealed this Twelfth Day of April, One Thousand, Nine Hundred and Ninety-Nine.

TRIBUTE TO AL MANN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. BERMAN. Mr. Speaker, I rise today to salute my dear friend, Al Mann, who is being honored this year at a gala event hosted by the San Fernando Economic Alliance. Al is, to put it succinctly, one of the most extraordinary men I know. The story of his life and business ventures is one that epitomizes not only the spirit of a true entrepreneur, but a true humanitarian.

Al is a veritable one-man industry in the field of medical devices. His numerous and highly successful companies have included Siemens-Pacesetter, Inc., which manufactures cardiac pacemakers; Advanced Bionics Corporation, which is developing cochlear stimulation systems to restore hearing for the profoundly deaf; and MiniMed Inc., which develops, manufactures, and markets drug delivery devices including microinfusion pumps for treatment for various medical conditions.

Literally millions of people around the world lead lives that have been immeasurably improved by one of Al's products. He never, however, rests on his laurels. He is always thinking ahead, striving for another breakthrough in the ever-changing field of medical devices, combining his amazing creativity with his keen business acumen. Al is very much at home in a field filled with brilliant entrepreneurs.

Al's business career spans more than four decades. Long before anyone coined the term ''high-tech'', Al was involved with companies that fit that definition. In 1956, he started Spectrolab, an electro-optical and aerospace systems company, and four years later he launched Heliotek, a semiconductor and electro-optical components manufacturer. In 1972, he started Siemens-Pacesetter, which was his first foray into the medical device industry. In addition to the aforementioned companies, Al is Chairman of Second Sight LLC, which is in the process of developing a visual prosthesis for the blind.

Al is the quintessential civic-minded businessman, whose efforts to strengthen the biomedical industry in Southern California have received widespread praise. A few years ago Al made an extraordinarily generous donation from his personal funds to both USC and UCLA for the establishment of a Biomedical Engineering Institute at each of those universities. The institutes are part of the Al Mann Foundation, which was founded in 1986, and is devoted to the development of advanced medical devices in a variety of fields.

In yet another compartment of his remarkable life, Al has built three large projects under federal program supplying rent subsidized housing for the poor. His developments, in Granada Hills, Tustin and Huntington Beach, are model examples of low income housing. He has also developed tracts of ultra-expensive lots and built custom homes worth millions.

Al Mann is a true Renaissance Man. He is an engineer, an accomplished musician and a learned religious scholar conversant in art, music, literature, philosophy and almost any other topic. He is a tenacious and perfectionist workaholic, who pursues his business and humanitarian quests with boundless energy.

I ask my colleagues to join me in paying tribute to Al Mann. The dedication, integrity, hard work and commitment that he brings to every endeavor and his impressive record of service to mankind embody the ideals of excellence. I am very proud to be his friend.

TRIBUTE TO FELICIA WONG

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Ms. LEE. Mr. Speaker, I rise today to pay tribute to Felicia Wong of Berkeley, California who has had the distinct honor of serving as a distinguished White House Fellow.

Last year, Ms. Wong became one of 17 outstanding citizens to join a long and prestigious list of former White House Fellows, including one of the Bay Area's most famous and successful businessmen, Robert D. Haas, Chairman and CEO of Levi Strauss and Company. Established in 1965, the White House Fellowship Program honors outstanding citizens across the United States who demonstrate excellence in community service, leadership, academic and professional endeavors. It is the nation's most prestigious fellowship for public service and leadership development. Over the past three decades, White House Fellows have promoted active citizenship and service to the nation. Additionally, the White House Fellowship Program has served as a ''proving ground'' for many of today's community, business and political leaders and will continue to do so for America's future leaders.

Ms. Wong currently serves as director of the Federal Support to Communities Initiative for the U.S. Department of Justice. The initiative, housed at the National Partnership for Reinventing Government, is an interagency project working with pilot cities around the country to respond more effectively to community needs, particularly in the area of youth development programming. She has played a leading role in this initiative, which works in partnership with communities, helping to provide better access to youth development funding and to furnish user-friendly information about the federal government to parents and families, community-based organizations, and state and local officials.

Ms. Wong has worked hard to achieve her standards of excellence. She received a bachelor's degree in English and Political Science, with honors and Phi Beta Kappa, from Stanford University, as well as a master's degree in Political Science from U.C., Berkeley. A recipient of a three-year National Science foundation graduate fellowship, Ms. Wong is a Ph.D. candidate in Political Science at U.C., Berkeley, where she is writing her dissertation on the politics of race and urban education reform. Ms. Wong is also a high school history and philosophy teacher at the College Preparatory School in Oakland, California. In her teaching position, she is a faculty advisor to a student group on a diversity and has launched an ethics program for the school's senior class. Ms. Wong is also the co-director of the school's Partner's Program, an academic summer school that serves low-income public students. She has also worked on nuclear nonproliferation issues at the Carnegie Endowment for International Peace and at the Arms Control Association.

Mr. Speaker, I am proud to stand here to recognize the accomplishments of Felicia Wong, and I hope my colleagues will join with me today in wishing Ms. Wong the very best as she continues her future endeavors.

HONORING KVEC RADIO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to extend my congratulations to everyone at San Luis Obispo radio station KVEC, which recently marked its 62nd year on the air. KVEC is a locally-owned and operated station featuring local news and talk show hosts who provide a forum of lively discussion of local issues as well as interesting and useful information on a wide range of topics. As such, KVEC provides an invaluable service to its listeners from throughout San Luis Obispo County.

As a frequent guest on the Dave Congalton Show, I have enjoyed the opportunity to hear from KVEC's listeners on a wide array of issues. I know that for many of the station's regular listeners, on-air hosts like Dave Congalton and Bill Benica are considered almost members of the family. I appreciate the entire KVEC family for their community spirit and the important job they have done so well

for more than six decades. I extend to them my sincerest congratulations and gratitude.

RESTORATION OF DEMOCRACY AND HUMAN RIGHTS IN LAOS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. VENTO. Mr. Speaker, today I am proud to introduce legislation that calls for democracy, free elections and basic human rights in the Lao People's Democratic Republic. This important resolution reaffirms and promotes our commitment to free and fair elections and basic human rights standards for the Lao people, especially the Lao-Hmong. While United States forces have departed Southeast Asia, the plight of the Lao-Hmong inside of Laos must not be forgotten.

The continuous allegations of persecution and abuse of the Lao people, especially the Lao-Hmong, must not be overlooked. The United States must investigate these allegations promptly. Lao-Hmong families are reported to be threatened daily under the Communist regime in Laos. We must focus public attention to address such allegations in attempt to finally bring a halt to this persecution.

I would like to remind my Colleagues that the service and contributions of the Lao-Hmong patriots had a major impact on achieving today's global order and the positive changes of the past decades. Extreme sacrifices were made by the Lao-Hmong in the jungles and in the highlands, whether in uniform or in the common clothing of the laborer. Thousands of U.S. soldier's lives were spared because of the Lao-Hmong patriots' support and help as they fought along side the United States forces in the Vietnam War. For their efforts, the Lao-Hmong deserve our thanks, our shelter and certainly fundamental human rights, freedoms, responsibility of democracy and openly-contested free and fair elections that will establish the right to self-determination in Laos.

Despite frequent statements about its commitment to the enforcement of human rights standards in the country, the Laotian government's actual practices deviate from such important principles. The Government may have learned to ''talk the talk'' and make paper promises, but they must be held accountable to ''walk the walk.'' On a daily basis, the government violates the civil and political rights of Laotian citizens by denying them the basic freedoms of speech, assembly, and association. According to the State Department Country Reports on Human Rights Practices for 1998, the Laotian government has only slowly eased restrictions on basic freedoms and continues to significantly restrict the freedoms of speech, assembly and religion.

Moreover, Amnesty International reports that serious problems persist in the human rights record of the Government of Laos. Such reports include the continued detention of political prisoners and the treatment of such prisoners in a manner that is degrading, abusive and inhumane. In February of this year, one political prisoner, Thongsouk Saysanghi, died in a remote prison camp in Laos. In addition, an unknown number of other political prisoners still remain inside of Laotian prisons. Amnesty International has made repeated appeals to the Lao authorities to improve the conditions of the detentions of the prisoners. Such appeals have been ignored, resulting in this tragic death. That Thongsouk died and the unknown number of other prisoners still remain to be left in such critical conditions in the face of these many expressions of concern highlights not only the Lao Government's complete lack of care of its political prisoners, but its contempt for the opinion of the international community.

Specifically, my resolution calls upon the Laotian government to respect international norms of human rights and democratic freedoms as embodied in its constitution and international agreements; issue a public statement specifically reaffirming its commitment to protecting religious freedom and other basic human rights, fully institute a process of democracy, human rights openly and free and fair elections in Laos, and specifically ensures that the National Assembly elections, currently scheduled for 2002, are openly contested; and allow access for international human rights monitors, including the International Committee of the Red Cross and Amnesty International inside of Lao prisons and all regions of the country to investigate allegations of human rights abuse, especially those against the Lao-Hmong, when requested.

The United States must continue to ask the tough questions and not accept a blissful lack of knowledge as satisfactory. My resolution builds upon similar Senate action last Congress and amendments, which I have authored, that have been added to the State Department Authorization in previous House action, but have not been enacted into law due to other matters. Much more needs to be done in regards to this matter. U.S. policy and law must be changed if we expect results. Congress must ensure that the Lao Government is held accountable for their actions and inactions. Importantly, Laos is seeking normal trade and diplomatic relations with the United States and the global community. But, the policy and conduct of the Laotian government in regards to human rights must be transparent prior to putting in place such political and economic policy. We owe the people of Laos the moral obligation to remain diligent to their human rights circumstance and plight.

HONORING AND RECOGNIZING SLAIN LAW ENFORCEMENT OFFICERS

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize Police Memorial Week. It is a time when the citizens of the United States join the families, friends and colleagues of our Nation's slain peace officers, to honor and remember the sacrifices they have made.

On September 24, 1789, Congress created the first federal law enforcement officer, the United States Marshal. Five years later, on January 11th, 1794, U.S. Marshal Robert Forsyth became the first officer, in a long list of men and women who have given their lives to protect and serve the communities of their beloved Nation. Since then, over 14,000 officers have died in the line of duty, including over 1,000 from the State of New York. The city of New York has lost more officers than any other department in the Nation, with more than 500 deaths. These heroes must never be forgotten, and their sacrifice must serve as a reminder that the price of a safer America, an America based on law and order, is being paid for by the blood and lives of our police officers.

Although our Nation's crime rate is at its lowest level in years, on average, one law enforcement office is killed somewhere in America nearly every other day. Over the past ten years, America has lost one police officer every 54 hours; over 1,500 men and women. Already in 1999, forty officers have given their lives in the line of duty, a poignant reminder that crime reduction comes at a stiff price.

Police Memorial Week is a time to remind us that when a police officer is killed, it is not a city that loses an officer, it is an entire nation. We must believe that the senseless murders and crimes against our Nation's bravest men and women will one day stop; until then we will do everything we can in order to remember and honor all of the law enforcement officers who have ever given their lives.

I would like to take this opportunity to recite the names of those fallen heroes from New York, who, in the name of duty, gave their lives over the past two years: Chief Constable Norman E. Carr Jr., Officer Robert McLellan, Officer Sean Carrington, Officer Gerard Carter, Officer Anthony Mosomillo, and Officer Matthew Dziergowski. I would also like us to remember an officer from my congressional district Vincent Guidice of Stony Point, NY., who died in the line of duty on May 22nd, 1996. To our fallen officers, we express our Nation's gratitudes.

In your spirit, I will continue to fight for those laws that provide our Nation's peace officers with the tools needed to fulfill their mandate of making our communities a safer place in which to live.

I urge all Americans to visit the National Law Enforcement Officers Memorial in Washington. It is a tribute to the dedicated service of our law enforcement officers and their distinguished service and sacrifice.

SUPPORT THE VETERANS SEXUAL TRAUMA TREATMENT ACT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GUTIERREZ. Mr. Speaker, today I am introducing legislation to make permanent the sexual trauma counseling and treatment services offered by the Department of Veterans Affairs. The Veterans Sexual Trauma Treatment Act, which I also introduced during the 105th Congress, will enable more former military personnel who were subjected to sexual harassment or abuse during their military service to receive proper medical and psychological care.

A high incidence of sexual harassment and assault cases in the military have been reported in the past several years. While some of these cases have gained national attention,

many more have gone unreported. What is often not discussed is the issue of treatment and counseling for the victims of these offenses. The current law does not provide medical and counseling services for victims of these abuses. The Veterans Sexual Trauma Treatment Act would permanently authorize sexual trauma and treatment for active military personnel, reservists and national guard personnel. My bill would also require the VA to report to Congress regarding the use of sexual trauma programs and their collaborative efforts with the Department of Defense to educate and inform our armed forces personnel about sexual trauma programs at VA facilities.

Mr. Speaker, a greater number of women are entering the military each year. These services are needed. I am hopeful that my colleagues will join me by supporting this bill. I look forward to working with them to provide all veterans with the health care they have earned and deserve.

A TRIBUTE TO ALEXANDER FRIEDMAN

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 take a moment to salute a resident of New York who currently serves our country as a White House Fellow—Alexander Friedman.

Mr. Friedman is one of just 17 individuals nationwide to receive the White House Fellowship this year. Established in 1965, the fellowship allows outstanding citizens to participate in a once-in-a-lifetime experience by working hand-in-hand with leaders in government. Applicants are chosen based on demonstration of excellence in community service, academic achievement, leadership and professional experience. It is the nation's most prestigious fellowship for public service and leadership development.

Alexander Friedman co-founded Adventa.com, an Internet firm that provides business-to-business marketing information. He also founded Accelerated Clinical, a biotechnology service company dedicated to accelerating the clinical trial process for biotechnology firms. He earned his BA in politics from Princeton University and a JD/MBA from Columbia University. Mr. Friedman is also a founder of the 21st Century Roundtable, his generation's first civic venture-capital non-profit group. The organization pairs young leaders of non-profits with young professionals who can provide advice, services and financing. He has maintained his commitment to civic duties by founding Climb for the Cure, a national student effort that raised $1 million for AIDS research through a climb of Alaska's Mt. McKinley, and also by serving as a small-claims court and family mediator in Harlem and the South Bronx. His tireless efforts on behalf of the people of New York have earned him the honor of becoming a recipient of such a competitive fellowship.

As a White House Fellow, Mr. Friedman has been assigned to the Department of Defense. In this capacity, he serves as acting policy coordinator for the Cooperative Threat Reduction Office in the weapons protection, security and accounting effort, which is charged with protecting nuclear warheads in the former Soviet Union. He also analyzes and organizes the Department's and U.S. government's interagency assets to best respond to threats from Weapons of Mass Destruction. Further, Mr. Friedman created a prototype for the first Military-Business Leadership Fellowship and undertook a Marine Corps-wide analysis of organizational mission and implementation procedures.

Mr. Speaker, I am honored to recognize Alexander Friedman on the floor of the House of Representatives for his accomplishments and for being chosen to participate in the White House Fellowship Program. I ask my colleagues to join me in wishing Alexander Friedman many more years of success.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. RILEY. Mr. Speaker, I was unavoidably detained for the vote on final passage of H.R. 755 (rollcall 128). Had I been present, I would have voted ''aye.''

A TRIBUTE TO FLORENCE WHITE

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. PHELPS. Mr. Speaker, I rise today to honor and pay tribute to an outstanding citizen of Illinois' 19th District; Flora White. I would like to recognize Florence White for her years of dedicated service in the Macon County Schools, as well as her everlasting interest and hard work in preserving the history of Macon County.

Florence has very deep roots in Macon County. She is a direct descendent of William Warnick, who was the first sheriff of Macon County. Her great-grandfather, William Austin, helped plot the city of Decatur.

It is clear why Florence has been honored for this important recognition. She started her teaching career in 1924, presiding over several one-room schools in Macon County. In 1955, she was appointed assistant superintendent in charge of elementary education in the Lakeview unit district. She subsequently became principal in the Brush College #2 School and Spence School. She frequently taught in the Macon County Historical Society's Salem one-room schoolhouse in the Society's Prairie Village. Florence is the author of ''Rural Schools of Macon County'' and ''Memorial Windows.'' She has received numerous awards from Decatur philanthropic organizations. Florence received her masters degree from Millikin University.

Florence's life has been dedicated to the achievement of excellence in education and the preservation of the history and heritage of Macon County. For these reasons, I ask my colleagues to please join me in acknowledging a great American and Illinoisan, Mrs. Florence White.

HONORING WEST POINT CADET ALISON JONES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to honor the heroism of West Point Cadet 1st Class Alison M. Jones.

I was present at a recent dress parade at West Point when Cadet Jones was awarded the Soldier's Medal, the Army's highest peacetime award for bravery. According to the award citation, Cadet Jones was awarded the medal for ''heroism above and beyond the call of duty following the terrorist bombing of the United States Embassy in Nairobi, Kenya, on 7 August 1998.''

Cadet Jones was spending the summer interning in Kenya just a few blocks away from the embassy. Despite being nearly knocked down by the explosion, she rushed to the American Embassy and entered, searching for survivors and helping recover human remains. On her own initiative, she then ''established a check point to control entry into the embassy and facilitate the restoration of security and the organization of rescue efforts.''

In her search for victims, Cadet Jones discovered a Kenyan man whose leg had been crushed as a result of the explosion. She used pieces of a ceiling beam to make a splint for him and kept him calm so he would not pass out.

Cadet Jones is the first female West Point cadet to be awarded the Soldier's Medal, which was established in 1922 by the War Department to recognize acts of bravery committed during peacetime. While several West Point cadets have received the award, Ms. Jones is the first since 1992. The Soldier's Medal is amongst the highest honors that can be bestowed upon an individual, as the level of bravery the medal honors is equal to that needed to win the Distinguished Flying Cross.

Cadet Jones, 21, is a native of Baltimore, Maryland. Upon graduation, she plans to join the widely-deployed military police. This will allow her even more opportunities to exhibit her courage.

On May 29, 1999, West Point will graduate its final class of the 20th century. The sort of bravery exemplified by Cadet Jones is precisely what West Point training promotes. Actions such as those taken by Cadet Jones will enable our military forces to maintain their strong posture well into the next century.

While Cadet Jones' modesty may lead one to believe that her life-saving efforts were not unusual, it is obvious that such heroism is indeed extraordinary. Her leadership is to be honored and commended, not just through the presentation of the Soldier's Medal, but by a recognition of her efforts by all my colleagues today.

CONGRATULATIONS TO THE MT. CARMEL HIGH SCHOOL NATIONAL OCEAN SCIENCES BOWL TEAM

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. CUNNINGHAM. Mr. Speaker, I am proud today to pay tribute to the students, teachers, parents and supporters of the Mt. Carmel High School National Ocean Sciences Bowl team that recently visited Washington, DC, for the competition's finals and won second place for the entire United States.

This is the second consecutive year that the Consortium for Oceanographic Research and Education has hosted the National Ocean Science Bowl for high school students from across the country, the second time that Mt. Carmel High has won its regional competition and come to Washington for the semifinals, and the first time the team has made the finals. In doing so, these students demonstrated their immense dedication of months of after-school study and investigation of oceanographic sciences and the world around us.

I would like to recognize each of the student team members by name, to honor their work and their extraordinary national achievement.

Daniel Warren Heise is a sophomore (among seniors) on Mt. Carmel High School's competing NOSB team in San Diego. However, he also participates in the Speech and Debate program and in Mt. Carmel's Key Club. He has assisted at nursing homes and orphanages in recent years. He also plays soccer, football, baseball, and basketball in the community. Danny loves to bodyboard at the beach, go camping, sketch, and kickbox. While taking frequent odd jobs on the side, he also has a 4.06 GPA. He aspires to attend a university and eventually travel much of the world.

Jennifer (J.J.) Nielsen is Captain of the Mt. Carmel High School NOSB team. She has been working with the team since January 1998. she is very proud and excited to be a part of the competing team, and looks forward to representing Southern California at the National Competition in Washington, DC. Besides working with the Oceanography team, Jennifer is also a part of the Mt. Carmel's Yearbook staff, CSF, and Link Crew. Outside of school, Jennifer enjoys snowboarding, SCUBA diving, hiking and listening to music. She has also been a Girl Scout since she was six years old. After she graduates in June 1999, Jennifer will attend San Diego State University and will work towards a degree in astronomy and geology.

Newton Quoc Quan is a senior at Mt. Carmel High School. This is his first year on NOSB team. He is also one of the senior captains at his high school's Varsity Lacrosse Team. He is currently involved in CSF, Link Crew, and Math Club. Newton currently has a 4.03 GPA and hopes to attend UCSD. He would like to thank all of his friends and family for all the support they have shown him. Newton would also like to especially thank Atish Baidya and Kevin Splittgeber for their involvement in getting him to join the team.

Bradley Wilson Reddell is a senior at Mt. Carmel High School. He currently lives in San Diego California with his parents and his thirteen-year-old brother. He is a current member of the ceramics club and NOSB. His hobbies include reading Robert Jordan and Tolkien novels, creative writing and archery. He also enjoys playing computer games. Brad has found that studying for NOSB has been well worth the time and has come to enjoy the challenge. He plans to attend Community College for two years then plans to transfer into a university and pursue a major in biology.

Lynn Sun is a senior at Mt. Carmel High School and is concurrently enrolled in the University of California, San Diego. She maintains a 4.2 GPA and is a National Merit Scholarship Semifinalist. She is also a member of the California Scholarship Federation and competes in Science Olympiad. She hopes to become a physician someday. In her free time she enjoys playing the piano, sketching, and skiing. Lynn would like to thank her parents, Huai and Jie Lin Sun, her coach, Harold Dorr, and all of her teachers and friends for their support.

I also want to specifically mention a number of teachers, parents and others who have been instrumental in the success of Mt. Carmel High's National Ocean Sciences Bowl team.

Harold W. Dorr is the coach of the Mt. Carmel High School National Science Bowl team. He is a science teacher at Mt. Carmel High School in the San Diego area where he teaches Oceanography and Zoology to 11 and 12 grade students. He is also an adjunct professor at Palomar College where he has taught in both the Life Science and Earth Science departments and is presently teaching Physical Oceanography.

Mr. Dorr has a Bachelor of Science in biological sciences from San Diego State University and a Masters of Science in marine sciences from the University of San Diego. Prior to becoming a teacher, he enjoyed five years working as a biological technician (fisheries) for the National Marine Fisheries Service and five additional years conducting various activities including teaching SCUBA, working as a diver at an oceanarium, and collecting marine biological data on various research projects.

In Mr. Dorr's rare free moments he enjoys SCUBA diving, underwater photography, fishing, camping and motorcycling. He never gets his fill of sharing the ocean, mountains and deserts with his wife and three children.

Keith Gretlein is a student at Palomar College and a member of last year's NOSB team from Mt. Carmel High School who competed in the national finals last year. Keith spent many hours working as assistant coach and assisting the students as they mastered difficult topics and learned the game strategy. Keith brought the expertise of a former competitor and shared his insights regarding both academic material and how to have the most positive experience with the members of other teams. Keith emphasized that this is an opportunity to gain new and interesting friends!

Sean Nesbitt, a student at University of San Diego, was also a member of the previous year team with Keith. Sean also worked as assistant coach and spent many afternoons and evenings teaching and helping students on their game strategy. Sean was instrumental in helping Mr. Dorr select the most competent and compatible team. His experience in this competition last year was invaluable to the team.

Kara Lavender, a doctoral candidate at the Scripps Institution of Oceanography of the University of California San Diego, assisted this team by bringing the students up to date information about physical oceanography and assisting them as they grappled with topics that might be encountered as team challenge questions. Ms. Lavender demonstrated a gift for teaching as she brought complex concepts from her graduate courses and shared them in a very understandable way with the students.

Scott Fisher, the principal of Mt. Carmel High School, consistently supported this NOSB team and allowed them to take trips, try new activities, take a few risks, and grow. Mr. Fisher recognized the hours of hard work and the sacrifices these students have made throughout the year and awarded the team a school varsity letter for their efforts and successes.

And, of course, I want to recognize the hard work and sacrifice put forth by the parents of all of these Mt. Carmel High School NOSB team members, supporters and friends. Excellence in learning begins in the home. These parents deserve to be honored.

Last, I want to pay a special thanks to my good friend, Admiral James D. Watkins. Admiral Watkins is the president of the Consortium for Oceanographic Research and Education, CORE, that is the sponsor of this annual National Ocean Sciences Bowl. Having tirelessly given his life and his energy to America through service in the U.S. Navy and in several Executive Branch appointments, Admiral Watkins continues to aggressively advocate for excellence in scientific education and research as the means to build a better tomorrow. By his will and considerable persuasive abilities, the National Ocean Sciences Bowl is bigger and better every year for all of the student competitors and supporting and sponsoring institutions. I am proud to have Admiral Watkins as a friend.

Let the permanent RECORD of the Congress of the United States show that the National Ocean Sciences Bowl team of Mt. Carmel High School, in San Diego, California, has demonstrated the best of young America through vigorous study, teamwork, and good sportsmanship. They are champions of our community, and they exemplify what makes our country great.

HONORING TEACHERS HALL OF FAME INDUCTEE DOROTHY KITTAKA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. SOUDER. Mr. Speaker, I rise today to honor Dorothy Kittaka, a music teacher at Haverhill Elementary School in Fort Wayne, IN, and one of only five teachers in the Nation to be inducted this year into the National Teachers Hall of fame.

Throughout her career Dorothy has been recognized with numerous awards for her accomplishment in the classroom. She is a two-time Southwest Allen County Schools teacher of the year and a finalist for Indiana teacher of the year. In addition, in 1997, Parents Magazine recognized her with their ''As they Grow'' award, given to people who have demonstrated an unwavering commitment to effecting positive change in the lives of children.

However, Dorothy's sphere of influence reaches well beyond her classroom walls and into the community. Dorothy Kittaka is co-founder of the Foundation for the Arts and Music in Elementary Education—known as FAME. She is involved with the Indiana-Purdue, Fort Wayne Community Advisory Council; Arts United; the Fort Wayne Children's Choir and the Fort Wayne Philharmonic.

Perhaps the best description of the unique gifts Dorothy Kittaka brings to her students was offered by Haverhill's principal: ''Dorothy's entire life is an example of one who believes that the arts are a vital force in the education of children. Her enthusiasm for the importance of the arts ignites the spark of imagination, creativity and joy of learning in her students.''

On behalf of the people of the Fourth District of Indiana, I want to thank Dorothy Kittaka for the countless contributions she has made to the lives of our young people.

INTRODUCTION OF A BILL TO RENAME MOUNT McKINLEY AS DENALI

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to correct one of the oldest and most controversial mistakes ever made in the naming of one of America's foremost natural geologic features, which is in the State of Alaska. I refer to Denali, which the federal government persistently and unjustly names Mount McKinley.

Denali is North America's tallest mountain, rising to 20,320 feet in the heart of the Alaska Range. Its vertical rise measured from its lowlands to the summit is greater than that of Mt. Everest, in effect making it the tallest mountain in the world. Denali is also one of the nation's most beautiful natural features and a fitting symbol of the largest state and most prolific and responsible developer of natural resources. Alaskans and visitors alike marvel at its stunning beauty and dominant presence on the landscape, and the massif has come to represent both Alaska's proud heritage and bright future.

On a clear day, one can see the giant peak looming on the horizon 140 miles away to the south in Alaska's largest city of Anchorage. It is no wonder that Athabascan Native people have always called the peak ''Denali,'' which means the High One.

Through the State's history the peak has been known as ''Denali'' until it was discovered by a prospector who took it upon himself to name the mountain after President William McKinley. Rather than call the mountain what the Alaskan people had called it for hundreds if not thousands of years, one person arbitrarily changed the face of maps everywhere . . . everywhere except Alaska, that is.

In 1975 the Alaska Legislature formally named it Denali, and the mountain is known by that name within Alaska to this day. Differences between state and federal names of geographic features are rare, and in this care the anomaly deserves amending.

To this end, the State approached the federal Board of Geographic Names with the proposal to require the use of Denali in all maps nationwide; the Board was prepared to act favorably. However, the Board's hands were subsequently tied by the intervention of one Member from Ohio.

One Member from Ohio continuously introduces legislation to block the name change. By its own policy, the Board refuses to act on a name change of a geographic feature when there is pending legislation concerning it, even if the measure is never considered. Thus, one single Representative can block a name-change within a State sought by the State's duly elected representatives. Whatever happened to the principle of federalism?

Far from memorializing a president in an appropriate manner, the name Mt. McKinley is now the source of confusion for millions of visitors to Denali National Park, the correctly named park hosting the mountain with the misfit moniker. Congress in 1980 dispelled this confusion half-way by redesignating the former Mt. McKinley National Park as Denali National Park and Preserve. Consistency dictates we use the name Denali for the mountain at the heart of the park.

I have nothing against naming a natural landmark after a U.S. President; it is an appropriate and honorable way to memorialize this nation's Presidents. However, William McKinley's deepest roots were in the State of Ohio, which is why he's known as the Idol of Ohio.

I respectfully suggest the gentleman from the State of Ohio re-designate a federal forest or similar landmark of his district after President McKinley if he wishes to honor this great president's memory. I am more than willing to assist him in this task.

My bill formally redesignates Mount McKinley as Denali, and requires the Interior Department to reflect this correction in all maps, references, and products put out by the United States government. This bill is not symbolic. It will be moved and receive its due consideration in this Congress.

Congress should end a long-running, 26 year controversy and name the mountain after what the people of the State of Alaska want it to be called: Denali.

75TH ANNIVERSARY OF THE NORWIN HIGH SCHOOL BAND

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. KLINK. Mr. Speaker, it is my distinguished honor to recognize on the House floor an exceptional group of people from one of the schools in my Congressional District. On May 14, 1999, the Norwin High School Band will celebrate its 75th anniversary. For three quarters of a century, this organization has dedicated itself to the pursuit of musical excellence and music education. Through classes, practices, and competitions, the Norwin High School Band has established itself as one of the premier high school bands in the country. Among its many accomplishments, the Norwin High School Band has multiple state championships and a 1982 Marching Bands of America Grand National Championship. To further its impressive resume, it is the only band in the nation to have won Bands of America Regional Championships in three consecutive decades, and we have every reason to believe that it will find its fourth victory in the new millennium.

Mr. Speaker, as we progress to the year 2000, it becomes ever more clear that investment in young people's education must remain our first priority. The Norwin High School Band has championed this philosophy for 75 years, and it will continue to lead by demonstration in the future. I ask my colleagues to join me in the recognition of this talented and gifted organization, and to thank its members and alumni for their contributions to the community, the state, and the nation.

TRIBUTE TO VETERANS OF WORLD WAR I AND WORLD WAR II FROM MOUNT PLEASANT, MICHIGAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the men and women from Mount Pleasant, Michigan, who served in World War I and World War II.

On May 15, the city's memorials will be rededicated. I am honored to be invited to the ceremony and have submitted for the Record my remarks, which follow:

It is my privilege to join as we pay tribute to the men and women who fought in World War I and World War II. Some have joined us today. Some died on the battlefield. All served with honor.

When these monuments were first dedicated a different group of people stood here. They were mothers and fathers, sweethearts, classmates, and childhood friends to those they came to honor. With swollen pride and teary eyes, they remembered these sons and daughters.

They could recount with detail the great battles led by our generals and the evil deeds committed by our enemies. They made do without at home to win the war abroad. They knew sacrifice, loyalty, and mission.

As time passes, it is inevitable that the bitter memories of war fade. The names of the dead are engraved on plaques, and whispered at night by widows in prayers that only God hears.

But because each new generation is faced with learning the value of freedom and the price it demands, they must turn to the past, to learn and remember.

The lessons of World Wars I and II, like these two monuments, still stand. They are honor, service, bravery, and patriotism.

The greatest memorial we can give to those who served in these wars is to keep the memories of these men and women in our hearts and minds, and to pass on their sacred values to our children.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. THOMPSON. Mr. Speaker, in my continuing efforts to document and expose racism

in America, I submit the following articles into the CONGRESSIONAL RECORD.

STUDENTS WORK ON PLANS TO GET AROUND INITIATIVE 200

SEATTLE (AP)—In the wake of anti-affirmative action Initiative 200, some University of Washington students aren't waiting around for administrators to take steps to maintain the school's diversity.

They have formed what they call a ''multicultural think-tank'' to come up with their own list of proposals to encourage and prepare minority high school graduates to apply to the UW.

''The first year after something like Initiative 200 is the biggest time to decide what happens for the future,'' said Tyrone Porter, a doctoral student in bioengineering and think-tank member. ''I didn't want to just sit around and not see things really going on.''

I–200, passed by voters in November, prohibits the consideration of race and gender in state government contracting, hiring and college admissions. At the UW, which had considered race in admissions before I–200, preliminary figures show a decline in minority applications, and administrators fear that will translate into lower minority enrollments.

The think-tank members' ideas include sending teams of UW students to area high schools, teaching teen-agers good study habits, and helping them prepare for college-entrance tests.

''The biggest thing is students going out and being the primary ambassadors for the school,'' Porter said. ''I don't think that's being done on a regular basis right now.''

Porter has outreach experience. As an undergraduate at Prairie View A&M University in Texas, a historically black school, he regularly visited his old high school in Detroit to talk about opportunities at Prairie View. He is now a regional officer for pre-college initiatives in the National Society of Black Engineers.

Porter decided to use that experience by working with other students to develop student-driven solutions to maintaining minority enrollments at the UW.

Porter is pushing for a pool of money to pay for student outreach proposals and hire an outreach coordinator to keep the various programs working together.

Another group member, Tyson Marsh, has developed a proposed yearlong program designed to teach leadership skills to high school students and encourage them to work in their communities.

''I guess the overall hope is to develop conscious citizens, both outside the UW and within the UW community, while providing them with resources and educational opportunities and experience in organizing,'' Marsh said.

The think-tank members plan to present their ideas to UW regents on Friday.

The university is still developing its own outreach plan to maintain diversity among UW students. Ideas being considered include placing UW counselors in some high schools, recruitment mailings and working more closely with community groups.

The student proposals are part of the mix, said Ernest Morris, vice president for student affairs and chairman of a task force on diversity efforts.

''They're good ideas,'' Morris said. ''We like the enthusiasm that they represent. We like the fact that the students are implicitly and explicitly committing themselves to working toward this shared goal.''

SPOKANE POLICE STUMPED BY CROSS-BURNINGS

SPOKANE (AP)—Investigators have few clues into a string of our recent cross burnings, including two targeting an interracial couple from northeast Spokane.

In the front yard of the couple's home Tuesday, a blackened cross that had apparently been set on fire before dawn leaned on a fence.

Inside, a 13-year-old boy who was home sick from school—one of the couple's three children—punched his hand into the family's sofa and vented.

''If I catch who did this, I want to take them down,'' he said. The boy's mother comforted her son but suggested he shouldn't respond to a hate crime with more violence.

''I'm still angry, but not as mad as I was after the first one,'' she said.

The mother, who is white, and the father, who is black, believe the family has been targeted because of its racial makeup.

The wooden cross found Tuesday had been wrapped with a piece of cloth that may have been saturated with a flammable liquid.

It was similar to one left in the front yard Feb. 14, and to another left a week later that was burned outside Zion Temple Church. The predominantly black congregation is in Spokane's East Central neighborhood.

Investigators call the 2-foot-high crosses in those incidents ''trunk'' crosses because they are small enough to fit in a car's trunk.

The first of the recent series of cross-burnings occurred Feb. 11, when a larger cross—about 5-feet-high—was left by the northeast Spokane home of a 58-year-old white man.

Before this year, Spokane police hadn't recorded a cross-burning since such hate crimes became a specific reporting category in January 1993.

Police have no suspects in the recent incidents and aren't speculating about who's responsible.

Investigators are perplexed about the second incident at the interracial couple's home, in part because their name and address—even their specific neighborhood—were not publicly divulged in a newspaper account about the earlier cross-burning.

That means investigators can pretty much rule out a copy-cat crime carried out by someone motivated by media attention.

But it doesn't rule out neighbors—who may have a dispute with the family—or someone acting out of hatred, investigators say.

Police also will examine whether a secret racist group may be responsible for the cross-burnings, although there is no evidence to suggest that, investigators say.

TRENTON COUNCIL SELECTS BLACK AS MAYOR

TRENTON, NC (AP).—A town where a black never held elective office and that refused to annex three black neighborhoods now has a black woman mayor, succeeding a white man who quit after saying blacks are unfit to govern.

The town council selected Sylvia Willis as the town's newest temporary mayor in a special closed session Tuesday. The selection averted another boycott threatened by Mrs. Willis' husband, black activist Daniel J. Willis.

''They looked at everybody's qualifications and decided to go with her,'' said town attorney Christopher Henderson, adding that the vote was unanimous.

Mrs. Willis is the first black ever to serve in Trenton government and the town's first female mayor.

''This is the beginning of a coming together—or trying, anyway,'' Mrs. Willis said.

She will fill the remainder of former Mayor Joffree Leggett's term, which will expire in November. Leggett resigned in March after saying blacks did not belong in town government and were not leaders.

He made the comments amid criticism of Trenton's government by Willis and others for refusing to annex three black neighborhoods. Trenton, a town of about 200 located 90 miles southeast of Raleigh, at the time had only 50 blacks. Since then, the town council has agreed to annex the neighborhoods and their roughly 100 black residents.

Mrs. Willis' selection came less than 24 hours after a town council meeting at which councilmen Charles Jones and Odell Lewis exchanged angry words with Daniel Willis and others.

Nearly 30 black residents had signed a petition nominating Mrs. Willis for a seat on the council in the wake of Leggett's resignation and Lewis' appointment as mayor pro tem.

Jones said no vacancy existed since Lewis was holding a commissioner's seat and the mayor's post simultaneously because he had not resigned from the council.

Mrs. Willis stood after Jones' statement and volunteered to serve as mayor.

Her appointment ended a brief boycott of Trenton merchants that began Tuesday. A number of blacks met after Monday night's council meeting and agreed they would not shop at town businesses until a black was appointed to the council. All Trenton businesses are owned by whites.

Mrs. Willis will be sworn in at the council's next meeting May 10.

The new mayor is accustomed to breaking ground. She was the first black appointed to several postmaster jobs in towns in North Carolina and New York.

''It's like it was God's plan for my life in these situations,'' Mrs. Willis said. ''When I look back, it wasn't anything I particularly went out to seek.''

She expects to be able to work with council members. ''I've had things thrown at me before, and I had to deal with it,'' she said. ''You don't just strike out because someone talks ugly or looks dirty.''

MINORITIES MAKING FEW GAINS ON NEWSPAPER STAFFS

SAN FRANCISCO (AP).—Newsrooms are still overwhelmingly white and male, despite efforts in recent years to attract minority journalists, a study says.

The percentage of Asian American, black, Hispanic and American Indian newsroom employees rose to 11.55 in 1998 from 11.46 the previous year, according to findings presented Wednesday at the annual convention of the American Society of Newspaper Editors.

For the first time, the survey also counted female journalists, finding they represent about 37 percent of news staffs.

''I still think there are a lot of editors who don't understand the importance of diversity,'' said Nancy Baca, president of the National Association of Hispanic Journalists and an assistant features editor at the Albuquerque Journal in New Mexico.

The survey also showed declines for members of minority groups receiving internships and getting a first full-time journalism job.

Catalina Camia, president of Unity: Journalists of Color, an alliance of Asian-American, Hispanic, black and American Indian journalists, found one unchanged statistic particularly troubling—9 percent of the newsroom supervisors are minorities.

''These are the positions of real decision-making,'' said Camia, a Washington correspondent for The Dallas Morning News. ''Looking at the big picture, these numbers tell us that incredible efforts need to be taken if we are going to get young people of color interested in journalism.''

At the Tuesday session, ASNE announced a series of initiatives, including creation of a national talent bank listing minority students looking for internships or their first jobs.

The board of the Associated Press Managing Editors ratified the list of initiatives. ASNE's goal is for newsrooms to reflect the racial and ethnic makeup of the general population by 2025.

''You can't sell newspapers to people if you don't reflect their communities,'' said N. Christian Anderson, publisher of the Orange County Register and incoming ASNE president. ''It's a simple business equation, as well as the right thing to do.''

COURT: WITNESSES HAVE TROUBLES IDENTIFYING MEMBERS OF OTHER RACES

(By Thomas Martello)

TRENTON, NJ (AP)—The New Jersey Supreme Court has ruled that juries in some mixed-race criminal cases should be told that witnesses have a tougher time identifying defendants of another race.

Prosecutors had argued there isn't enough scientific evidence to prove witnesses have more difficulty identifying members of another race.

But the court rejected the argument Wednesday, saying there have been ample studies and that most jurisdictions accept the concept.

''Indeed some courtroom observers have commented that the ordinary person's difficulty of 'cross-racial recognition' is so commonplace as to be the subject of both cliche and joke: 'they all look alike,'' the court wrote.

The court ordered a new trial in the rape case of a white Rutgers University student who identified a black man, McKinley Cromedy, as her attacker. The court said the jury should have been given a ''cross racial instruction'' alerting jurors to pay close attention to the possible influence of race in identifying defendants.

The woman had not recognized a photograph of Cromedy that she was shown a few days after the rape. However, she alerted police eight months later when she spotted Cromedy on a street corner. She identified him as the rapist after he had been taken into custody.

No forensic evidence was admitted during the trial. Court documents said it was not possible to link Cromedy to the rape through blood and sperm samples, and no fingerprints were taken by police at the scene.

The trial court did not allow the jury to be advised that ''cross racial identification'' could affect the victim's ability to identify her assailant, a decision upheld by an appeals court and overturned this week.

''It's an important decision,'' said Sylvia Orenstein, who argued the case on behalf of Cromedy. ''Science has shown, unfortunately, that most people tend to better recognize people of their own race. This is another factor a jury should be alerted to consider.''

The court said a cross-racial instruction to juries should only be given when identification is critical to the case, and there are no other eyewitnesses to back up the victim's charges.

POLICE BRUTALITY AND RACIAL PROFILING: FACTS ARE SCARCE

(By Paul Shepard)

WASHINGTON (AP).—In Boston, cries of police brutality are relatively rare. A beefed-up internal affairs division seems to be working, experts says.

In New York, on the other hand, anyone who has ever heard of black immigrants Abner Louima and Amadou Diallo knows the nation's largest city has a problem when race and policing converge.

But whether these cities have the best and worst records in policing their police—or whether police brutality is on the rise in American cities—is difficult to say authoritatively.

No government agency keeps track, and few police departments collect information based on race.

The question has taken on crucial dimensions. Police shootings have taken the lives of blacks in Pittsburgh and Riverside, Calif. In New Jersey, Maryland and Florida, state troopers have come under fire for conducting traffic stops based on a driver's race—so-called racial profiling.

A picture can be cobbled together from hearsay and anecdotes but the lack of hard statistics riles civil rights advocates who believe black and brown people are more likely to end up unjustly facing a policeman's gun or billy club than whites.

''This is frustrating to me in large part because white America has refused to acknowledge a problem exists,'' said Rep. Gregory W. Meeks, D-N.Y. ''Now in 1999, we are seeing some of the same police brutality we saw in the Jim Crow days, but white America just doesn't get it.''

Meeks, said the Congressional Black Caucus task force on police brutality, which he co-chairs, plans hearings in several cities, including Baltimore, Chicago and Dallas.

''At least it will be a starting point,'' said Meeks, a former prosecutor.

Said Ron Daniels, head of the Center for Constitutional Rights, a New York-based civil rights group, ''We know we have a bad problem out there. We just don't know exactly how bad.''

''Anywhere I've gone in this country, 15 minutes into the conversation we are talking about some police brutality,'' Daniels said. He organized a national anti-police brutality march in Washington in early April after four officers from New York's elite street crimes unit fired 41 shots at Diallo, an unarmed West African immigrant, hitting him 19 times. The officers have been charged with second-degree murder.

For years, civil rights groups have urged the Justice Department to collect nationwide data on excessive force cases. The collection of data was authorized by the 1994 Crime Act but not funded.

''So far we only have anecdotal information,'' said NAACP President Kweisi Mfume.

On Wednesday, Rep. John Conyers, D-Mich., reintroduced a bill requiring the Justice Department to collect data on traffic stops by local police. ''Stopping our citizens to be searched on account of their race is an unacceptable activity on the part of law enforcement,'' he said.

A bill before the Massachusetts Legislature would require the state attorney general to study the number of people stopped for routine traffic violations, their race or ethnicity, age, along with why they were stopped, if there was a search and whether an arrest was made.

San Diego requires that police record of race of people they stop in order to assess whether officers rely on racial profiling in making traffic stops. Some of the 35 police chiefs and activists who met with Attorney General Janet Reno last week discussed adopting such a plan elsewhere.

But, generally, police officials are wary. ''If passed into law, the (Conyers) bill would place a burden on the police and lengthen traffic stops,'' said Robert Scully, executive director of the National Association of Police Organizations, which represent 4,000 police unions and associations. He said officers are vulnerable to attack during such stops and pausing to collect data ''would make a dangerous situation worse.''

''It's ironic that in the quest for a color-blind society, some people want us to keep track of people by race,'' said Jim Pasco, executive director of the Fraternal Order of Police, the nation's largest police labor organization, with 277,000 members. ''We're opposed to any kind of racial tabulation,'' he said, opposing proposals to accumulate data on police brutality cases.

Pasco said that police brutality hasn't been increasing. He notes the number of federal prosecutions of abusive cops has stayed at about 30 a year while the number of officers has sharply increased.

Available information hints that along with Boston, the police departments of Minneapolis and San Francisco have done the best jobs in curbing such abuses, according to a study last year of 14 cities by Human Rights Watch, an international human rights organization.

New York, Washington, D.C., and New Orleans appear to have the most serious problems of abusive officers on their forces, according to the report.

Los Angeles, where the Rodney King police beating led to riots, was judged to be ''slowly on the mend.''

Allyson Collins, the report's author, said the FBI, U.S. attorneys and Justice Department all have some information that could shed light.

''Bits and pieces of information are scattered everywhere,'' Collins said. ''Its not a priority until we get some high-profile case that gets everyone talking and then the public is lulled back to sleep on the topic.''

INTRODUCTION OF H.R. 1625—THE HUMAN RIGHTS INFORMATION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. LANTOS. Mr. Speaker, recently I introduced in the House The Human Rights Information Act (H.R. 1625), and joining me as the principal cosponsor of this bill was Congresswoman CONNIE MORELLA, our distinguished Republican Colleague from the State of Maryland. Our legislation has already found strong bipartisan support with over 50 of our distinguished colleagues joining as original cosponsors of this bill. These men and women are leading voices in the defense of human rights throughout the world, and recently many of them joined me at a press conference announcing the introduction of this legislation.

Mr. Speaker, this legislation is similar to legislation which I introduced in the last Congress with the cosponsorship of Congresswoman MORELLA. Our bill—H.R. 2635 of the 105th Congress—was considered and favorably reported by the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform in the last Congress. I want to commend our colleague, Congressman STEPHEN HORN, who chairs that Subcommittee, for his thoughtful consideration of the legislation last year. I also want to thank Congressman DENNIS KUCINICH, who served as Ranking Democratic Member of the Subcommittee in the last Congress, for his help in the consideration of the legislation last year.

Mr. Speaker, three simple principles are at the heart of the Human Rights Information Act.

First, it is a fundamental obligation of our government to support and protect human rights and democracy. This principle is central to our democratic system of government. The constitutional codification of our commitment

to human rights, our Bill of Rights, not only has domestic implications for Americans, but it also has inspired and encouraged countries around the world in their own quest for freedom, democracy, and human rights. Successive American Administrations have recognized our nation's strong national commitment to human rights as a guiding principle and as one of the highest obligations of our nation's foreign policy. The United States has freely accepted our obligation to protect human rights under international law by signing and ratifying various international human rights treaties and covenants. It is also fundamental to any democratic system of government that the public be fully informed about policies directly affecting these most fundamental rights in order for the people to make meaningful decisions with regard to their government and to participate fully in the democratic process. The timely declassification of documents pertaining to human rights violations abroad, therefore, ought to be a paramount obligation of any U.S. government agency.

Second, our nation's commitment to the promotion and protection of human rights and democracy around the world has led us to make tremendous diplomatic, economic, and military efforts to end systematic human rights violations abroad. The United States government's efforts are supported by numerous American and foreign non-governmental organizations (NGOs) in the promotion of human rights and democracy. These efforts would be in vain if we do not do all we can to uncover and legally prosecute those who commit human rights abuses with impunity. Only full investigation of human rights abuses in these areas can really bring about the full accountability needed to develop respect for human rights and to rebuild a peaceful and reconciled civil society after civil conflict.

Third, democracy and human rights can flourish only where information is fully available, and information is essential to the rule of law. Without information and the rule of law, we will see human rights violations and the erosion of democracy. Even in countries where progress has been made, there is danger of regression if full information and the rule of law are not scrupulously enforced.

A country currently facing this danger is Guatemala. As my colleagues may know, just a few weeks ago, three gunmen entered the house of Ronalth Ochaeta, the director of the Catholic Church's human rights office. They put a gun to the head of his 4-year old son and left a box with bricks behind. The bricks are an allusion to the assassination of Bishop Gerardi a year ago, who was killed by a brick only days after the Bishop issued his report on human right violations during the period of the Guatemalan Civil War. The investigation of the Bishop's death has not yet produced any results. In Guatemala recently, President Clinton gave his word that the United States will never forget its obligation to those people whose lives have been affected by our policies, and who are now rightfully seeking the most basic of all information which was not included in the recently released report by the Guatemalan Truth Commission—What happened to their relatives and loved ones, where are their bodies, and which individuals were responsible for the disappearances and deaths?

Mr. Speaker, let me briefly outline the provisions of H.R. 1625:

Our bill specifies that 120 days after enactment of the legislation, each U.S. government agency shall identify, review and organize all records and documents relating to human rights abuses in Guatemala and Honduras after 1944. The provisions of the legislation would also apply to human rights violations in other areas of the world, but because of the particularly serious problems of Guatemala and Honduras and the reconciliation efforts currently under way there, these two countries these are given particular focus in the bill.

The legislation would apply the declassification procedures of the previously enacted JFK Assassination Records Act to human rights records. This will assure that legitimate National Security concerns are protected, but at the same time it will also assure that human rights documents are given special priority. In order the assure that records are not withheld for trival reasons, those records which agencies seek to withhold would be reviewed by the Interagency Security Classification Appeals Panel (an organization which was established by Presidential Executive Order 12958) or any entity subsequently established which fulfills the same functions of the Appeals Panel. Our legislation would add two new members to the Appeals Panel (or the entity that replaces it). These two positions would be filled by the President with human rights experts who meet the security requirements for membership on the panel. The President would be required to invite recommendations for these positions from the human rights community.

Mr. Speaker, our legislation is an effort to assure that human rights records and documents—which are essential for the identification and prosecution of individuals involved in gross human rights abuses—are made available to other countries in their pursuit and punishment of human rights violators. At the same time the legislation recognizes and carefully balances the national security and intelligence needs of the United States.

I invite our colleagues in the House to join as cosponsors of this important piece of legislation.

THE TAX FAIRNESS FOR THE STATES ACT OF 1999

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. VISCLOSKY. Mr. Speaker, I rise today in support of bipartisan legislation that I am introducing with Representatives ISTOOK, SANDLIN, LAHOOD, and 17 of my colleagues. The Tax Fairness for the States Act of 1999 will restore millions of dollars of lost revenue for the states, and establish an incentive program for those Native Americans who play by the rules.

The Supreme Court has continuously upheld the states' power to levy taxes on non-tribal members within Native American Tribal Trust Lands. The problem that remains, however, is the mechanism to collect these taxes. Our bipartisan measure would solve this problem.

The Tax Fairness for the States Act would authorize the Secretary of the Interior to promulgate rules to remove those Native Americans lands from the Tribal Trust on which a retail establishment exists that is not collecting the proper state excise taxes. This is not a discriminatory piece of tax legislation aimed at harming Native Americans. Rather, it focuses on the collection of excise taxes that, according to the Supreme Court, should have been collected in the first place. This legislation does not affect transactions between tribal members; it would only impact those retail establishments that are not collecting and passing on these legal taxes on non-tribal members.

The Tax Fairness Act would protect the rights of Native Americans by requiring the Secretary of the Interior to promptly notify any tribe that is under investigation for not forwarding applicable state taxes and gives them a chance to respond. This notification would set out the time and manner in which a tribe has to answer the allegations, including a 90-day comment period in which interested parties could submit statements and request a formal hearing before the Department of the Interior. These important provisions will ensure due process for all tribal members.

Furthermore, our legislation contains incentives for tribes who operate establishments in accordance with the law. The Tax Fairness bill awards Native Americans who play by the rules by giving priority among Native American tribes competing for federal grants to those tribes that can certify their compliance with state law.

This measure ensures equity in the process of state taxation. This is not about Native American sovereignty, nor is it about discrimination. This measure will give back the hundreds of millions of dollars that states lose annually because these taxes are not collected. Support this measure, support tax equity for the states.

IN SUPPORT OF NATIONAL POLICE WEEK

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. QUINN. Mr. Speaker, I am honored to rise today on the floor of this House in recognition of National Police Week, which began May 9 and will run through May 15.

As you know, in 1962, President John F. Kennedy signed Public Law 87–726, designating May 15 as Peace Officers' Memorial Day, and the week in which it falls as National Police Week.

During this week, we not only pay tribute to the brave men and women who have given their lives in service to our community, but we show our unending gratitutde to the police officers who daily risk their lives for our protection.

It is important that we all know and understand the problems, duties and responsibilities of our police department, and that members of our police department recognize their duty to safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression.

Mr. Speaker, I rise today to call upon all citizens of Western New York and the Nation, and upon all patriotic, civic, and educational organizations to observe this week as National Police Week, and join in commemoration of

police officers, both past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. I further call upon all citizens to observe Staturday, May 15, as Peace Officers' Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

THE MEDICARE CHRONIC DISEASE PRESCRIPTION DRUG BENEFIT ACT OF 1999

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. CARDIN. Mr. Speaker, I rise today to introduce legislation that addresses one of the most pressing problems facing America's older and disabled citizens today—access to comprehensive medical care. Medicare, the federal health insurance program for the elderly and disabled, covers a large number of medical services, Inpatient care, physician services, skilled nursing facilities, and home health and hospice care are all covered by the Medicare program. Despite the success of this program in eliminating illness as a potential cause of financial ruin, the burden of high prescription drug costs remains a source of hardship for many beneficiaries.

When Congress created Medicare in 1965, prescription drugs were not a standard feature of most private insurance policies. But health care in the United States has evolved considerably in the last 34 years. Now most private health plans cover drugs because they are an essential component of modern health care. They are viewed as integral in the treatment and prevention of diseases. But Medicare, for all its achievements, has not kept pace with America's health care system. It's time for Medicare to modernize.

Because Medicare does not pay for prescription drugs, Medicare beneficiaries, 80% of whom use a prescription drug every day, must either rely on Medicaid if they qualify, purchase private supplemental coverage, join a Medicare HMO that offers drug benefits, or pay for them out-of-pocket.

Medicaid does provide prescription drug coverage. But nearly 60% of Medicare beneficiaries with incomes below the federal poverty level were not enrolled in Medicaid as recently as 1997. And even Medicaid enrollees with drug benefits must forgo some medications. For example, eleven state Medicaid programs have imposed caps on the number of prescriptions covered each month.

The drug coverage available through Medigap leaves much to be desired. Only 3 of the 10 standardized Medigap plans offer drug coverage, and the plans that do have limits on the benefits and high cost sharing. Two plans have caps of $1250, and the third has a cap of $3000. In addition, all three policies require that beneficiaries pay a 50% coinsurance for prescription drugs. The high cost of Medigap policies puts them out of reach for most low-to-moderate income Medicare enrollees. In my home state of Maryland, a 70 year-old beneficiary buying a Medigap policy with drug benefits would have to pay between $1100 and $3550 per year.

Some beneficiaries get drug benefits through employer-sponsored retiree plans. Although between 60 and 70% of large employers offered retiree health benefits in the 1980s, fewer than 40% do so today. Of these, nearly one-third do not provide drug benefits to their retirees.

So that leaves Medicare HMOs. Nearly one-quarter of Medicare+Choice enrollees—1.5 million beneficiaries—do not have drug benefits today. Nine of ten plans that do offer drugs impose annual caps, some of which are as low as $600. In fact, some seniors in Medicare HMOs are relying on pharmaceutical samples from their physicians to get sufficient supplies of medications. Twenty-five percent of enrollees with drug coverage pay a monthly premium to join the HMO, and these premiums are certain to rise next year. Last October, four of the eight HMOs offering Medicare coverage in Maryland exited the program, abandoning 34,600 seniors. In all but the metropolitan areas, only one HMO was left and it went from a zero premium to $75 a month.

Finally, the benefits offered by Medicare+Choice plans are not permanent. Because they are not part of the basic Medicare benefit package, which by law must be included in Medicare+Choice plans, drug benefits are considered ''extra'' and as such can change from year to year. On July 1, just 50 days from now, HMOs will submit their proposals to the Health Care Financing Administration for 2000. HCFA estimates that 16 million seniors, or 40% of all beneficiaries, will lack drug coverage as of next year.

All of these statistics make us painfully aware of the gaping hole in Medicare's safety net. This Congress can move now to patch it before more elderly and disabled citizens fall through. Today, Mr. Speaker, I am introducing legislation to accomplish this. My bill, the Medicare Chronic Disease Prescription Drug Benefit Act, recognizes the importance of preventive care and provides coverage for drugs that have been determined to show progress in treating chronic diseases. Why chronic diseases? Because the average drug expenditures for elderly persons with just one chronic disease are more than twice as high than for those without any chronic conditions. And because we know from years of advanced medical research that treating these conditions will reduce costly inpatient hospitalizations and expensive follow-up care. Furthermore, this bill addresses those beneficiaries who need assistance with their medications: a review of the Medicare+Choice program reveals that seniors who join HMOs—whom HMOs market to—are younger and healthier than those in fee-for-service Medicare. This tells us that the older, sicker seniors are not getting drug benefits.

My bill addresses their needs. It begins with five chronic diseases that have high prevalence among seniors and whose treatment will show improvement in beneficiaries' quality of life and reduce Medicare's overall expenditures. This bill provides coverage after an annual $250 deductible is met, with no copayment for generics and a 20% copayment for brand-name drugs. The Agency for Health Care Policy and Research will review available data on the effectiveness of drugs in treating these conditions, and based on AHCPR's review, the Department of health and Human Services will determine the drugs to be covered. Pharmacy Benefit Managers (PBM) under contract on a regional basis with the Health Care Financing Administration will negotiate with pharmaceutical companies to purchase these drugs and will administer the benefit.

This bill covers five major chronic conditions, but we know that there are others that should be covered as well. The legislation provides a process for the Institute of Medicine to determine the effectiveness of this benefit and the Medicare savings it produces, and to recommend additional diagnoses and medications that should be considered for coverage.

Mr. Speaker, modern medicine has the capability of doing extraordinary things. But no medical breakthrough, no matter how remarkable, can benefit patients if they can't get access to it. This bill is a matter of common sense: if Medicare beneficiaries can secure the medications they need, they will be able to managed their conditions, and will be much less likely to require extended and costly inpatient care. This legislation is a first step, a major step, toward making this happen. I urge my colleagues to join me in providing a solid package of prescription drug benefits that will modernize Medicare for the 21st century for the millions of Americans who depend on it.

HAPPY 100TH ANNIVERSARY LUTHERAN CHILD AND FAMILY SERVICE OF MICHIGAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. BARCIA. Mr. Speaker, nothing is more precious than our children, and nothing is more important than our families. An organization that celebrates and assists both of these assets is one truly worthy of recognition. I am very happy to tell you that this Sunday, May 16th, Lutheran Child and Family Service of Michigan will hold its 100th Anniversary Worship Service in Frankenmuth, celebrating the organization's founding on May 9, 1899, and its century of accomplishment.

A resolution adopted by the Saginaw Valley Pastors' Conference of the Lutheran Church, Missouri Synod, led to the establishment of Lutheran Child and Family Service of Michigan. It was a response to the need for assistance to children who were left homeless by a terrible fires in the Thumb area of Michigan. This was the initial chapter in a proud history of serving tens of thousands of Michigan's children and families through twenty-two service sites in the Lower Peninsula.

During this past century of championship, Lutheran Child and Family Service of Michigan was developed specialized foster care services to assist children with intensive treatment needs, and has become one of the largest providers of foster care services throughout Michigan. It is the largest provider of intensive in-home family preservation through its ''Families First'' program. It maintains three residential facilities throughout the state for adolescent women, emotionally and mentally impaired boys and girls, and its Lutheran Home in Bay City that provides treatment for adolescent boys. It is the largest private provider in Michigan in the placement of state wards into

permanent adoptive homes, having placed 200 children last year alone. It helps children with AIDS with out-of-home placement. The Lutheran Adoption Service was also chosen as a pilot agency for developing an automated client information system, the Integrated Information System.

There is no doubt that many people will face difficulties during their lives. At those times, responsible assistance coupled with sensitive caring go a long way towards helping to ease problems. Robert Miles, the Executive Vice President and Chief Operating Officer of Lutheran Child and Family Service, and all of the wonderful people associated with this fine organization can take pride in all that they have done, and all that they continue to do each and every day.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing Lutheran Child and Family Service of Michigan a most joyous 100th anniversary, and many more happy ones to come.

SAVE OUR CHILDREN FROM GUN VIOLENCE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. MCCARTHY of New York. Mr. Speaker, 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 children?

I was optimistic when I first learned the other body would take-up amendments drafted to keep guns away from our children. I thought they may set an example for the House to follow by putting politics aside to save our children from gun violence.

But what happened? The other body defeated a simple, common sense measure that would have tightened regulations on the sale of guns at gun shows.

I ask you, why is this a political issue? How many more children will have to die before Congress wakes up and passes laws to save young lives?

I want you to know that we will not give up. We will only 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 my legislation, the Children's Gun Violence Prevention Act. Today, a young student on Long Island let me know that her school sent a petition to the Speaker of this House, asking him to address the issue 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, we lose 13 more kids.

THE FEC REFORM AND AUTHORIZATION ACT OF 1999

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. HOYER. Mr. Speaker, we tend to take our elections for granted, only briefly focusing attention when there is a disputed outcome or, more recently, to bemoan the lack of voter participation. This unfortunate detachment by the voting public is the result of many different factors, one of which is the lack of confidence in our election process. It is long past the time for Congress to recognize the vital importance of our election process and the need to shore up and strengthen our democratic election system. We can start by reforming the Federal Election Commission (FEC). I am confident that we can give the Federal Election Commission the necessary mandate and direction to better carry out its responsibilities.

As the ranking Democrat on the two House committees that directly oversee the Federal Election Commission, the House Administration Committee and the Treasury, Postal Service and General Government Appropriations Subcommittee, I feel a special responsibility to do everything I can to make sure this agency functions with maximum fairness and efficiency. As Congress prepares to wrestle with campaign finance reform, it is important to note that even the most promising reform is meaningless unless the FEC is able to carry it out. Hopeful that the 106th Congress will pass Shays-Meehan, I am determined to see that the FEC is equipped at the earliest practicable time to enforce both the letter and spirit of this much needed measure.

To that end I am today introducing the FEC Reform and Authorization Act of 1999.

This bill, which I think my colleagues on both sides of the aisle can support, does not propose radical changes at the FEC because, quite frankly, radical change is not needed. As my colleagues know, in January the respected firm of PricewaterhouseCoopers delivered to Congress the results of a $750,000 independent audit of the FEC that was ordered last year in the FY99 Treasury-Postal Appropriations Act. To many people's surprise, the audit concluded that the FEC is ''a competently managed organization with a skilled and motivated staff'' that executes its responsibilities ''without partisan basis.'' The audit also found that ''high ethical standards are espoused throughout the organization.''

However, PricewaterhouseCoopers did recommend several common-sense actions that would improve the FEC's performance. ''The FEC's continued success will require that the agency aggressively pursue both incremental and significant changes in organization, work process, technology, and management practice,'' the report said.

Several of these recommendations have since been formally endorsed by a majority of the FEC commissioners, making them truly bipartisan in nature. In addition, the FEC commissioners have themselves delivered to Congress a list of bipartisan recommendations, not explicitly included in the audit, that would help the agency do its job better.

Mr. Speaker, this bill incoporates 29 recommendations that were either included in the audit and endorsed by the FEC, or were supported by a bipartisan majority of the FEC commission members. Together they will improve the efficiency and productivity of the FEC.

Most of the recommendations included in this bill address such diverse areas as filing deadlines for campaign reports, eligibility rules for presidential campaign public financing, and FEC administrative procedures. Other can be regarded as more thorough campaign reform, like Section 201, which prohibits foreign nationals, who are now prohibited from making hard money contributions, from making soft money contributions as well.

Each of these technical changes would fine-tune current FEC practices and clarify inconsistencies in current law that have confused FEC officials, contributors, and candidates alike who have had every intention of fairly obeying the law, but have not always been sure just what that law is. I firmly believe that when the underlying statutes are clear to all affected parties, administering and enforcing the law becomes a much more efficient, inexpensive, and straight-forward process.

Mr. Speaker, I do, however, want to spotlight one of the centerpieces of my bill, electronic filing, which was the main audit recommendation and one of the first recommendations that all six FEC commissioners endorsed soon after the audit was released.

Section 101 of this bill instructs the FEC to develop a comprehensive, mandatory electronic data filing system for the major filers. Mandatory electronic filing has been discussed for several years now. Unfortunately, no compelling case has been made for it. After studying the audit and hearing from the FEC, I am convinced that mandatory electronic filing is one of the most important changes we can make. Not only would electronic filing speed up the time it takes for campaign financial reports to be posted on the Web and made available to the public, it would also set off a chain reaction that would allow FEC auditors to analyze campaign reports much more quickly than they presently can. This in turn would allow them to forward much more quickly to the FEC General Counsel's office alleged violations of the law, giving the General Counsel more time to investigate cases before they go stale. In recent years, my Republican colleagues have sharply critized the General Counsel's office for its slow pace and tendency to dismiss too many cases. Electronic filing will provide the FEC with the tools necessary to expedite its business.

While it is important to look for cost-effective ways to make the FEC more efficient, it is also crucial that the agency be given the funds needed to thoroughly conduct their business. This bill would authorize the FEC budget at $38,516,000 which is identical to the President's budget request. This is $2 million more than the FEC's FY99 budget, a 5 percent increase.

Let me conclude by saying that Congress has not passed an FEC authorization bill in 19 years. There are many reasons for this, chiefly an absence of a coherent blueprint that both parties could accept. I regard the independent audit, and this legislation which I am introducing today, as that blueprint for bipartisan action and urge my colleagues on both sides of the aisle to support it.

IN HONOR OF MICHAEL LEGGIERO: NORTH HUDSON KIWANIS CLUB MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Michael Leggiero for being named North Hudson Kiwanis Club Man of The Year. Mr. Leggiero's leadership has shaped the North Hudson Community Action Corporation (NHCAC) into an agency which provides health care, housing and/or child care for over 41,000 residents of North and West Hudson County.

In 1993, the NHCAC created their state-of-the-art Community Health Center which provides primary health care for thousands of underinsured and uninsured Hudson County residents. The Center provides services such as prenatal, women's, pediatric and adult care for over 400 patients a week.

In 1996, Michael Leggiero led NHCAC in the critical effort to build affordable housing in Hudson County. The joint venture he spearheaded led to the construction of 49 new affordable housing units and NHCAC now has plans to begin a second development project.

In their latest venture the NHCAC has collaborated with the town of West New York to create the Children First Infant and Toddler Childcare Center. This innovative child care center is located in one of West New York's housing developments.

Michael Leggiero has been a recipient of many awards and citations including: the Jersey City State College Business Leadership Award, the VFW Patriotic Service Award, and citations by both the New Jersey State Assembly and State Senate.

Again, I congratulate Michael Leggiero on being named North Hudson Kiwanis Club Man of The Year. Because of his leadership and tremendous service to Hudson County, I cannot think of anyone more deserving of this honor.

IN HONOR OF THE KIWANIS CLUB OF ASTORIA/LONG ISLAND CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Kiwanis Club of Astoria/Long Island City and its honorees for this year: Roseanne and Tom Alafogiannis and Theresa and Jack Brucculeri.

The Kiwanis Club of Astoria/Long Island City was established 11 years ago with a primary emphasis on the community's youth. The Club's motto is ''Children Priority I.'' This organization not only says it cares about children, it proves it.

The Club's projects include: college scholarships for high school seniors; an anti-graffiti program; support for the ''Bring up Grades'' program in the local elementary schools; sponsorship of the ''Safe Haven'' program for children who get lost or need assistance on the street; Thanksgiving turkey donations for the needy; and support of local groups such as Goliard Concerts and the Queens Autistic Children's Society.

On May 7, 1999, at its second annual dinner dance, the Kiwanis Club of Astoria/Long Island City will honor two couples who exemplify the heart and soul of the Kiwanis organization: Roseanne and Thom Alafogiannis and Theresa and Jack Brucculeri.

Thom Alafogiannis was born in Greece and followed his dream by immigrating to the United States. Thirty-five years ago he moved to Astoria, Queens, where he founded Alafogiannis Plumbing and Heating. He is also the president of the Greek American Homeowners Association and a member of the Board of Directors of the AHEPA (America Hellenic Educational Progressive Association) Hermes Chapter.

Roseanne and Tom has been married for 30 years and have four children: Paul, Jennie, Joe and Billy. Roseanne is the corresponding secretary of the Greek American Homeowners Association and a vital community worker.

Both Tom and Roseanne are active in other groups and fraternal organizations in Astoria.

Jack Brucculeri came to Astoria at the age of eight from Italy and has lived there since. Theresa moved to Astoria 24 years ago. They have two daughters. Jack, an entrepreneur and businessman, owns the JICC Industries Construction Company, the Pizza Palace and Portofino Restaurant. Along with Rocco Sacramore, he also owns the Trattoria L'Incontro in Astoria.

Jack has been a member of the Astoria Kiwanis Club since 1982 and has served as president of the Club. He is a member of the Italian American Club, the Forum Club, and Ditmars Restoration. Theresa has been a member of the Kiwanis since 1988 and she also serves as a Board of Directors member of the Ronald McDonald House. Both are also active in other groups and fraternal organizations.

Mr. Speaker, I wish to ask my colleagues to rise in tribute to this outstanding organization and their honorees. They truly represent the best of community spirit and values.

TRIBUTE TO DR. HERMAN AND GLADYS STURMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Herman and Gladys Sturman for their outstanding commitment to others that has done so much to improve the quality of life in our community.

The Talmud tells us that ''He who does charity and justice is as if he had filled the whole world with kindness.'' The Jewish Community Centers of Greater Los Angeles has recognized both Herman and Gladys for their tireless dedication to the Jewish community and the community at large. Their philanthropy sets an example for us all.

Along with having been members of the Board of Directors of the Jewish Community Centers, Herman and Gladys have contributed immensely through an array of activities. Gladys was the founder of West Valley Kehillah, a group of 21 Jewish organizations that exemplifies leadership, volunteerism, and service throughout the greater Los Angeles area. In 1974, she was selected as the Most Outstanding Member of the Quarter Century by Temple Beth Ami. While she continues to serve as a member of numerous Jewish organizations, she still finds the time to contribute articles to several Jewish magazines.

Dr. Sturman is a past president of Temple Beth Ami and was a founding member of the Board of Humana Hospital. In addition to his charitable work, Dr. Sturman was the first practicing gynecologist and obstetrician in the West San Fernando Valley.

Aside from their devoted service to the community, Herman and Gladys' unwavering commitment to their family is praiseworthy in and of itself. Throughout their forty-nine years of marriage, they have maintained a Jewish home which is compassionate, accepting, moral, and intellectually alive. They have passed these values on as well to their four children and twelve grandchildren.

Mr. Speaker, distinguished colleagues, please join me in honoring Dr. Herman and Gladys Sturman, true role models for the residents of Los Angeles.

TRIBUTE TO CMDR. MARK M. LEARY, USN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Naval officer, Commander Mark M. Leary who for the past three years has served with distinction as the Assistant Secretary of the Navy, Financial Management and Comptroller as a Principal Assistant and Deputy in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Navy, the Congress, and our great nation.

During his tenure in the Appropriations Matters Office, which began in January 1996, Commander Leary has provided members of the House Appropriations Subcommittee on Defense as well as our professional and personal staffs with timely and accurate support regarding Navy plans, programs and budget decisions. His valuable contributions have enabled the members of the Subcommittee, which I had the privilege to Chair the past four years, and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well trained and well equipped naval forces in the world for our great nation.

Mr. Speaker, Mark Leary and his wife Paula have made many sacrifices during his naval career and as they embark once again on that greatest adventure of a Naval aviator's career, commander of a helicopter squadron, I call upon my colleagues to wish him every success as well as fair winds and following seas.

SAN MATEO COUNTY POLICE CHIEFS' AND SHERIFF'S ASSOCIATION ENDORSES H.R. 1428

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. LANTOS. Mr. Speaker, I recently received a letter from Mr. John Stangl, Police Chief of the City of San Mateo, California, and the President of the San Mateo County Police Chiefs' and Sheriff's Association, informing me that ''without reservation, the membership of the San Mateo County Policy Chiefs' and Sheriff's Association voted to endorse and support H.R. 1428, the David Chetcuti Firearm Modification Act.''

Mr. Speaker, H.R. 1428, which I introduced earlier this year, would close the existing loophole which permits felons to have access to firearm components which they can use to assemble assault weapons. My legislation is simple and does not require any additional law enforcement effort than currently law requires. Quite simply, this legislation would extend the provisions of existing gun control legislation to those components which criminals can and do use to make assault weapons.

H.R. 1428 is called the David Chetcuti Firearm Modification Act, Mr. Speaker, in honor and in recognition of Officer Chetcuti who was killed one year ago by a felon who legally could not purchase a gun, but who was able to purchase a series of firearm components which he then used to assemble the kind of gun that he could not purchase.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation, and I ask that the letter of Police Chief John Stangl be placed in the RECORD.

SAN MATEO COUNTY POLICE CHIEFS' AND SHERIFF'S ASSOCIATION,
San Mateo, CA, May 6, 1999.

Congressman TOM LANTOS,
San Mateo, CA.

DEAR CONGRESSMAN LANTOS: Without reservation, the membership of the San Mateo County Police Chiefs' and Sheriff Association voted to endorse and support H.R. 1428, the David Chetcuti Firearm Modification Act. In its unanimous decision, the association recognized the need to extend firearm laws to gun components and restrict the manner in which they can be acquired.

The use of firearms to resolve conflict or perform an illegal act has become a daily part of our lives. While it can be debated that no amount of legislation will eliminate this tragic reality, it does not make sense to provide an open market for high powered, multi round weapons.

It is obvious that the existing law must be amended to provide the protection to society that was originally intended. We thank you for your efforts and appreciate having the opportunity to work with you.

Respectfully,

JOHN STANGL,
Police Chief, City of San Mateo, President, San Mateo County Police Chiefs' And Sheriff's Association.

HONORING MR. RICHARD LANDIS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. KILDEE. Mr. Speaker, It is a great honor for me to rise before my colleagues today and pay tribute to Mr. Richard Landis, of Davison, Michigan, who has received the American Ambulance Association's 1999 ''Star of Life'' award for his outstanding service as an Emergency Medical Services professional.

The remarkable thing about individuals who serve as emergency medical responders is that they are always on duty. No matter where they are or what they are doing—they may be called upon to assist another person. Their ability to be swift and precise at that moment is of utmost importance; it can be the difference between life or death.

Mr. Landis was in just such a situation while spending a leisurely afternoon at the Silverdome. When another individual also at the Silverdome suffered from a sudden heart attack, Mr. Landis stepped in and saved that individual's life. Due to Mr. Landis's immediate desire to help and his quick thoughts and actions, that cardiac arrest victim is alive today.

This truly amazing event exemplifies the characteristics of Mr. Landis. Not only is he a talented medical professional, but he also brings courage and compassion to his work. His colleagues have noted that they frequently turn to him for advice and support, and they can count on him for his kind and positive attitude.

Since this is Emergency Medical Services week, it is an appropriate time for all of us to think about the valuable role of EMS workers in our communities. I am grateful to have the opportunity to recognize the service that Mr. Landis delivers to communities in my district. His actions are an inspiration for us all and I am proud to represent him in Congress.

WHITE HOUSE FELLOW PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. GILMAN. Mr. Speaker, I rise today to commend Michelle Peluso, one of my constituents of New York City, New York for serving as a distinguished 1998–99 White House Fellow.

Established in 1965, the White House Fellowship Program honors outstanding citizens across the United States who demonstrate excellence in community service, leadership, academic initiative and professional achievement. It is the Nation's most prestigious fellowship for public service and leadership development. For more than three decades, White House fellows have been chosen on the merit of remarkable achievement early in their career. Each year, 500–800 applicants compete nationwide for 11–19 fellowships.

Ms. Peluso graduated summa cum laude from the Wharton School at the University of Pennsylvania, receiving her bachelor's degree in economics. As an undergraduate, she led volunteer programs in West Philadelphia, including a mentoring program, a campus community service group and a volunteer initiative at the Ronald McDonald House. Ms. Peluso received a master's degree in philosophy, politics and economics from Pembroke College at Oxford. Hired as a management consultant with the Boston Consulting Group in New York, she completed a one-year project to define the next frontier in health care and then traveled worldwide to present her ideas to members of the firm's global health care practice area. She founded A New Generation for Peace, a non-profit group that brought together 350 youths from 50 countries for seminars on global issues. Additionally, Ms. Peluso is a member of the board of directors of Christa House, which builds homes and provides care for end-stage aids patients.

As a White House fellow assigned to the U.S. Department of Labor, Ms. Peluso—has co-managed the Vice-President's summit on 21st Century Skills for 21st century jobs, where she was responsible for leading interagency steering committee meetings, writing speeches and working on new policy announcements. She also leads a team that addresses one of Labor Secretary Alexis Herman's top priorities, ''out-of-school youth.'' In that capacity, Ms. Peluso is responsible for coordinating the Department's $2.5 billion portfolio of programs.

She is also responsible for developing new partnerships and a public awareness campaign for the initiative. Further, Ms. Peluso manages the Secretary's dislocated workers initiative, which is the Secretary's number two priority. Her working involves leading a team of senior program managers, economists and public affairs specialists to ensure effective management of programs, develop new strategies for worker dislocation, and help coordinate grants to communities and businesses affected by dislocations.

Mr. Speaker, I know my colleagues will join me in applauding Michelle Peluso for her achievements. I wish to congratulate Ms. Peluso for her distinguished service to White House Fellowship Program.

INTRODUCTION OF AMENDMENT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Ms. SANCHEZ. Mr. Speaker, I rise to report to my colleagues the actions of the House subcommittee on Military Personnel. Today I offered, and the subcommittee endorsed, an amendment that many of my colleagues will recognize as the Harman amendment.

I am proud to continue the good work of my friend and colleague, Congresswoman Jane Harman. Jane was one of my mentors. I am sure my colleagues on the subcommittee will join me in commending Jane's contribution to the quality of life for our military personnel and their families.

My amendment includes the identical language from the Harman amendment. It repeals a provision of the FY 1996 defense bill barring women serving overseas in the U.S. military from using their own funds to obtain legal abortion services in military hospitals. As the ranking woman Democrat on our Committee, I strongly feel that this policy must be overturned.

Women who volunteer to serve in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights because of a policy with no valid military purpose.

This is a health care concern. Local facilities in foreign nations are often not equipped to handle procedures, and medical standards may be far lower than those in the United States. Why are we putting our own soldiers at risk?

This is a matter of fairness. Servicewoman and military dependents stationed abroad do not expect special treatment, they only exprect the right to receive the same services guaranteed to American women under Roe v. Wade—at their own expense.

My amendment does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. My amendment reinstates the same policy that was in effect from 1973 until 1988, and again from 1993 to 1996.

My amendment has strong support from the House. Ninety Members—both Democrats and Republicans—have cosponsored my legislation to change this policy.

My amendment has strong support from health care provides; the American Public Health Association, the American Medical Women's Association, the American College of Obstetricians and Gynecologists, and the Planned Parenthood Federation of America have all indicated their support for this amendment.

And, as you can see from the letter I've provided, my amendment is supported by the Department of Defense. If the professionals who are responsible for our nation's armed services support this policy change, why wouldn't this Committee?

I am pleased that my fellow colleagues on the subcommittee voted to endorse my amendment with bipartisan support. Repealing this unfair prohibition will help keep our soldiers healthy and safe.

PREVENT THE EXPORT OF MILITARILY SIGNIFICANT TECHNOLOGY TO CHINA

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. SWEENEY. Mr. Speaker, yesterday I introduced legislation that will prohibit the sale of the Cray SV1 supercomputer to Hong Kong, now a territory of Communist China. The export of this computer threatens our national security, and I urge you to join in cosponsoring this bill.

In February of this year, a contract was awarded to supply the Hong Kong Observatory with the fastest computer the territory has ever seen. The Cray SV1 supercomputer runs at the speed of 21,000 million theoretical operations a second. If the battlefield and simulation capability of the system were to fall into the wrong hands, it could seriously undermine our national security. This should trigger a ''red flag'' for dual-use militarily significant technology transfers.

To think that China would use this computer for scientific purposes only is pure folly. Last month, a Hong Kong company went before local courts for allegedly :''selling a supercomputer to a Chinese advanced weapons institute.'' A separate Hong Kong company is also facing charges that it imported strategic commodities without a license. It diverted a dual-use computer to a mainland military research institute.

Officials from the departments of Defense, Commerce, Energy and State have raised objections to the sale of the Cray SV1, yet the export is still under consideration by the Clinton Administration. I urge all of my colleagues to please join in co-sponsoring my bill by contacting my office.

RECOGNIZING THE SUCCESS OF THE SEVENTH ANNUAL ''STAMP OUT HUNGER'' FOOD DRIVE IN NASHUA

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. BASS. Mr. Speaker, this past Saturday I had the opportunity to participate in the National Association of Letter Carriers annual food drive in my district. The seventh national ''Stamp Out Hunger'' event was sponsored by the National Association of Letter Carriers and was held in 10,000 cities throughout the United States. One of these cities was Nashua, New Hampshire, where myself and Postal Carrier Doug Mercier traveled throughout his Postal Route #26 collecting donated, nonperishable food items. Although I was only along the route for a little less than two hours, I was absolutely amazed by the amount of generosity that was shown by the dozens of individuals who donated food. Not only did many people donate food, but some selflessly donated more than one item. The impact of this event was obvious to me when I found out that the residents of Nashua had succeeded in donating more than 36,000 pounds of food. That is 18 tons of donated food collected in one city, in one day!

Needless to say, I was extremely impressed with the effort, organization, and effectiveness of the National Association of Letter Carriers food drive in Nashua and its success throughout the country. I would like to commend the National Association of Letter Carriers and the United States Postal Service for their commitment to collecting food for the hungry and lending a helping hand to those who need it most. The food that was collected will help feed nearly 30 million needy people throughout the country. It is initiatives like this food drive that encourage people to participate in their community and assist those in need. I would encourage all of my colleagues, if they have not already done so, to participate in the national Stamp Out Hunger food drive next year. I know that I am already looking forward to participating again and I am greatly encouraged by the generosity and goodwill that I witnessed this past weekend.

REPUBLIC OF CHINA'S PRESIDENT LEE TENG-HUI'S THIRD ANNIVERSARY IN OFFICE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ROHRABACHER. Mr. Speaker, three years ago, voters in Taiwan rejected communist China's attempts at military intimidation and handed a landslide victory to Mr. Lee Teng-hui in an election that completed Taiwan's transition to a full-fledged democracy. Now, in 1999, President Lee has continued to make strides toward full democracy and is seeking to reduce tensions in the Taiwan Strait. He has repeatedly urged leaders on the communist mainland to discuss reunification issues under the premises of the need for democracy for all Chinese people. He has also shown leadership in helping neighboring Asian countries find solutions for the regional financial crisis.

On the eve of President Lee Teng-hui's third anniversary in office, I wish President Lee continued success. His election three years ago was the first time a Chinese society had democratically elected its leader. The election represents a victory for the people of Taiwan in their commendable development of full democracy.

Congratulations to the Republic of China on Taiwan.

PERSONAL EXPLANATION

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. QUINN. Mr. Speaker, I was honored by the American Red Cross in Buffalo, New York, and therefore was unable to cast my vote on the motion to instruct conferees (rollcall No. 130) regarding H.R. 1141, a bill making emergency supplementary appropriations for the fiscal year ending September 30, 1999. Had I been present, I would have voted ''yea'' in support of this motion.

INTRODUCTION OF THE WORKING UNINSURED TAX EQUITY ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. McDERMOTT. Mr. Speaker, today I rise to share with you some ideas that both Representative ROGAN and I have about how to begin addressing the issue of the uninsured.

Many of us are stymied by the health care paradox of a booming economy. Our economy is booming. Unfortunately, parallel to this economic growth is the growing number of uninsured. There are now almost 44 million uninsured people in this country—an increase of more than 5 million since 1993.

Today, we are introducing legislation to help stop the increase by targeting a 30% health insurance tax credit to the working uninsured. To qualify for our partially refundable credit,

taxpayers must not currently be offered health insurance through their employer and they must have an individual income below $30,000/yr or a joint income of less than $50,000/yr. To ease administration, these income limits have been designed to match those of traditional IRAs.

When the General Accounting Office evaluated a similar proposal last June, it found that almost 36 million individuals without employer-based coverage—roughly 75% of the uninsured—would be eligible for the full credit on the basis of their adjusted gross income. Additionally, under our proposal, the self-employed would have the opportunity to choose between our proposed credit or the 60% deduction allowed by current law.

The benefits of this proposal are not only that it provides a tax benefit for those who need it most, it also would encourage health care consumers to be cost-conscious when choosing their health insurance loans so that they could maximize the value of the credit.

As you consider our proposal, keep in mind three questions: (1) who the uninsured are, (2) how has the tax code impacted health insurance in this country, and (3) most importantly, what can the 106th Congress realistically do to address this important social policy issue.

First, who are the uninsured? Contrary to what many people might think, roughly 75% of the uninsured work full or part-time. The remaining 25% are split evenly between those who are unemployed and those who are not in the labor force.

There isn't enough time today to talk at length about the demographics of the working uninsured. If we did, we'd find that most of them are age 18–34, that a disproportionate number of them are minority, that working poor parents are twice as likely to be uninsured as poor parents who are unemployed, and that the highest rate of uninsurance impacts pre-seniors between the age of 62–64.

Second, how has the tax code impacted health insurance in this country? Since WW II, America has relied on employers to provide health insurance and has rewarded them accordingly through the tax code. But, a growing number of workers lack employer-based insurance which policy-makers once took for granted.

Let me give a practical example of how the working uninsured fall through the cracks of our current employer based system. It you make $6.50 an hour your after tax income is $11,500. If you tried to purchase an average health insurance plan it would cost you about $3000. It is obvious that if the working poor are going to get health insurance we are going to have to come up with a way to help them.

I think we should all find it unacceptable for a person who works full time in this country not to be able to afford health insurance.

Third question, how do we in the 106th Congress address the issue of the working uninsured?

As you all know, I am a strong believer in universal health insurance and that the most efficient way of providing it is through a single payer financing system. A system that would lift the prohibitive burden of health insurance administration from employers and replace it with a public premium that shares responsibility throughout society.

But, if there is a way for us to guarantee universal coverage without single payer—through a plan based on tax credits, Clinton-care, or Medicare for all—I am willing to look at the proposal, as long as the plan guarantees access to quality care that's affordable. My bottom line is quality care at an affordable price.

Unfortunately, just because something is efficient—such as a single payer system—doesn't always mean that it will pass anytime soon. The reality is that the political climate to have an honest debate about universal coverage was destroyed by partisan bickering in 1994.

As a policymaker, the next question for me then becomes, what can we do in the near term to help folks who need health insurance today.

The tax code is a good place to look. After all it is the foundation of our employer-based health insurance system.

For a number of years now, this issue for me has been about simple tax fairness. As many may know, Congress recently made matters worse by passing legislation to allow the self-employed to deduct 100 percent of the cost of health insurance from their taxes. Since 1995, I have attempted to equalize the tax treatment of health insurance benefits by offering amendments on the House floor and in the Ways and Means Committee, and by introducing H.R. 539 in the last Congress.

My rallying cry—which I am glad to see is starting to take hold—has been the rhetorical question: Why should a doctor or attorney who is self-employed be able to deduct a portion of the cost of his/her health insurance, while a secretary, who must buy his/her own health insurance policy, not be able to deduct one cent of the cost!

So as a simple matter of fairness, this inequity in the tax code needs to be fixed.

According to the DC-based Lewin Group, the average federal health benefits tax expenditure is $918 per family. That sounds pretty good until you realize that a family whose income is below $40,000 receives an average of $766 in tax benefits, a $30,000 family receives just $500 in tax subsidies—and the numbers get more depressing if I continue down the income scale.

The bulk of the tax subsidy is going to those who need it the least. If you make $100,000 or more, the tax code subsidizes your health insurance each year by more than $2,000.

So it seems to me that if Congress wanted to address the issue of tax fairness and assist a group of people who are in most need of health insurance, it would look at our proposal for a 30% credit. Our proposal is a reasonable and prudent approach to helping people who the system has forgotten about.

We are initiating the debate with a less is more approach. Our legislation will be less than 6 pages long.

I am hopeful that the sudden interest in tax code equalization will allow for thoughtful discussions and critiques of the wide range of proposals that will be offered this year.

In particular, as policymakers put forward proposals, they need to consider what the ''take up rate'' will be (will people use the credit if they are eligible), how does it impact existing employer health care contributions, and how much does the proposal cost.

I don't want to leave you with the impression that our limited proposal is the ultimate answer. I view it as a first step toward finding a solution for the uninsured.

I am proud of the fact that it is a moderate proposal because there are so many uncertainties about how it would work.

For example, we completely avoid the issue of market reforms because going down that route creates more divisions among political parties that can be realistically addressed in this Congress. By gently impacting the individual marketplace, I am hopeful that state legislatures will take steps to rationalize their individual markets and Congress can learn from both their successes and mistakes.

Conversely, more costly proposals that hope to dramatically influence the marketplace must include meaningful market reforms. Otherwise, such proposals will just be throwing large amounts of federal tax expenditures at an individual marketplace that is already overpriced. But there is no consensus around market reforms to be found.

I would also be especially cautious about more ambitious tax credit proposals because they run into serious financing problems. How do you pay for it without running a deficit? Even in this era of expected budget surpluses, a hefty price tag simply is prohibitive given our other national policy priorities.

More importantly, current comprehensive tax credit proposals may not be such a good deal for either the insured or the uninsured. If they appear too generous, employers will drop coverage and allow for their existing costs to be replaced with an inadequate government voucher, a voucher that would not come close to equaling their existing coverage.

Letting employers off the hook while increasing government and beneficiary costs would make the problem worse.

I am the first one to say that our credit should not replace the current system. If it did, it would be inadequate. That is not to say, however, that most of us in this room would not like to see the current system totally overhauled.

I view our proposal as a targeted effort to stop the current health insurance hemorrhaging, to induce some additional people to purchase health insurance before they get sick, as an achievable goal in a very divided Congress, and a stimulant of the necessary discussion we need to have about how this country can create an efficient means of providing universal health care coverage.

Chairman ARCHER has said he would like to mark-up tax legislation later this spring. JIM and I already have written him and Mr. THOMAS asking them to look closely at our proposal for its immediate benefits. We have also asked the White House to look at our proposal and I hope that they too will once again show leadership by joining us in attempting to tackle this difficult issue of the uninsured.

By bringing people together, I am confident that we can build momentum within the Congress to generate bipartisan support behind proposals that begin to address the needs of the uninsured. Passage of our credit would be a first step toward enlightening that discussion.

I urge my colleagues to join us in our bipartisan effort.

AVERAGE FEDERAL HEALTH BENEFITS TAX EXPENDITURE BY INCOME LEVEL IN 1996

Average Per Family $918:	
Less than $15,000	$63
$15,000 to $19,999	288
$20,000 to $29,999	497
$30,000 to $39,999	766
$40,000 to $49,999	1,177
$50,000 to $74,999	1,558
$75,000 to $99,999	1,767

$100,000 or more	2,059

Source: Lewin Group estimates using the Health Benefits Simulation Model (HBSM).

SUPPORTING NATIONAL POLICE WEEK

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. NETHERCUTT. Mr. Speaker, I rise today in support of National Police Week. There have been ceremonies all around our country this week to recognize the service and dedication the men and women of law enforcement provide our community. In my own district, there will be a Law Enforcement Appreciation Breakfast this Friday.

Unfortunately, National Police Week is no joyous occasion. 158 peace officers killed in the line of duty this past year. It is important to note that the U.S. lost just a few more men and women during the entire Persian Gulf War. To date, there have been over 15,000 law enforcement officers killed in the line of duty. Virtually every community has lost someone special to it.

Mr. Speaker, each one of the heroes has stories to tell: of community service, dedication to job, and love for family. For the families and fellow officers, this week serves as a painful reminder that their lives will never be the same. We will put their loved one's name on a memorial wall and that is a good thing, but we shall never fully appreciate their grief. Our pledge to them should be that we will continue the work toward a safe community that their loved one sought and died to give us.

There are over 700,000 law enforcement officers at every level of government who put their life and mental well-being on the line every day to protect our community from forces that wish to undermine our safety. They deserve recognition as well this week. Law enforcement officers encounter every day the part of society that most of us are unwilling to confront. What is particularly tragic is many of them face violence or the threat of violence themselves and then face unfair criticism by individuals who either have no idea what it's like on the streets or are unwilling to make the same sacrifice. They are our friends and not our adversaries.

Mr. Speaker, National Police Week is a good beginning for showing support for our law enforcement officers. We should show appreciation to them every day by our prayers and words of encouragement. For all Eastern Washington officers, I personally say thank you for your dedication and protection of our communities.

THE POSITIVE ECONOMIC CONTRIBUTIONS OF THE CRUISE INDUSTRY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to discuss a matter of importance to the nation and to my district in South Florida. A brochure prepared by PricewarehouseCoopers (PmC) provides considerable detail regarding the enormous positive economic contribution which the cruise industry provides throughout the United States.

This study concluded that the cruise industry is responsible for creating jobs in every state in the country. These are good jobs that provide families all over America with security and with the opportunity to prosper and to grow. Secondly, it is significant to our national economy that billions of dollars in U.S. products are purchased by the cruise industry each year. As this industry continues to grow and to prosper, more U.S. companies will benefit from expanded business.

The study concluded that the total economic impact of the cruise industry in 1997 was $11.6 billion. Of this, $6.6 billion was the direct spending of the cruise lines and their passengers on U.S. goods and services. An additional $5 billion was expended by cruise industry U.S.-based goods and service providers. Therefore, each year the total impact of the U.S. cruise industry is $11.6 billion, and these purchases occur in every state in the country. This PwC study also revealed that the cruise industry, through its direct employment and the jobs attributable to its U.S. supplier base, totalled 176,433 jobs for U.S. citizens in 1997. The cruise industry has been growing by 6–10 percent every year. For Americans, that can mean 10,000–17,000 new jobs each year.

In my home state, where there are five major ports of cruise passenger embarkation, the industry employs 58,876 people. In addition, millions of dollars are spent in purchases of products as varied as air travel, land transportation, hotel and lodging, food and beverages, business services, banking services, longshore and port services, floral services, and tableware and linens.

The PwC study also revealed that the cruise industry in 1997 paid over $1 billion in various federal taxes and user fees, and local state fees and taxes.

In the past, cruising was perceived as a vacation available only to wealthy American families. But, in fact, last year over 909,000 Floridians took a cruise vacation, and these passengers included retirees, newlyweds, bank clerks, teachers, families and children from every income bracket. This is because the cruise industry has been able to provide a safe and enjoyable vacation experience at a price which is competitive with other land-based destinations.

In summary, Mr. Speaker, the cruise industry is good business for all of America. It creates jobs and generates significant revenue for the U.S. economy every year.

Finally, I want to introduce into the CONGRESSIONAL RECORD the following statistics which illustrate the cruise industry's revenues and expenditures in 1997. These figures represent the economic impact of the North American cruise industry.

Direct spending of the cruise lines and their passengers on goods and services produced in the United States in 1997: $6.6 billion.

Total economic impact of the cruise lines, their passengers, and their U.S. suppliers in 1997: $11.6 billion.

These expenditures generated jobs in the U.S.: $176,433 U.S. jobs.

Direct industry expenditures included purchases from major U.S. industries, such as airline transportation, food and beverages, business services, energy, and financial services.

This economic impact touched upon virtually every segment of the U.S. economy. Those industries most heavily impacted upon are summarized below:

Airline Transportation: $1.8 billion.
Transportation Services: $1.2 billion.
Business Services: $1.0 billion.
Energy: $988 million.
Financial Services: $698 million.
Food & Beverages: $607 million.

IN HONOR OF SGT. HERIBERTO (EDDIE) CARATTINI: AMERICAN POLICE HALL OF FAME LAW ENFORCEMENT OFFICER OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sgt. Heriberto Carattini, a highly decorated 16-year police veteran, who is this year's American Police Hall of Fame Law Enforcement Officer of the Year.

In the early morning hours of February 8, 1998, Sgt. Carattini heroically defused a dangerous situation in which a gunman had taken control of a precinct station, saving the lives of fellow officers.

At about 2 a.m. Carattini arrived at Jersey City's West District station after volunteering to work a second consecutive shift. As he parked his squad car, he heard gunshots. Upon entering the lobby, Carattini saw a desk officer taking cover behind the front desk and heard the shift lieutenant yelling in pain.

First, Carattini motioned the uninjured desk officer to safety, then made his way to the lieutenant, who was bleeding profusely from two bullet wounds, to the abdomen and thigh. Carattini ended the situation by shooting the gunman once in the chest. The lieutenant, who had been shot with his own gun, eventually recovered, while the gunman was charged with multiple felony counts.

The recipient of more than 20 police awards, Carattini has distinguished himself as a top-flight detective. During the same month, his actions as a hostage negotiator were credited with saving seven lives. In addition, the Sergeant has been credited with over 5,000 narcotics arrests.

Sergeant Heriberto Carattini is a hero every day, just by performing the duties of a police officer. But the valor he exhibited in saving the lives of his fellow police officers last February 8, deserves the national recognition he has received by being honored by the American Police Hall of Fame. I am sure the entire Congress joins me in thanking Sergeant Carattini for his exceptional service.

IN HONOR OF THE 100TH ANNIVERSARY OF THE CHURCH OF THE HOLY TRINITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to The Church of the Holy

Trinity, an Episcopal Church located in my district, as it celebrates 100 years of longstanding dedication to the community.

Well known for its expansive community outreach and excellent music, dance, and theater programs, Holy Trinity will celebrate this tradition with a year long Centennial Celebration which culminates with a weekend celebration on Friday, May 7, 1999, to Monday, May 9, 1999.

There will be many musical performers at the Centennial Procession, including: the New York Boy's choir, African Drummers, and The Holy Trinity Choir, to name a few, Holy Trinity's annual May Fair, benefiting the Church's outreach programs will also be held over the Centennial Weekend.

The festivities begin on Friday, with a cocktail reception and silent auction in the Church's auditorium. On Saturday the fair will fill the streets with an atmosphere reminiscent of an English Country Fair. Designed to appeal to families, the event will feature circus street performers and Morris Dancers joining with live music from the French Cookin' Blues Band.

On Sunday, former rectors Clark Oler and Reid Issac, former clergy assistants and parish staff, and past and present parishioners will celebrate the 100th Anniversary of the Consecration of the church. The sermon will be given by The Holy Trinity's Rector, The Reverend Herbert G. Draesel, Jr.; The Right Reverend Mark Sean Sisk, Bishop Coadjutor of New York will celebrate a Chorale Eucharist. Special guests will include Father Elias Tsabang, Rector of St. Andrews Church in Klerksdorp, South Africa, Holy Trinity's Companion Church.

The Centennial Procession will begin with a special peel of the Carillon Bells, followed by a Trooping of the Color, the New York Boy's Choir, the Holy Trinity Vestry, African Drummers and the Holy Trinity Choir and Clergy. After the service, a time capsule will be buried in the Church's Court Yard.

In addition to this celebration, the church will also have a Centennial Exhibit that offers a retrospective of the Church and its community over the past 100 years. The exhibit was prepared by and will be on display at the Republic National Bank. After its close, the exhibit will then become a permanent exhibit in Holy Trinity's St. Christopher House.

The Holy Trinity Neighborhood Center (HTNC) addresses the problems of the hungry and the homeless, the elderly and children. Together HTNC's programs serve nearly 2000 people annually. The Church has had a long standing tradition of serving its community and hopes to continue in the future.

Mr. Speaker, I wish to ask my colleagues to rise in tribute to The Church of the Holy Trinity. It truly represents the best of community spirit and values.

TRIBUTE TO RABBI SALLY OLINS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Sally Olins for her outstanding contributions to the Jewish community and the community at large for many years.

The Talmud states that ''He who does charity and justice is as if he had filled the whole world with kindness.'' In a unique and lasting bond, Rabbi Sally Olins and Temple B'nai Hayim have established a relationship which members of the temple and members of the community benefit greatly from. Temple B'nai Hayim is the only Conservative synagogue in Sherman Oaks and is now celebrating its 40th anniversary. Rabbi Sally Olins, the first female Conservative rabbi on the West Coast, now serves the members of Temple B'nai Hayim.

Rabbi Olins received master's degrees in kinesiology and dance therapy from UCLA. Later she attended the University of Judaism in Los Angeles and earned a master's degree in Jewish philosophy. After studying at New York's Academy for Jewish Religion, five years of in-depth study of the Talmud, the Torah, biblical and modern Hebrew, history, law and more, Rabbi Olins was ordained in 1989.

Temple B'nai Hayim appointed her as its first female rabbi. Rabbi Olins has been appointed to the executive committee of the Rabbinic Assembly of the Pacific Southwest Region, where she serves on the Bet Din (Court of Law) Committee of Conversions.

Rabbi Olins has been an integral figure in building a congregation and community at Temple B'nai Hayim. She spends countless hours making herself available to the fortunate members of the Temple. Today, we honor Rabbi Olins for her 10 years of service and not to be outdone, we also celebrate the 40th anniversary of Temple B'nai Hayim.

Mr. Speaker, distinguished colleagues, please join me in honoring Rabbi Sally Olins and Temple B'nai Hayim on this joyous and memorable day.

TRIBUTE TO LT. COL. CHESTER A. RILEY, USMC

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Marine Corps officer, Lieutenant Colonel Chester A. Riley who for the past three years has served with distinction as the Commandant of the Marine Corps and the Assistant Secretary of the Navy, Financial Management and Comptroller as a Principal Assistant and Deputy in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Marine Corps, the Department of the Navy, the Congress, and our great nation.

During this tenure in the Appropriations Matters Office, which began in October 1996, Lieutenant Colonel Riley has provided members of the House Appropriations Subcommittee on Defense as well as our professional and personal staffs with timely and accurate support regarding Marine Corps plans, programs and budget decisions. His valuable contributions have enabled the members of the Subcommittee, which I had the privilege to Chair the past four years, the Marine Corps and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well trained and well equipped fighting force and naval presence in the world for our great nation.

Mr. Speaker, Chet Riley and his wife Licia have made many sacrifices during his career in the United States Marine Corps and as they embark upon the next great adventure beyond their beloved Corps, I call upon my colleagues to wish him every success and to thank him for his long, distinguished and ever faithful service to God, country and Corps. Semper Fidelis Lieutenant Colonel Riley.

PROMOTING HUMAN RIGHTS IN THE PURSUIT OF PEACE—ADDRESS OF ASSISTANT SECRETARY OF STATE HAROLD KOH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. LANTOS. Mr. Speaker, a few weeks ago I participated in an extremely interesting and important symposium entitled ''Promoting Human Rights in the Pursuit of Peace: Assessing 20 Years of U.S. Human Rights Policy.'' This symposium was organized by the U.S. Institute of Peace to mark two decades since the creation of the Bureau of Human Rights at the Department of State. The conference focused on the implementation of human rights policies and ways in which the United States can improve its ability to promote the protection of human rights. This was just another example of the excellent work which the U.S. Institute of Peace under the outstanding leadership of Dick Solomon has done.

Mr. Speaker, the keynote address at this symposium was given by Harold Hongju Koh, the Assistant Secretary of State for Democracy, Human Rights, and Labor. His remarks were insightful and provocative in discussing the problems we face in the fight for human rights in the international context of the post-Cold War World and the information age. Assistant Secretary Koh provided an excellent summary of the Administration's goals and objectives as well as the means it is using to pursue them.

Among the participants at the conference were two other of our colleagues in the Congress: my fellow Californian, Congresswoman NANCY PELOSI, and my fellow co-chair of the Congressional Human Rights Caucus, Congressman JOHN PORTER of Illinois. Others who participated in the symposium were the Hon. Morton Halperin of the Department of State, the Hon. Charles H. Fairbanks, Jr., of the Central Asia-Caucus Institute, and the Hon. James Bishop of the American Council for Voluntary International Action.

I ask, Mr. Speaker, that key excerpts of Assistant Secretary Koh's remarks be placed in the CONGRESSIONAL RECORD, and I invite my colleagues to give thoughtful attention to his excellent statement.

PROMOTING HUMAN RIGHTS IN THE PURSUIT OF PEACE: ASSESSING 20 YEARS OF U.S. HUMAN RIGHTS POLICY

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* * * Human rights and democracy remain fundamental principles around which our world is now organized. Although much has changed in the 50 years since the Universal Declaration on Human Rights proclaimed

that all human beings are ''free and equal in dignity and rights,'' the fundamental fact is that the world today is more free than at any time in history. Ten years after the Cold War, we have seen not the end of history, but the beginning of a whole new set of challenges for human rights. From Bosnia to Burma, from Kosovo to Kigali, we are now witnessing the need for human rights policy, with national, intergovernmental, and transnational actors moving to adapt to changing developments and to try to stay one step ahead of the horror.

To understand the challenges that are now facing us, * * * let us speak in two parts: first about what I would call the human rights paradigm has evolved in the past 50 years and then * * * the evolution of this human fights paradigm. I will refer temporarily from bureaucrat to pedant. And then, second, I would indicate how our government ought to respond to the current paradigm as I see it now in this, the turn of the century, how we address what you could call the human rights Y2K problem.

In the early years of this half century, in the wake of World War II, the paradigmatic violation was genocide. To prevent future genocides, global human rights policy focused centrally on three key themes: first, accountability—as we saw at the Nuremberg and Tokyo Tribunals; second, standard-setting, through legal texts like the Universal Declaration and human rights covenants like the International Covenant on Civil and Political Rights; and third, institution-building, with the development of a network of intergovernmental organizations to deal with global and regional human rights problems.

In the second phase, the paradigm shifted, and the focal point of global human rights concern became political dissidents and prisoners of conscience. We can think about this as the Amnesty-Sharansky period, where response mechanisms began to focus more insistently upon mechanisms of monitoring and advocacy, coalition-building to achieve effective advocacy, and focused on the dramatic growth of nongovernmental organizations. * * *

In the third phase, which began roughly with the end of the Cold War, the focal point shifted again, to issues of group conflict and group dilemmas: ethnic struggles, massive refugee outflows, and a horrific renewal of genocide in Bosnia and Rwanda. The search for solutions began to turn toward questions of preventive diplomacy, and diplomacy backed by force, issues of humanitarian intervention, and development of transnational networks of national governments, intergovernmental organizations, nongovernmental actors, and what I have called in my academic work, transnational norm entrepreneurs: form Jimmy Carter to Vaclav Havel to Aung San Suu Kyi to Nelson Mandela, to Tom Lantos and John Porter to Mary Robinson, who have used their stature and governmental position, their international stature, to bring the message of human rights into the exercise of capacity-building with goal of creating a human rights response.

Now in the current phase of modern human rights policy, what I would call the fourth phase, we now have a very complex picture in which all of the elements that I have described are now present. We live in a world where, unfortunately, the threat of genocide has not been dispelled, in which prisoners of conscience remain imprisoned, in which ethnic and group conflict continues to rage and expand, but in which we now have a complex and somewhat unwieldy response mechanism that involves transnational networks but also new tools of accountability, standard setting, monitoring, advocacy, and preventive diplomacy. They work with differing degrees of effectiveness. Witness, for example, the struggle that we face now to deal with the preventive issues in Kosovo.

Well, if this is where the human rights paradigm stands at the end of this century, what are our challenges? Let me suggest three that have increasingly commanded my attention since I have assumed this position: what I call the challenge of globalization, the challenge of non-state actors, and the challenge of self-governance and democracy.

It is commonplace, of course, to say that we stand in an era of globalization and integration. Today, states are engaging with each other in a growing range of activities that transcend national borders. National economies are becoming increasingly intertwined. Trade, the environment, security, and population issues have become powerful forces for integration. New technologies of communication and transportation—fax machines, satellite and cell phones, satellite TV, and the Internet—are bringing people of different countries and cultures much closer together. Yet at the same time that we are moving closer together, we also are breaking down traditional vertical power structures. Breathtaking changes in technology are creating a world where information flows more and more freely. We are moving from a hierarchical, bi-directional model of authority to a non-hierarchical, multi-directional network model.

The result of this, as Congressman Lantos suggested, is the erosion of the traditional power of governments over information, which has had tremendous implications for the relationship between individuals and authority. These trends, in my view, can only benefit the movement toward greater freedom. And here I think we need to emphasize both human rights information and human rights standards, both of which I think have become much more widely promulgated as a result of globalization.

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At the same time that information has been expanding, this increasing global contact has created a renewed emphasis on universal human rights standards, particularly how the norms of the Universal Declaration and the International Bill of Rights can operate as a standard to guide conduct. It is surprising how far we have gone in conquering the debate over Asian values. As Aung San Suu Kyi of Burma has written, it is precisely because countries are coming into increasing contact that it is important for us to adhere to a common set of basic human rights standards in our dealings with other countries and in our own internal systems of government. Just as global Internet standards allow us to communicate with one another in the same language and computer code, the promulgation of universal human rights standards through global contacts allows us to communicate with one another in the language of rights.

One of the most striking things I have seen in my extensive dealings with the Chinese is the extent to which there has been progress in the sense that they now speak the language of universal human rights. Of course, we differ dramatically on its application. But in the sense of saying that they once did not believe in these universal values, they now believe in these values. And moreover, they make reference to these linguistic terms. The question then becomes how to bring the terms and standards to bear on conduct.

* * * * *

Now these developments I also think have dramatic implications for our efforts at early warning and preventative diplomacy. And we have seen this at the State Department in regard to our efforts with regard to Kosovo. It is for this reason that we at the State Department are working with NGOs, intergovernmental entities, and national governments to hold a large conference of both public and private actors to begin developing a coordinated network on atrocities prevention and response, which will have the goal not just of collecting and sharing information, which is something that we sought to do through an announcement by the President on December 10 of the genocide early warning network, but also to develop coordinated mechanisms whereby this network can prevent and more effectively respond to crises as they evolve.

A second challenge is the role of non-state actors, for even as nation-states proliferate, we are seeing more dramatically the increasing importance of nongovernmental actors as both human rights violators and human rights defenders. Multinational corporations and financial institutions, non-governmental organizations, labor unions, indigenous and ethnic groups, and transnational moral organizations such as organized religious groups, all now represent critical nodes on a network of influence in human rights that rivals and at times dwarfs the power of individual states.

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With regard to non-state actors, I believe the central challenge will be how to mobilize private incentives to create a race to the top, not a race to the bottom, in the development of these human rights standards

The third and perhaps most critical challenge we face at the millennium is the challenge of self-governance and democracy. Around the world, we are witnessing popular movements for independence and democracy. From Kosovo to East Timor, groups are demanding the right to determine their own future. But these developments are not necessarily coming at the cost of integration. Witness Europe, where entities such as Scotland and Catalonia have peacefully sought both greater autonomy and full participation in European institutions. The fundamental challenge facing policymakers is how to guide such movements away from the temptations of violence, separatism, and ethnic cleansing, and toward the promise of greater autonomy within a framework of democracy and human rights.

* * * * *

I think we need to recognize that the right to democracy is both a means and an end in the struggle for human rights. Freedom of conscience, expression, religion, and association are all bolstered in genuine democracies. In saying so, I think we have to acknowledge that the government of the people cannot be imposed from the outside. As Secretary Albright recently said, ''[D]emocracy must emerge from the desire of individuals to participate in the decisions that shape their lives. * * * Unlike dictatorship, democracy is never an imposition; it is always a choice.''

As we have learned through bitter experience, democracy also must be more than simply holding elections. The slow development of democracy over the past several years has demonstrated that our purpose is not just developing and holding elections but respect for human rights in a robust civil society characterized by the rule of law, healthy political institutions, constitutionalism, an independent judiciary with open and competitive economic structures, an independent media capable of engaging in informed debate with freedom of religion and belief, mechanism to safeguard minorities, and full respect for women's and worker rights. These principles—together with free and fair elections—form the basis for a culture of democracy. As my predecessor, John

Shattuck, has said, building this culture is never easy, but the rewards make this effort profoundly worthwhile.

* * * * *

Well, if these are our challenges—globalization, non-state actors, and democracies—what should be our response? Here let me just mention four principles that I believe must guide our human rights policy into the next century. Those of you who have heard me speak since I have become Assistant Secretary have heard these principles before. I repeat them just to show that after four months, I still believe that they are the centerpieces of our policy. The first and most important task, I think, is to tell the truth about human rights conditions in our asylum profiles, in our investigations, in our country reports, in our monitoring. * * *

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The second basic principle is that I believe we ought to stand up for principles, particularly in taking consistent positions with regard to past, present, and future abuses. With regard to past abuses, we try persistently to promote the principles of accountability. To stop ongoing abuses, we use an ''inside-outside'' approach that combines strategies of internal persuasion with tools of external sanction. To prevent further abuses, we promote the principles of early warning and preventive diplomacy. The atrocities prevention network I've just discussed is an example of how we try to achieve that goal.

That brings me to my third basic principle: How do we continue to speak for fundamental freedoms? Let me mention four, which are going to be a central focus of our work over the next few years. The first, freedom of thought, conscience and religion, is in Article 18 of the Universal Declaration. Religious freedom is under attack around the world. We see it every day in the newspapers papers—in Indonesia, in China, in Sudan—against people of all faiths and beliefs. Yet here in the United States, I think too many people continue to view this as a partisan or ideological issue. I don't believe that this is something in which we should be selective in our advocacy. Having now met and talked to people of all faiths in many parts of the world who are experiencing violations of religious freedom, it is so core to the central notion of freedom of thought and consciousness that we must address these challenges, both with tools that we are given by the legislature and through other means, with the goal of combating all abuses of this fundamental freedom.

A second arena in which we hope aggressively to contend is worker rights. Our bureau's tile is the Bureau of Democracy, Human Rights and Labor. And, of course, Article 23 of the Declaration states that ''everyone has the right to work, to free choice of employment, to just and favorable conditions.'' Traditionally, U.S. policy has sought to promote this goal by supporting free trade unions, but I think what we now need to do is to focus on core labor standards, freedom of association, the right to organize and bargain collectively, freedom from forced or compulsory labor, freedom from abusive child labor, and non-discrimination in employment. The President in his State of the Union address and again in his speech in San Francisco identified ILO standards and the child labor struggle as one which he intends to devote a high degree of personal energy in the balance of his term. We at DRL are committed to trying to develop new approaches to replace what has become an unnecessarily adversarial relationship between labor, business, and human rights groups and to try to move toward a more cooperative model. And there are many of you who were involved in the discussions over the apparel industry partnership, who took a step in the right direction and one that we hope to build on with the goal of developing even stronger partnerships, private partnerships of non-state actors around core labor standards.

Third, we must continue to promote the equal treatment of, and prevention of discrimination and violence against, women. Traditionally, we have sought to do this through a variety of means ranging from domestic legislation to international campaigns against trafficking, female genital mutilation, and to recognize that the women's rights issue cannot be ghettoized as a women's issue that is not of concern to the general human rights community. And our need here is again to heal gender divisions. And we are going to press as hard as we can in the next few years of this administration to bring about the long, delayed ratification of the UN Convention on the Elimination of Discrimination against Women.

Fourth and finally, another area in which I believe we must move forward is the area of economic, social, and cultural rights, and to recognize, as we said in Vienna, that these rights are ''universal, indivisible, interdependent, and interrelated.'' Martin Luther King, I think, understood this idea well when he said ''What good is it to have the right to sit at a lunch counter when you don't have enough money to buy anything to eat?'' He also said ''We must be 'cognizant of the interrelatedness of all [things]. * * * Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny.''' We need to take freedom from poverty, for example, and treat it not just as an economic right, but as something connected deeply to political repression. We need to understand that the right to organize means little without the right to food.

This brings me to my final principle, that no government working to promote human rights can work alone. We need to think of ourselves as members of a global human rights community that now extends beyond public and private lines, that now crosses national lines, that moves beyond institutional lines. Judges, executive branch officials, legislatures, intergovernmental organizations, and NGOs are all parts of this community, of which I think all of us here are part. It is vital that we recognize and embrace its common commitment to truth, justice, freedom, and democratic partnership. If that sounds suspiciously like a commitment to truth, justice, and the American way, I plead guilty because I do believe that in the next century, the real divide among nations will not be ideological divides, or between North and South or East and West, but rather between those nations that respect human rights and those that do not.

These are our challenges. These are the principles that ought to guide our response. These tasks are daunting, but I think that they are in slow, exacting measure attainable. I don't know how many of us thought that we could get as far as we have, even in the one lifetime that the human rights movement has lived.

When I was in Belgrade in December, I gave an interview to B92, which, as many of you know, is an independent radio station. They were somewhat demoralized, as they should be, by the repression of the media in Yugoslavia. And they said to me, ''What can you say to us on the eve of Christmas that can give us some hope?'' There was a moment of silence, and then I said: Madeleine Albright was born in Czechoslovakia. And she was exiled. Now she is Secretary of State. My family became political exiles from Korea. Now I am the Assistant Secretary of State for Human Rights. Now, both of our countries are free. A lot can change in one lifetime.

In 20 years of human rights policy, we have made progress. Although we have a long way to go, for myself, for my Secretary, for my family, I can think of no higher honor than to carry the banner of democracy, human rights, and labor into the next century. Thank you.

RURAL CELLULAR LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. GILMAN. Mr. Speaker, I'm introducing legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida. Joining me as cosponsors are Reps. CAROLYN MALONEY and ANNA ESHOO.

Most rural areas of this country have two cellular licensees competing to provide quality service over their respective service territories. Competition between two licensees improves service for businesses, governments, and private users, at the same time, improves response times for emergency services.

Unfortunately, three rural service areas in Pennsylvania, Minnesota, and Florida do not enjoy the benefit of this competition. The Pennsylvania rural service area and the Florida rural service area each have two operators, but one of the operators in each area is operating under a temporary license and thus lacks the incentive to optimize service. The reason for this lack of competition is that in 1992 the FCC disqualified three partnerships that had won the licenses, after finding that they had not complied with its ''letter-perfect'' application rule under the foreign ownership restrictions of the Communications Act of 1934. Significantly, the FCC has allowed other similarly situated licensees to correct their applications and, moreover, Congress repealed the relevant foreign ownership restrictions in the Telecommunications Act of 1996.

In the 105th Congress, former Rep. Joe McDade, joined by Rep. ANNA ESHOO and former Rep. Scott Klug, introduced H.R. 2901 to address this problem. In September 1998, the Telecommunications Subcommittee of the Commerce Committee held a hearing on FCC spectrum management that included testimony on and discussion of H.R. 2901. Later that month, the full Commerce Committee incorporated a modified version of H.R. 2901 into H.R. 3888, the Anti-Slamming bill. In October 1998, the House approved H.R. 3888, incorporating a further modified version of H.R. 2901, by voice vote on suspension (Congressional Record, Oct. 12, 1998, H10606–H10615). Unfortunately, the bill died in the Senate in the last few days prior to adjournment for reasons unrelated to the rural cellular provision.

The legislation I am introducing today is based on the rural cellular provision contained in H.R. 3888, as approved by the House. The legislation would direct the FCC to allow the partnerships denied licenses to serve the Pennsylvania, Minnesota, and Florida rural services areas to resubmit their applications consistent with FCC rules and procedures. The partnerships would pay fees to the FCC consistent with previous FCC auctions and

settlements with other similarly situated licensees. To ensure speedy service to cellular customers, the FCC would have 90 days from date of enactment to award permanent licenses, and if any company failed to comply with FCC requirements the FCC would auction the license. The licenses would be subject to a five-year transfer restriction, and the Minnesota and Florida licenses would be subject to accelerated build-out requirements.

I am submitting a copy of this legislation to be included in the RECORD.

H.R. —

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

SECTION 1. REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.

(a) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in subsection (c), the Commission shall—

(1) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(2) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(b) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to subsection (a)(2), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(c) PROCEEDING.—The proceeding described in this subsection is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

SEC. 2. CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.

(a) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(b) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radio-telephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

CALCULATION OF LICENSE FEE.—

(1) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(A) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(2) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by section 1(a)(2), the Commission shall notify each applicant of the fee established for the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a).

(e) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to section 1(a)(2) of this Act, the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under subsection (b) of this section, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to section 1(a)(1)) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 3. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date that an applicant is granted any license pursuant to section 1, the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to section 1 from contracting with other licensees to improve cellular telephone service.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellware Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ''covered rural service area licensing proceeding'' means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ''tentative selectee'' means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

HONORING THE RECIPIENTS OF THE SANTA ANA POLICE EMPLOYEE RECOGNITION AWARDS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today in honor of the recipients of the Santa Ana Police Employee Recognition Awards. It is because of their dedication and commitment to law enforcement that the City of Santa Ana is safer for all of its residents.

It is in honor of National Law Enforcement Week that I salute our nation's police officers, and especially those of the 46th Congressional District in Orange County.

Seven hundred thousand police officers serve the U.S. each day. Most Americans probably don't know that our nation loses an average of almost one officer every other day. And that doesn't include the ones who are assaulted and injured each year.

More than 14,000 officers have been killed in the line of duty. The sacrifice of California officers has given our state the highest number of police deaths: 1,205. In Santa Ana alone, we have lost three officers who bravely protected our community.

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

We cannot replace the officers we've lost. We can't bring them back to their families or departments. All we can do is grieve for their loss.

But as their federal representatives, we have a greater responsibility. We must ensure that our law enforcement agencies—and their officers and staff—have the resources they need to do their jobs safely.

And today, we fulfill the most solemn part of our obligation to America's police force: we promise that when an officer does make that sacrifice, he or she will earn a place of the highest national respect with all due honor from the U.S. government.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. CASTLE. Mr. Speaker, I rise today in strong support of H.R. 1550, the Fire Administration Authorization Act of 1999 because it embodies the proper role the federal government can play in the important area of fire prevention.

The U.S. Fire Administration (USFA) is charged with reducing the number of fires and fire deaths in the United States. In 1997, the number of fires reached 1.79 million, claimed 4,050 lives, and produced $8.5 billion in damages. Given these large numbers, sometimes the temptation is to forge ahead creating new programs and pouring billions of taxpayer dollars into grants with Federal strings attached despite the expertise and accountability found best at the local level. In my state of Delaware, most of the firefighters are volunteers. They serve as firefighters out of dedication to their communities. In addition, because they are taxpayers in these communities, they make careful, calculated decisions about what investments are really needed in fire prevention. The United States should encourage more of this style of government and less top-down, centralized control.

H.R. 1550 resists that temptation and maintains the proper role of the federal government

in these affairs. It increases discretionary funding by $96 million to a total of $45.1 million in FY 2000 and $47.5 million in FY 2001 so USFA can improve its service as a research center and clearinghouse of information for state and local governments to draw upon.

Furthermore, the bill sets aside $6 million in FY 2000 and $8 million in FY 2001 to train fire crews for anti-terrorism and response activities. This goes beyond the Clinton Administration's budget request. One of the best areas the federal government can play a role in fire prevention, is in helping states respond to terrorist attacks. The federal government is best suited to provide training or anti-terrorism and response activities due to its expertise in national defense, its strong intelligence capabilities, and the often-international character of terrorism.

More work may be needed in training our state and local governments to respond to terrorism incidents. H.R. 1550 requires USFA to investigate the need for further counter-terrorism training programs. Last year, Congress passed the Rescue and Emergency Services Prepared for Our Nation's Defense Act. It created a commission to assess our nation's weapons of mass destruction domestic response capabilities. I am anxious to read these reports when they are completed and begin to implement the suggestions in a timely manner. As the world's only superpower, the United States is a big target for terrorist attacks. We must accept the reality that comes with being a world superpower and respond accordingly.

Again, I urge my colleagues to support this bill as a strong common sense, fiscally responsible measure that preserves the principles of federalism that have helped make the United States a world leader. Firefighting will always be predominantly a local responsibility carried out by dedicated members of the community. The federal government should not interfere in this effort, but provide appropriate support to help on national problems such as terrorism. This bill maintains that important balance.

RANGER IN THE BANKHEAD NATIONAL FOREST RETIRING

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ADERHOLT. Mr. Speaker, I rise today to pay tribute to James Ramey, District Ranger, Bankhead National Forest, Bankhead Ranger District, National Forests in Alabama.

Mr. Ramey has worked 34 years caring for the land and serving the public. He started his journey while attending school at Oklahoma State University, earning a degree in forestry while working on the Ouachita National Forest, Poteau Ranger District in 1965 and will end this journey on June 3, 1999. He served three years in the U.S. Army, earned the rank of 1st Lieutenant and served one year in Vietnam.

In April 1986, Mr. Ramey began working on the Bankhead National Forest as the District Ranger. During this time period he achieved a number of important accomplishments such as the success of using $700,000 provided by former Congressman Bevill to build a horse trail, multiple-use trail and hiking trail. He helped to manage stream side management zone practices that led to the protection of mussels and other aquatic species; he was instrumental in the design and layout of Clear Creek and Corinth Recreation Areas and also in trying to help operate additional recreational facilities during a time of increased use and decreased budgets. In April 1991, his leadership efforts led to the Bankhead Ranger District being recognized by the Southern Region of the National Forest Service as the best unit within the southeast.

As someone who grew up around the forest, I know how much his efforts have been appreciated and how he will be missed by everyone who cares about the Bankhead National Forest. I extend to Mr. Ramey, his wife Zondra, and his family best wishes for a job well done and hope he will have many years ahead to enjoy a well deserved retirement.

NATIONAL HOSPITAL WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. PACKARD. Mr. Speaker, this week America is celebrating the work of some of our finest citizens. This is National Hospital Week and I would like to express my gratitude to those whose daily job it is to save lives.

Seventy-seven years ago, National Hospital Week began as a way to honor our hospitals and the dedicated staff who save lives and keep our hospitals functioning. This week we extend our gratitude and thanks to the thousands of Americans nationwide whose job it is to care.

America's hospitals and their staffs work tirelessly to serve the communities in which they are based. Many of these dedicated men and women are on call 24 hours a day, seven days a week, caring for one and all.

Mr. Speaker, I salute the many men and women of our nation's hospitals. Their devotion is what keeps America strong and healthy.

IN MEMORIAM OF JOSEPH F. SMITH, FORMER MEMBER OF CONGRESS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. BORSKI. Mr. Speaker, it is with a deep sense of loss that I rise today to inform the House of the passing of former Member of Congress Joseph Smith. The people of Philadelphia will sorely miss this great statesman who understood and related to his fellow citizens so well.

Born and raised in St. Anne's Parish, Philadelphia, Joe Smith remained supremely dedicated to serving his constituents; he was a man devoted to his roots. He started his career of service to this Nation as a sergeant in the United States Army, receiving a Purple Heart for his actions during World War II, and then as an assistant to U.S. Congressman James A. Byrne of Pennsylvania. He eventually served in the Pennsylvania State Senate from 1970 to 1981, and was elected to the Ninety-seventh Congress in 1981. Joe also worked at the forefront of the Democratic party as the Democratic City chairman in Philadelphia from 1983 to 1986.

Throughout his career the people of Philadelphia looked to him for leadership, and he immersed himself in understanding their needs. Joe understood that public service is most effective when one understands and closely reflects the convictions and beliefs of one's constituents. No matter what body he was serving in, his heart was always with Fishtown and the people who resided in its communities. After his retirement, Joe could still be found sharing wisdom and insight from his stoop to those who sought advice and kinship.

I am deeply saddened at the loss of an outstanding legislator, a great human being, and a distinguished American. My deepest sympathies are extended to his wife Regina, his daughter Gi and her family. He left a special mark on me, and I deeply mourn his passing. Joe will be profoundly missed.

THE WORKING UNINSURED TAX EQUITY ACT

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ROGAN. Mr. Speaker, I rise in support of important legislation my colleague Congressman JIM MCDERMOTT and I introduced today, the Working Uninsured Tax Equity Act. Many of the estimated 43 million Americans without health insurance are employed. The current Tax Code, however, discriminates against those workers if they choose to buy health insurance on their own.

Currently, employees with employer-sponsored health benefits enjoy those benefits tax free. This simple, straightforward proposal seeks to equalize the tax treatment between workers whose employer covers the cost of health care insurance premiums and those workers who must pay for their health insurance entirely from their own paychecks. The Tax Code should not punish these employees because their employer does not offer health benefits.

Our bill provides those workers paying for the entire cost of their health insurance a 30-percent partially refundable income tax credit to help defray the cost of those insurance premiums. The 30 -percent credit approximately equals the tax benefit enjoyed by workers with employer-provided tax benefits. The credit would be available to individuals with incomes to $30,000 and married couples, filing jointly with incomes to $50,000.

Our bill will not solve the crisis associated with the number of Americans who do not have health insurance. It does, however, provide a starting point for liberals and conservatives, state governments, insurance companies, and others to begin addressing health policy issues relating to uninsured Americans.

I encourage our colleagues from both sides of the aisle to join us in supporting the Working Uninsured Tax Equity Act.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

The House in Committee of the Whole House on the State of the Union 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,

Mr. DAVIS of Illinois. Mr. Chairman, I rise to strike the last word. I rise in support of the gentlewoman of California's amendment to H.R. 1555. This Amendment prohibits the CIA and other intelligence agencies from participating in the manufacture, purchase, sale, transport, or distribution of illegal drugs. Let us not forget the history of the CIA and the suggestion that they have been involved in this behavior in the past. We must take action to rid the CIA and other intelligence agencies of any suggestion or taint of wrong doing and address the primary issue of drugs in America.

Drugs, in America, take a huge toll year in and year out. They move like a thief in the night and steal our children, our fathers, our mothers, and destroy families and lives. This problem plays itself out every day in my Congressional District. I walk the streets of Chicago's Westside and see the devastation and destruction that drugs leave in their wake. I see children with no parents and parents who mourn the loss of their children, all too soon, and no one can forget a visit to Cook County Hospital and seeing the torturous pain of seeing a baby born addicted to drugs. With these images burning in my mind, I know we must do everything in our power to rectify this situation.

In the past week, the media has reported the deaths of two celebrities from drugs, one of whom was a professional athlete in the prime of his life using drugs for the first time. These recent examples illustrate the deadly effect these nefarious substances have on people. We must understand no one is safe from this problem, this national problem.

My support of this amendment means that we must be clear in our image and the messages that we send by stating the manufacture, sale, transport, or distribution of illegal drugs is unacceptable at any level of the government. All law enforcement and defense must adhere to certain simple principles. The CIA and NSA (National Security Agency) are no different from the Chicago Police Department or the Illinois State Police or the U.S. Marshals. All must understand that the trafficking of drugs is not acceptable, we must restore faith and confidence in America's enforcement branches, and if intelligence agencies engage in such behavior they must understand the consequences of this behavior.

I can think of no better way to restore our confidence in the CIA and NSA than by supporting this amendment. It expresses, in clear and concise terms, what we, as representatives of the people, believe is right. That no intelligence agency shall, under any circumstances, engage in any behavior that facilitates the traffic of drugs.

TRIBUTE TO BOB BUSH

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to take this time to briefly say a few words in honor of Bob Bush—a man whose contributions to the Green Bay community over the past five decades have been enormous.

After 53 years with Schreiber Foods, my friend Bob Bush is finally stepping down as Chairman of the Board. During his time at Schreiber, Bob has built not only a great company, but a great team of 3,600 employees.

As one man, Bob Bush has done plenty to improve the quality of life in northeastern Wisconsin. But as a leader, Bob Bush has done even more. Bob serves as a shining example for the rest of us—someone who has been successful not only in his profession, but in his community life. The example he has set ensures that his long legacy of giving something back to the community will be carried on through the generations of people he has touched.

Bob's service and achievements are almost too numerous to be able to list here, but I'll try to provide a few highlights . . .

He's served as an officer, director, president, CEO and chairman of Schreiber Foods.

He's served on or chaired the boards of the Green Bay Packers, Firstar Bank, YMCA, Junior Achievement, United Way, National Cheese Institute, Marine Bank, St. Norbert College and many, many others.

He's served on the Allouez School Board and the Green Bay Water Commission.

And he and his wife Carol have given us four Bush children and fourteen grandchildren—all of whom are poised to continue his special legacy into the next millennium.

Bob, of course, managed all this in his ''free time'' while running one of the most successful companies in our area—think about all he'll be able to do now that he's retiring.

So, on behalf of all the people whose lives have been touched by Bob Bush, I'd like to say ''thanks, Bob''—for all you've done and for all you'll do during this well-deserved retirement.

IN RECOGNITION OF MAY AS NATIONAL TEEN PREGNANCY PREVENTION MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. TOWNS. Mr. Speaker, I rise to address a subject I feel very passionate about; teen pregnancy prevention. When my colleague the gentle lady from North Carolina, Ms. CLAYTON called my office about participating in an effort to speak on this critically important topic I jumped at the opportunity.

As a member of the House Advisory Panel to the National Campaign to Prevent Teen Pregnancy I feel a strong responsibility to address this national problem. In dealing with the problem of teen pregnancy in the United States, it has always been my philosphy that we must deal with both the young women and the young men in these relationships. I realize that reproductive technology has gone far, but I believe we will need both women and men to make children. Many programs deal primarily with the young women and their children and do not emphasize the responsibility that young men should be taking in these relationships. We should focus on both parties in dealing with the problem of unplanned teen pregnancies.

We need to develop comprehensive plans to deal with this issue, plans, which include both young women and men in the solution of the problem. There also needs to be in place not only comprehensive programs, but we in Washington need to allocate the necessary monies for these programs to be successful. We know prevention programs work, and we need to continue to support them in their mission. The resources and programs should also be focused on areas, which have the highest rates of teen pregnancy.

Mr. Speaker and my colleagues from both sides of the aisle please join me in recognizing the month of May as ''Teen Pregnancy Prevention Month'' and let's join together to fight this national problem.

25TH ANNIVERSARY OF JOHN G. WOOD SCHOOL AT VIRGINIA HOME FOR BOYS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. BLILEY. Mr. Speaker, it is my pleasure to congratulate and honor Virginia Home for Boys' John G. Wood School on their 25th anniversary of service to Virginia's youth. I am personally involved with the Virginia Home for Boys. My father proudly served on their Board of Governors for fifty years, and I have served on the Board of Governors since 1996.

The John G. Wood School is a private special education school designed to help students who are having some difficulties in public school. Many of their students are frustrated with school and lack self-esteem and motivation. The John G. Wood School reaches out to those students through staff involvement and counseling to provide them with an opportunity to experience a constructive and meaningful education.

This school is based on the idea that these students can best succeed in a school environment where there is concern for the total individual. The faculty of the John G. Wood School believes that every student can be a success and tries to give these students every tool possible to help them reach their goals.

As it is apparent from the recent tragedy in Colorado that shocked our nation, meeting the education needs of today's children is becoming more and more difficult. The state of Virginia is fortunate to have the John G. Wood School to offer a place for students who otherwise would get lost in the system.

I congratulate the John G. Wood School, the staff, and all the students who were fortunate enough to attend this school. I wish the school and the Virginia Home for Boys much success in the future.

A TRIBUTE TO THE GARZA FAMILY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. LAMPSON. Mr. Speaker, I rise today to honor the Garza family as they gather to hold their twenty-sixth family reunion. On June 12, 1999, the Garza family will convene in Katy, TX, to recognize outstanding family members, including those who have proudly served in the United States Armed Forces. The Garza family has entitled their reunion, ''A Century of Pride and Honor.''

As the Garza family gathers to recognize the service of its family members, it also will celebrate several qualities responsible for the family's success. Members of the Garza family strive to remain loyal to their heritage. Each individual hopes to make lasting contributions which will strengthen the family foundation. For the Garza family, instilling qualities such as bravery, loyalty, and service is essential to help ensure that future generations are prepared for their roles as our Nation's leaders.

Members of the Garza family who have served in the Armed Forces of the United States include: World War II veterans Sabas Garza, U.S. Navy (deceased); Serapio Garza, U.S. Navy; Pablo Garza Medina, U.S. Army; Luis Castillo, U.S. Marines; Defino Amaro, U.S. Army (deceased); Juan De La Rosa, U.S. Army/U.S. Air Force (deceased); and Adolfo Anzaldua, U.S. Army (deceased). Vietnam Veterans include: Alfonso Garza, U.S. Army (deceased); Fortuanato Garza Solis, U.S. Army and Marines; Adolfo Garza Villarreal, U.S. Air Force; Pablo Garza Villarreal, U.S. Army; George Estevan Solis, U.S. Army; Placido Solis, U.S. Army; Frank Nieves, U.S. Air Force. Army National Guard Reservists include: Pablo Anzaldua Garza, Sabas Garza Villarreal, Juan Carlos De La Rosa (active service), Jose Refugio Garza Villarreal, and Roman Palomares. Most recent members of the Armed Forces of the United States include: Michael Solis, U.S. Marines; Michael Anzaldua, U.S. Army; Gary Anzaldua, U.S. Army, and Greg De La Rosa, U.S. Navy.

Mr. Speaker, I am proud to rise today to honor the Garza family. I urge my colleagues to join me in recognizing the Garza family's dedication of military service to our country. The Garza family is an excellent example of a family that has made a difference to my community.

CELEBRATING 150 YEARS OF SERVICE TO THE COMMUNITY—THE MILFORD NATIONAL BANK AND TRUST COMPANY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize an impressive milestone in the history of The Milford National Bank and Trust Company. On April 30, 1999, The Milford National Bank and Trust Company began the celebration of the 150th Anniversary of its founding. The theme for this year long celebration, ''Building the Future on a History of Excellence,'' reflects the long-standing dedication and clear vision of Milford National's officers.

The Milford National Bank and Trust Company is the oldest continually operating bank in Milford and holds one of the oldest national bank charters, still in force, in the country. The bank was founded on April 30, 1849, despite the lingering fear associated with recent financial panic. In 1865, as a response to the National Banking Act of 1864, the bank turned in its state charter and received National Charter 866. As the local economy began to flourish in the early to mid-1900s, The Milford National Bank helped create and sustain the growth of the area for generations of residents and businesses, both small and large.

In the early 1900s, The Milford National Bank enjoyed unprecedented growth and prosperity. After the closing of two local banks, President, Chairman, and CEO Shelley D. Vincent III made the decision to grow the bank into a full-service commercial bank. Mr. Vincent acquired new branch offices, reorganized his senior management team, and began a total upgrade of the bank's technology systems. Mr. Vincent passed away in February 1997 and was succeeded by Mr. Robert J. Lewis, whom he had selected to carry on his vision for the bank.

The bank was named ''one of the top three small business lending banks in the Commonwealth of Massachusetts'' in 1997 and has continued to add more services, products, and technological access to its repertoire. For 1999, there are plans to open a fifth banking office in Bellingham and add on-line internet banking for customers. The bank has created The Milford National Bank Charitable Foundation as a means to continue its long-standing support of local charities and civic activities, and awards four college scholarships to area students in memory of Shelley D. Vincent III.

Mr. Speaker, The Milford National Bank and Trust Company has been building the future on a history of excellence for 150 years. Its service to the residents and businesses of the Greater Milford area and the Commonwealth of Massachusetts has been unyielding and greatly beneficial. Please join me in recognition of the 150th Anniversary of The Milford National Bank and Trust Company, an institution that stands as a shining example of charitable, cultural, and community service.

COMMEMORATING THE INCLUSION OF SHERIFF JOSEPH GIBSON AND SHERIFF EVERETT GIBSON OF WAYNE COUNTY, KENTUCKY, ON THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ROGERS. Mr. Speaker, this week in the Nation's Capital we all stand humbled by the sacrifice of 312 brave Americans. The names of these Americans will be added to thousands of others engraved on the National Law Enforcement Officers Memorial. The panels of the memorial wall contain the names of officers killed in the line of duty, some dating back to the 1800's. The new names will be added this week at ceremonies here in Washington—a commemoration which traditionally attracts more than 10,000 police officers and survivors of fallen officers from across the country.

On the National Law Enforcement Officers Memorial there are stories of gallantry, bravery, sacrifice, honor and duty. There is also the tragic story of Wayne County, Kentucky, whose citizens I represent here in the United States Congress. The families of Wayne County have the sad distinction of losing their county sheriff to violence in late 1946, only to see his successor also shot down in cold blood over two years later. It's a tragedy made even more difficult with the knowledge that these two fine public servants, these two brave law officers, were also brothers.

Joseph Gibson was elected Wayne County Sheriff in 1945 by one of the largest majorities ever bestowed on a county official at that time. Elected while in his early 60's, Sheriff Joseph Gibson was noted for his fairness and determination. It was this determination which led Sheriff Joseph Gibson to his death: a dogged search for a fugitive ultimately led him into the path of a waiting sniper. His death on December 22, 1946, marked the first time a sheriff had been killed in the line of duty in the 146 year history of Wayne County.

Joseph Gibson's younger brother, Everett, took up the responsibility of chief law officer for Wayne County. Right after being sworn into office, Sheriff Everett Gibson continued his brother's work of seeking out bootleggers and destroying their stills. On July 25, 1949, Sheriff Everett Gibson and Deputy Bill Sexton were investigating reports of an illegal still when they were ambushed. Sheriff Everett Gibson was shot dead on the spot, but Deputy Sexton, although wounded, escaped. He recovered from his injuries and testified at the trial that convicted the killer and his accomplices.

Reporter Mitchell Gregory told the story of Sheriff Joseph Gibson and Sheriff Everett Gibson this past Wednesday, May 12th, in the Wayne County Outlook newspaper of Monticello, Kentucky. I have been encouraged by Outlook editor Melodie Phelps to include the full text of that article in the RECORD and ask for it to be printed at the conclusion of these remarks.

I want to extend my congratulations to retired police officer Mark Byers, whose determination resulted in the names of Sheriff Joseph Gibson and Sheriff Everett Gibson being included among the names of the other brave men and women listed on the National Law Enforcement Officers Memorial.

[Wayne County (KY) Outlook, May 12, 1999]

FORMER GIBSON BROTHER SHERIFFS TO BE HONORED

(By Mitchell Gregory)

EDITOR'S NOTE.—Names of the men accused in these deaths have been omitted and are only identified by initials. These events happened nearly half a century ago, and we did not write this article with the intention of dredging up hurtful memories for family members who may still reside in Wayne County. This article was written in honor of the two sheriffs who will receive recognition this week.

The late 1940's were trying times for law-abiding citizens in Wayne County. It was sorrowful times for the Gibson family, who lost two brothers who were slain while honoring

their oath to uphold the law and provide security for the county they served.

This week in Washington, D.C. those brothers, Joseph and Everett Gibson, will be commemorated for their service to their profession and the stance they made which ultimately cost them their lives. The two will be included on the Police Memorial Wall in the nation's capitol during a ceremony on Saturday, May 15.

The Outlook was contacted several weeks ago by Mark Byers, a retired police officer who is a relative of the Gibson family. Byers was the one who noticed the omission of the Gibson brothers on the Memorial Wall and set the wheels in motion for their inclusion.

Joseph and Everett were sons of John and Belle Frogge Gibson. They both attended local schools and lived in Wayne County most all of their lives. Joseph was the oldest of the two, a poultry and fur business man. Everett was a farmer most of his life before finishing the term of his elder brother.

According to a 1946 Wayne County Outlook article, ''he (Joseph) was elected Sheriff of the county at the November election in 1945 by one of the largest majorities ever given a county official (at that point.)''

It seemed Gibson, who was in his early 60's, was a very well-liked politician in the county, even by the man who took his life on December 22, 1946. In fact, according to testimony from the murder trial, the accused had gone on a fugitive search with the sheriff prior to the shooting incident.

The accused was D.M., who was 28 years old at the time. He would eventually spend the rest of his life behind bars, though it took quite some time for this decision to be rendered. Court proceedings were held at the Monticello National Guard Armory where a jury sentenced him to death by the electric chair at Eddyville.

Attorneys for the accused, however, requested a change of venue. The trial was moved to Fayette County but the jury there issued the same sentence.

The Kentucky Court of Appeals, however, disagreed and said that the proceedings in Fayette County were too far away from Wayne County. Finally, the lasting decision came from a Pulaski County jury which ordered D.M. to life in prison.

It was Sunday night in December when the shooting occurred. Joseph Gibson and his family were getting ready for church, recalled Brook Gibson, son of the late sheriff. D.M.'s mother came to their home and said her son was drunk.

Brook Gibson, who was 28 years old at the time, offered to go with his father to investigate, but Joseph Gibson told his son to go on to church. By the time the service was over, news was spreading around town that the sheriff had been killed.

Following is part of The Outloook's account of that night.

Gibson and Chief of Police Charles Back responded to the call which led them to what was known as the Sheep Lot area of Monticello. Back arrested M.T. and took him to jail.

Sheriff Gibson captured J.T. and the two proceeded to look for D.M. when they heard a voice say, ''Is that you, Joe?''

According to testimony, Gibson replied ''Yes, is that you. (D.M.)?'' A shot was then fired from the home.

Chief Back went back to Sheep Lot to aid Gibson, whom he could not find. ''So he returned to town and picked up Policeman Wiley Gregory and returned and soon located Mr. Gibson's body lying in an alleyway,'' the news article stated.

The two police officers pursued D.M. who later fired at them from horseback. ''The charge struck the ground between the men,'' The Outlook reported.

The accused was apprehended, taken to jail, and interrogated the rest of the day. When apprehended, he was in possession of a box of .22 caliber cartridges.

The Outlook article continued, ''Investigating officers reported they found a discharged .22 caliber cartridge shell inside the home near the window from which J.T. said the fatal shot was fired. A .22 caliber bolt action rifle believed to have been the murder weapon was found at the home of (the accused's brother-in-law) who resided next door, the brother-in-law told the officers the gun belonged to him, but D.M. had borrowed it several times recently and that he had seen it in D.M.'s home earlier in the day.''

On the stand, D.M. responded to his accusations. The Outlook paraphrased the testimony as so: ''He said he carried a shotgun because he had helped the sheriff search for L.C., whom he identified as an escaped convict, and who, he said, had been hiding in nearby woods. He said he had been told that L.C. was mad at him. He said he didn't know the sheriff had been killed until he was removed from the City Jail to the County Jail. Several .22 rifle shells found in his pockets were explained by D.M. his business as a hog-killer. He said he started borrowing a rifle from his brother-in-law last November.''

The defense had anticipated testimony that would provide D.M. with an alibi. J.C. was going to testify that he and D.M. ''were together at the time of the shooting, several hundred yards from where it took place,'' according to an old newspaper article report.

J.C. did not show up in court. A state witness later testified that D.M. had said he ''took a crack at Joe Gibson.'' There were over 100 witnesses in the trial.

In the 146 year history of Wayne County, this marked the first time a sheriff had been killed in the line of duty. But it would not be the last. Joseph's younger brother, Everett, took on the responsibility of Wayne County Sheriff and served the people until he was killed on July 25, 1949.

''Everett came in and took dad's place,'' said Brook Gibson.

Everett continued the term as his brother had before, seeking out and apprehending bootleggers and crushing stills. In the February 24, 1949 Outlook, an article reported, Sheriff E.M. Gibson and Chief of Police Russell Hill made a raid on the Shady Nook Service Station and arrested two men. The officers confiscated 17 cases of beer, one case of whiskey, and an automobile. A previous raid there the month before had netted 37 cases of beer and ten pints of whiskey.

On July 25, Sheriff Everett Gibson and Deputy Bill Sexton traveled toward Murl to investigate reports of a still. ''When they entered a clearing where the still was located, they were fired on,'' reported The Outlook.

Gibson was hit three times, dying instantly, according to the article. Sexton was also hit three times but, ''made his escape and got to the road where he was picked up and brought to town and then taken to the Somerset Hospital,'' the newspaper stated. Sexton recovered from his injuries.

Three men were indicted by Wayne Circuit Court and charged with murder, according to an August 1949 article.

The men pled not guilty and asked for a change of venue, which they were granted. The trial was moved to Lincoln County. In Stanford, H. R. was convicted of murder and sentenced to life in prison. The other two were convicted of manslaughter.

Brook Gibson said he was not aware that this father and uncle were omitted from the police memorial, until he was contacted by Byers several months ago. Byers sent Gibson paperwork that needed to be completed to include the brothers in the memorial.

''It's a nice gesture,'' said Gibson. ''I think they deserve recognition the same as any veterans that were serving their countries.''

Friday, May 14, 1999

Daily Digest

HIGHLIGHTS

Conference Report on H.R. 1141, Emergency Supplemental Appropriations Filed

Senate

Chamber Action

Routine Proceedings, pages S5321–S5392

Measures Introduced: Five bills were introduced, as follows: S. 1053–1057. **Page S5371**

Juvenile Justice: Senate continued consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, taking action on the following amendments proposed thereto:

Pages S5321–33, S5335–50

Adopted:

By 48 yeas to 47 nays (Vote No. 118), Hatch/Craig Amendment No. 344, to provide for effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows.

Pages S5321–26

Rejected:

Schumer Amendment No. 350, to amend title 18, United States Code, to regulate the transfer of firearms over the Internet. (By 50 yeas to 43 nays (Vote No. 119), Senate tabled the amendment).

Pages S5321, S5326–27

Pending:

Lott (for Allard) Amendment No. 351, to allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty, and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school.

Pages S5330–33

Kohl/Hatch/Chafee Amendment No. 352, to amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun. **Pages S5335–36**

Hatch/Feinstein Amendment No. 353, authorizing funds for programs to combat gang violence.

Pages S5336–41

Byrd/Kohl Amendment No. 339, to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor. **Pages S5342–45**

Feinstein Amendment No. 354, to modify the laws relating to interstate shipment of intoxicating liquors. **Pages S5345–46**

Frist Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5346–50**

A unanimous-consent agreement was reached providing for further amendments to be proposed to the bill. **Pages S5328–29**

Y2K Act: Senate began consideration of a motion to proceed to the consideration of S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date. **Pages S5333–35**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, May 18, 1999. **Page S5333**

Appointments:

Women's Progress Commemoration Commission: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105–341, announced the appointment of the following individuals to the Women's Progress Commemoration Commission: Joan Doran Hedrick, of Connecticut, Lisa Perry, of New York, and Virginia Driving Hawk Sneve, of South Dakota. **Page S5388**

Statements on Introduced Bills: **Pages S5371–81**

Additional Cosponsors: **Pages S5381–82**

Amendments Submitted: **Pages S5382–88**

Record Votes: Two record votes were taken today. (Total—119) **Pages S5326–27**

Recess: Senate convened at 9:30 a.m., and recessed at 3:29 p.m., until 12 noon, on Monday, May 17, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5389.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense resumed hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense, receiving testimony from numerous public witness.

Subcommittee will meet again on Wednesday, May 19.

AUTHORIZATION—DEFENSE

Committee on Armed Services: On Thursday, May 13, committee ordered favorably reported the following bills:

An original bill entitled ''National Defense Authorization Act for Fiscal Year 2000'';

An original bill entitled ''Department of Defense Authorization Act for Fiscal Year 2000'';

An original bill entitled ''Military Construction Act for Fiscal Year 2000''; and

An original bill entitled ''Department of Energy National Security Act for Fiscal Year 2000''.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 1817–1824, were introduced. **Page H3211**

Reports Filed: One Report was filed today as follows:

Conference report on H.R. 1141, making emergency supplemental appropriations for the fiscal year ending September 30, 1999 (H. Rept. 106–143). **Pages H3175–S3202, H3211**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Thornberry to act as Speaker pro tempore for today. **Page H3173**

Meeting Hour—Monday, May 17: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, May 17. **Page H3174**

Meeting Hour—Tuesday, May 18: Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, May 18 for morning-hour debates. **Page H3174**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business on May 19. **Page H3174**

Recess: The House recessed at 9:15 a.m. and reconvened at 2:58 p.m. **Page H3175**

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 9:00 a.m. and adjourned at 2:59 p.m.

Committee Meetings

TREASURY-POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government approved for full Committee action the Treasury, Postal Service, and General Government appropriations for fiscal year 2000.

Joint Meetings

SUPPLEMENTAL APPROPRIATIONS

Conferees on Thursday, May 13, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 1141, making

emergency supplemental appropriations for the fiscal year ending September 20, 1999.

CONGRESSIONAL PROGRAM AHEAD

Week of May 17 through May 22, 1999

Senate Chamber

On *Monday,* Senate expects to resume consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime.

On *Tuesday,* Senate will vote on a motion to close further debate on the motion to proceed to the consideration of S. 96, Y2K Act.

During the balance of the week, Senate expects to consider the conference report on H.R. 1141, Emergency Supplemental Appropriations, S. 96, Y2K Act, S. 625, Bankruptcy Reform and any other cleared legislative and executive business.

(On Tuesday, Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: May 18, Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold hearings on noxious weeds and plant pests, 9 a.m., SR–328A.

Committee on Appropriations: May 19, Subcommittee on Defense, to resume hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense, 10 a.m., SD–192.

May 19, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 2000 for foreign assistance programs, 2:30 p.m., SD–192.

May 20, Subcommittee on Foreign Operations, to continue hearings on proposed budget estimates for fiscal year 2000 for foreign assistance programs, 10:30 a.m., SD–192.

Committee on Commerce, Science, and Transportation: May 18, to hold hearings on television violence and safe harbor legislation, 9:30 a.m., SR–253.

May 20, Full Committee, to hold hearings on S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance, 9:30 a.m., SR–253.

May 20, Subcommittee on Science, Technology, and Space, to hold hearings on issues relating to commercial space, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: May 18, Subcommittee on Energy Research, Development, Production and Regulation, to hold hearings on S. 924, entitled the ''Federal Royalty Certainty Act'', 2:30 p.m., SD–366.

May 19, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–366.

May 19, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold oversight hearings on the status of Youth Conservation Corps and other job programs conducted by the National Park Service, Bureau of Land Management, Forest Service, and the U.S. Fish and Wildlife Service, 2 p.m., SD–366.

May 20, Full Committee, to resume hearings to examine damage to the national security from alleged Chinese espionage at the Department of Energy nuclear weapons laboratories, 9:30 a.m., SD–366.

May 20, Subcommittee on Energy Research, Development, Production and Regulation, to hold hearings on S. 348, to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, 2 p.m., SD–366.

May 20, Subcommittee on Energy Research, Development, Production and Regulation, to hold joint oversight hearings with the House Committee on Government Reform's Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, on the Administration's fiscal year 2000 budget request for climate change programs and compliance with various statutory provisions in fiscal year 1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding, 2:30 p.m., SD–366.

Committee on Environment and Public Works: May 18, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standards for automobiles, 9:30 a.m., SD–406.

May 20, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to resume hearings on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standards for automobiles, 9:30 a.m., SD–406.

Committee on Finance: May 18, to resume oversight hearings on United States Customs, focusing on commercial operations, 10 a.m., SD–215.

Committee on Governmental Affairs: May 20, business meeting to consider S. 746, to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; S. 59, to provide Government-wide accounting of regulatory costs and benefits; S. 468, to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; the nomination of Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Hiram E. Puig-Lugo, of the

District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 10 a.m., SD–342.

May 20, Full Committee, to hold oversight hearings on the national security methods and processes relating to the Wen-Ho Lee espionage investigation, 2:30 p.m., Room to be announced.

Committee on Health, Education, Labor, and Pensions: May 18, to resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, 10 a.m., SD–628.

May 20, Full Committee, to resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, 10 a.m., SD–628.

Committee on Indian Affairs: May 19, to hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes, 9:30 a.m., SR–485.

Select Committee on Intelligence: May 19, to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: May 18, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings on the protection of United States nuclear weapons information, 10 a.m., SD–226.

Committee on Veterans' Affairs: May 20, to hold hearings on proposals relating to cost of living adjustments in VA compensation and other benefits, improvements in Veterans' educational assistance benefits, long term care and homeless Veterans services, eligibility for burial in Arlington National Cemetery, WWII Memorial on the Mall, and U.S. Court of Appeals for Veterans claims retirement provisions, 2:15 p.m., SR–418.

House Chamber

Monday, Pro Forma Session.

Tuesday, Wednesday, and *Thursday,* Subject to rules being granted: Consideration of the Conference Report on H.R. 1141, Emergency Supplemental Appropriations; H.R. 1654, NASA Authorization; H.R. 1553, National Weather Service and Related Agencies Authorization, and H.R. 883, American Land Sovereignty Protection Act.

Friday, No votes are expected.

Any Further Program Will Be Announced Later.

House Committees

Committee on Agriculture, May 18, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review U.S. Forest Service payments to counties, 1 p.m., 1302 Longworth.

May 18, 19 and 20, Subcommittee on Risk Management, Research and Specialty Crops, hearings on Commodity Futures Trading Commission Reauthorization, 3 p.m., on May 18, 10 a.m., on May 19 and 9:30 a.m., on May 20, 1300 Longworth.

Committee on Appropriations, May 18, Subcommittee on the District of Columbia, on D.C. Courts, 2 p.m., H–144 Capitol.

Committee on Armed Services, May 18, Subcommittee on Military Procurement, to mark up H.R. 1401, National Defense Authorization Act for fiscal year 2000 and 2001, 1 p.m., 2118 Rayburn.

May 18, Subcommittee on Military Research and Development, to mark up H.R. 1401, National Defense Authorization Act for fiscal year 2000 and 2001, 4 p.m., 2118 Rayburn.

May 19, full committee, to mark up H.R. 1401, National Defense Authorization Act for fiscal year 2000 and 2001, 10 a.m., 2118 Rayburn.

Committee on Banking and Financial Services, May 20 and 21, hearings on key international financial issues, 10 a.m., 2128 Rayburn.

Committee on the Budget, May 20, hearing on the Budget Process, 10 a.m., 210 Cannon.

Committee on Commerce, May 19, to mark up H.R. 1180, Work Incentives Improvement Act of 1999, 10 a.m., 2123 Rayburn.

May 19, Subcommittee on Health and Environment, hearing on the Chemical Safety Information and Site Security Act of 1999, 2 p.m., or following full Committee, 2123 Rayburn.

May 20, Subcommittee on Energy and Power, to continue hearings on Electricity Competition, focusing on PURPA, Stranded Costs, and the Environment, 10 a.m., 2123 Rayburn.

May 20. Subcommittee on Oversight and Investigations, hearing on the Threat of Bioterrorism in America: Assessing the Adequacy of Federal Law Relating to Dangerous Biological Agents, 9:30 a.m., 2322 Rayburn.

May 20, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Federal Communications Commission Reform: The States' Perspective, 2 p.m., 2322 Rayburn.

Committee on Education and the Workforce, May 18, Subcommittee on Early Childhood, Youth, and Families, hearing on School Violence: Views of Students and the Community, 1:30 p.m., 2175 Rayburn.

May 19, Subcommittee on Postsecondary Education, Training, and Life-Long Learning, hearing on H.R. 782, Older Americans Act Amendments Act of 1999, 2 p.m., 2175 Rayburn.

May 19, Subcommittee on Workforce Protections, to mark up the following bills: H.R. 1459, Models of Safety and Health Excellence Act of 1999; H.R. 1439, Safety and Health Audit Promotion and Whistleblower Improvement Act of 1999; H.R. 987, Workplace Preservation Act; and H.R. 1381, Rewarding Performance in Compensation Act, 10:30 a.m., 2175 Rayburn.

May 20, full committee, hearing on Academic Achievement for All: Increasing Flexibility and Improving Student Performance and Accountability, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, May 18, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on Hepatitis B Vaccine: Is the Vaccine Helping or Hurting Public Health? 10 a.m., 2247 Rayburn.

May 18, Subcommittee on Government Management, Information, and Technology, hearing on Oversight of Customer Service at the Office of Workers' Compensation Programs, 10 a.m., 2154 Rayburn.

May 19, full Committee, to consider pending business, 10:30 a.m., 2154 Rayburn.

May 19, Subcommittee on Government Management, Information, and Technology, oversight hearing on the Minerals Management Service's Royalty Valuation Program, 2 p.m., 2247 Rayburn.

May 20, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on School Violence: What is Being Done to Combat School Violence? What Should be Done? 10 a.m., 2154 Rayburn.

Committee on House Administration, May 18, hearing on the FEC, 2 p.m., 1310 Longworth.

Committee on International Relations, May 18, Subcommittee on International Economic Policy and Trade, hearing on Encryption: Security in a High Tech Era, 2 p.m., 2172 Rayburn.

May 20, Subcommittee on Africa, hearing on The Ethiopian-Eritrean War: U.S. Policy Options, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, May 18, Subcommittee on the Constitution, to mark up H.R. 1691, Religious Liberty Protection Act of 1999, 10 a.m., 2237 Rayburn.

May 18, Subcommittee on Immigration and Claims, hearing on the following bills: H.R. 238, to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; H.R. 456, for the relief of the survivors of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 United States helicopters over Iraq; H.R. 945, to deny to aliens the opportunity to apply for asylum in Guam; H.R. 1745, to amend the Immigration and Nationality Act to provide for the removal of aliens who associate with known terrorists; and H.R. 1774, to amend the Immigration and Nationality Act to not count work experience as an unauthorized alien for purposes of admission as an employment-based immigrant or an H–1B nonimmigrant, 10 a.m., 2226 Rayburn.

May 19, full Committee, to mark up the following: H.R. 1659, National Police Training Commission Act of 1999; H.R. 102, the National Youth Crime Prevention Demonstration Act; H.R. 1501, Consequences for Juvenile Offenders Act of 1999; H.R. 1691, Religious Liberty Protection Act of 1999; H.J. Res. 33, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; H.R. 462, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; and to consider private bills, 10:30 a.m., 2141 Rayburn.

Committee on Resources, May 18, Subcommittee on Forests and Forest Health, oversight hearing on Public and Private Resource Management and Protection Issues in the National Forest Systems, 2 p.m., 1334 Longworth.

May 18, Subcommittee on National Parks and Public Lands, to mark up H.R. 592, to redesignate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; followed by a hearing on H.R. 1487, National Monument NEPA Compliance Act, 10 a.m., 1324 Longworth.

May 20, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on Steller Sea Lions, 2 p.m., 1334 Longworth.

May 20, Subcommittee on Forests and Forest Health, oversight hearing on County Schools 25% Fund Stabilization, 10 a.m., 1334 Longworth.

May 20, Subcommittee on Water and Power, oversight hearing on California Central Valley Water Management, 11 a.m., 1324 Longworth.

Committee on Rules, May 17, to consider the Conference Report to accompany H.R. 1141, making emergency supplemental appropriations for the fiscal year ending September 30, 1999, 5 p.m., H–313 Capitol.

May 18, to consider the following: H.R. 1654, National Aeronautics and Space Administration Authorization Act of 1999; and H.R. 1553, National Weather Service and Related Agencies Authorization Act of 1999, 1 p.m., H–313 Capitol.

Committee on Science, May 20, Subcommittee on Science, hearing on Security at the Department of Energy: Who's Protecting the Nation's Secrets, 2 p.m., 2318 Rayburn.

May 20, Subcommittee on Technology, hearing on Easing Traffic Congestion and Improving Vehicle Safety: ITS and Transportation Technology Solutions for the 21st Century, 10 a.m., 2318 Rayburn.

Committee on Small Business, May 18, Subcommittee on Tax, Finance, and Exports, hearing on the Overseas Private Investment Corporation and its assistance to small business exporters, 3 p.m., 311 Cannon.

Committee on Veterans' Affairs, May 19, Subcommittee on Health, hearing on Veteran's Millennium Health Care Act, 10 a.m., 334 Cannon.

May 20, Subcommittee on Benefits, hearing on the following bills: H.R. 1071, Montgomery GI Bill Improvements Act of 1999; and H.R. 1182, Servicemembers Educational Opportunity Act of 1999, 10 a.m., 334 Cannon.

May 20, Subcommittee on Oversight and Investigations, hearing on National Cemeteries, including Arlington National Cemetery, 10 a.m., 340 Cannon.

Committee on Ways and Means, May 18. Subcommittee on Trade, to mark up the following: the Trade Agency Authorizations, Drug Free Borders and On-Line Child Pornography Prevention Act of 1999; and H.R. 984, Caribbean and Central America Relief and Economic Stabilization Act, 2 p.m., 1100 Longworth.

May 20, Subcommittee on Human Resources, to mark up H.R. 1802, Foster Care Independence Act of 1999, 11 a.m., B–318 Rayburn.

May 20, Subcommittee on Oversight, hearing on U.S. Customs Service passenger inspection operations, 9 a.m., 1100 Longworth.

Joint Meetings

Joint Meetings: May 20, Senate Committee on Energy and Natural Resources, Subcommittee on Energy Research, Development, Production and Regulation, to hold joint oversight hearings with the House Committee on Government Reform's Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, on the Administration's fiscal year 2000 budget request for climate change programs and compliance with various statutory provisions in fiscal year 1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding, 2:30 p.m., SD–366.

Next Meeting of the SENATE

12 Noon, Monday, May 17

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate expects to resume consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, May 17

House Chamber

Program for Monday: Pro forma session.

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