

economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, May 23, 2000.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Bilateral Investment Treaty (BIT) with Croatia was the fourth such treaty between the United States and a Southeastern European country. The Treaty will protect U.S. investment and assist Croatia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, May 23, 2000.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Jordan was the second such treaty between the United States and a country in the Middle East. The Treaty will protect U.S. investment and assist Jordan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the treaty at an early date.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, May 23, 2000.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on December 1, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Mozambique is the first such treaty between the United States and a country in Southern Africa. The Treaty will protect U.S. investment

and assist Mozambique in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, May 23, 2000.

**FEDERAL PROCUREMENT OPPORTUNITIES FOR WOMEN-OWNED BUSINESSES**

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 311, submitted earlier by Senator BOND and Senator KERRY.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 311) to express the sense of the Senate regarding Federal procurement opportunities for women-owned small businesses.

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

Mr. BOND. Mr. President, I rise in support of the Senate Resolution I introduce today which calls attention to the Federal Government's failure to meet the statutory goal to award 5 percent of Federal contract dollars to women-owned small businesses. I am very pleased that members of the Senate Committee on Small Business have cosponsored this Resolution, including the committee's ranking member, Senator KERRY, Senator BURNS, Senator SNOWE, Senator LANDRIEU, Senator LIEBERMAN, Senator EDWARDS and Senator ABRAHAM, who authored last year's initiative in the committee to help women reach the 5-percent goal. In addition, Senators BINGAMAN and MURRAY have joined us as cosponsors of the resolution.

This is Small Business Week 2000. It is very appropriate that we recognize the important roles played of women-owned small businesses in our Nation's

economy and communities. The number of small businesses owned and controlled by women is expanding at a very rapid rate, and today, they total 38 percent of all businesses in the United States. Importantly, their numbers are expanding at such a pace that it is anticipated women-owned small businesses will make up over 50 percent of all businesses by 2010. That is an astounding statistic.

In 1994, Congress recognized the important role women-owned small businesses play in our economy. During the consideration of the Federal Acquisition Streamlining Act, FASA, the Senate approved a provision directing that 5 percent of all Federal procurement dollars be awarded each year to women-owned small businesses. The goal includes 5 percent of prime contract dollars and 5 percent of sub-contract dollars and was included in the final FASA Conference Report and enacted into law.

The Federal departments and agencies have failed to meet the 5 percent goal since it was enacted by Congress in 1994. After Senator ABRAHAM chaired a committee field hearing in Michigan on the state of women business owners, he offered an amendment addressing the failure of the Federal departments and agencies to meet the 5 percent goal during the Committee on Small Business markup of the "Women's Business Centers Sustainability Act of 1999," S. 791. The amendment was adopted unanimously by the Committee and enacted into law, Public Law 106-165. It directed the General Accounting Office to undertake an audit of the Federal procurement system and its impact on women-owned small businesses, which is underway at this time.

The statistics for Federal procurement for FY 1999 have been released. Again, the 5 percent goal for women-owned small businesses was not met—and again the Federal departments and agencies fell over 50 percent short of the goal—reaching only 2.4 percent. The failure of the Administration to meet this goal, which is designed to produce opportunities for start-up and growing small, women-owned businesses, is disturbing. Over 5 years have passed since the enactment of FASA, and the Federal Government continues to respond by taking baby steps toward meeting this Congressionally-mandated goal.

The resolution before the Senate today urges the President to adopt an administration policy in support of the 5-percent goal. Further, the resolution urges the President to go to the heart of the problem—to those Federal departments and agencies that are not carrying their share of the burden in meeting the goal. Specifically, the resolution asks the President to hold the head of each department and agency accountable for meeting the 5-percent goal.

Is it asking too much to require cabinet secretaries and agency heads to work harder to comply with a statu-

tory goal? Of course not. It's all a matter of priorities. And I think supporting women-owned business should and must be a priority for each and every cabinet secretary and agency head. In other words, we are demanding performance not promises.

Were it not for the growth of the small business community over the past decade, our economy would not be its booming self. Women-owned small businesses have contributed significantly to our economic strength and stability. We need to help stimulate this growth to strengthen further the foundation of our business success. The 5 percent Federal procurement goal is a significant component to help women-owned business to start-up and flourish.

We should not lose sight of the fact that our laws are not keeping up with the new realities of business, particularly for women-owned businesses, who are heating up the economy. We need to be ever vigilant and remain alert to changes in the business climate so that laws and government policies are relevant and helpful. We in Congress should be prepared to jettison antiquated laws. And we need to recognize that occasionally the best government policy will be to step aside to avoid hindering progress and growth.

Future Congresses and Administrations will have a tremendous impact on the success of women-owned businesses. That is why I am joining with Senators KERRY, OLYMPIA SNOWE, MARY LANDRIEU, DIANNE FEINSTEIN, and KAY BAILEY HUTCHISON to convene a National Women's Business Summit on June 4-5, 2000, in Kansas City, Missouri. The summit will give women small business owners the opportunity to help formulate national policies on women's small business issues by gathering input from women business leaders, elected officials and other experts. Results and recommendations from this summit will be communicated directly to the Congress. More information about the summit can be found on my Senate office Web site at [www.senate.gov/bond](http://www.senate.gov/bond).

As we begin Small Business Week, I hope my colleagues in the Senate will take a moment and recognize the important role small businesses play in our economy. And I urge them to reinforce their support for the 5-percent Federal procurement goal and women-owned small businesses by voting in favor of the Senate resolution.

Mr. KERRY. Mr. President, women-owned businesses have scored a double victory today. President Clinton and a bi-partisan coalition of Senators have unveiled separate but complementary national policies to increase procurement opportunities for businesses owned by women.

Though on its face Federal procurement may not sound like an important issue to the general public, or even a term that many recognize, it is one of the most lucrative, yet difficult, markets for small businesses to access,

particularly those owned by women and under-represented minorities. For example, in 1999, women-owned businesses made up 38 percent of all businesses but received only 2.4 percent of the \$189 billion in Federal prime contracts. We can do better. And, before we enact new laws, we should promote and enforce the ones we have.

First, I want to offer my strong support and sincere compliments to President Clinton for signing an executive order today that reaffirms and strengthens the executive branch's commitment to meeting the five-percent procurement goal for women-owned businesses. His staff has worked for months with the Small Business Administration, SBA, the National Women's Business Council, the Women's Coalition for Access to Procurement, Women First, Women's Construction Owners and Executives, and the Women's Business Enterprise National Council to draft a feasible plan to help Federal agencies and departments increase the number of contracts awarded to businesses owned by women. Announcing that plan this afternoon is timely.

Today I join my colleague Senator BOND to introduce a resolution that encourages the President to adopt a policy that reinforces and enforces a procurement law Congress passed in 1994. That law, the Federal Acquisition Streamlining Act, established a government-wide goal for all heads of Federal departments and agencies to award five percent of their prime and subcontracts to women-owned businesses. First, this resolution asks the President to adopt a policy that supports the law and encourages agencies and departments to meet the goal. Second, this resolution asks the President to reinforce the law by holding the heads of agencies and departments accountable for meeting the five-percent goal.

I believe the President's executive order goes beyond the Senate's request and establishes a strong system within the Federal Government for increasing the number of contracts that go to women-owned businesses. I think it is very smart to hire an Assistant Administrator for Women's Procurement within the SBA's Office of Government Contracting. Increasing opportunities for women-owned businesses is a full-time job and devoting staff to this area is good use of resources.

I also think it is good policy for the Assistant Administrator to evaluate the agencies' contracting records on a semi-annual basis. This has two benefits. One, it encourages the procurement offices to run their operations like good small businesses. If you ask, most business owners will tell you that a key to running a successful business is having a solid business plan and regularly measuring your costs against revenues and projecting adequate inventory or staff to meet the demands of your products or services. I think it is a very good idea for contracting officers to do the same. Two, this policy

allows the SBA to work with an agency that is not meeting its goal midway through the year rather than finding out at the end of the year when it is too late.

Lastly, I like the Administration's plan because it takes a holistic approach to procurement. Rather than just focusing on the agencies and departments, it requires the Assistant Administrator to organize training and development seminars that teach women entrepreneurs about the complex world of Federal procurement and the SBA's procurement programs. It will be much easier for women-owned businesses to compete for Federal contracts if they understand the process and how to find out about opportunities.

I think it is important to note that while the government as a whole is not contracting as it should with women-owned firms, there are some outstanding exceptions. Some Federal agencies have taken the lead in working with women owned firms, and should be congratulated. According to the Federal Procurement Data System, the Department of Housing and Urban Development, the Consumer Product Safety Commission, the Federal Mine Safety & Health Review Commission, the Nuclear Regulatory Commission, and the Small Business Administration have all not only met the five percent goal, but have come in at around fifteen percent or better. That is three times the goal set by Congress.

These Federal agencies know that working with women-owned firms is not simply an altruistic exercise. These firms are strong, dependable and do good work. These firms provide a solid service to their customer, and the Federal contracting officers know it. In total, 20 Federal agencies either met or exceeded the five percent goal.

Therefore, we know that it is indeed possible for Government agencies to meet the five percent goal. With this resolution, it is our hope that agencies will work harder, following the examples of the agencies I discussed earlier, to contract with women-owned firms.

I've supported many initiatives over the years to increase resources and opportunities for businesses owned by women. Most recently, I supported Senator LANDRIEU's legislation to reauthorize the National Women's Business Council for 3 years, and to increase the annual appropriation from \$600,000 to \$1 million. Part of that increase will be used to assist Federal agencies meet the five-percent procurement goal for women-owned businesses. The Council has provided great leadership in this area, making increased contracting opportunities a priority since it was created in 1988, and earned praise from Democrats and Republicans for two extensive procurement studies it published in 1998 and 1999. The first study tracked 11 years of Federal contracting so that we have measurable data, and the second study identified and analyzed public and private

sector practices that have been successful in increasing contracting opportunities for women business owners. The additional resources will allow the Council to build on that study and put the information to good use, ultimately increasing competitive contracting opportunities for businesses owned by women.

In addition to supporting reauthorization of the National Women's Business Council, last year I introduced the Women's Business Centers Sustainability Act of 1999. Now public law, that legislation is helping Centers address the funding constraints that have been making it increasingly difficult for them to sustain the level of services they provide after they graduate from the Women's Business Centers program and no longer receive federal matching funds. It is important to note that SBA requires Women's Business Centers to provide procurement training.

As part of that bill, we passed an amendment addressing Federal procurement opportunities for women-owned small businesses. The amendment expressed the sense of the Senate that the General Accounting Office should conduct an audit on the federal procurement system for the preceding three years. Unlike the Council's previous studies and reports that focused on data and best practices, this report was to focus on why the agencies haven't met the congressionally mandated five-percent procurement goal for small businesses owned by women.

Mr. President, the Federal agencies have begun to make progress since Congress enacted the five-percent procurement goal, but I want the contracting managers to remember that this goal is a minimum, not a maximum. Out of the more than 9 million businesses owned by women in this country, I believe that the Federal Government can find ones that are qualified and reliable, with good products and services, to fill their contracts if they make it a priority.

I believe that the President's Executive Order establishes a strong system within the Federal Government for increasing the number of contracts that go to women-owned businesses, and I look forward to seeing the Federal departments and agencies meet the five-percent goal this year, as the Senate resolution emphasizes.

I ask unanimous consent that this statement and a copy of the Executive Order be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### EXECUTIVE ORDER

#### INCREASING OPPORTUNITIES FOR WOMEN-OWNED SMALL BUSINESSES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Small Business Act, 15 U.S.C. 631, et seq., section 7106 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355), and the Office of Federal Procurement Policy, 41 U.S.C. 403, et seq., and in order to strengthen the executive branch's commit-

ment to increased opportunities for women-owned small businesses, it is hereby ordered as follows:

*Section 1. Executive Branch Policy.* In order to reaffirm and strengthen the statutory policy contained in the Small Business Act, 15 U.S.C. 644(g)(1), it shall be the policy of the executive branch to take the steps necessary to meet or exceed the 5 percent Government-wide goal for participation in procurement by women-owned small businesses (WOSBs). Further, the executive branch shall implement this policy by establishing a participation goal for WOSBs of not less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than 5 percent of the total value of all subcontract awards for each fiscal year.

*Sec. 2. Responsibilities of Federal Departments and Agencies.* Each department and agency (hereafter referred to collectively as "agency") that has procurement authority shall develop a long-term comprehensive strategy to expand opportunities for WOSBs. Where feasible and consistent with the effective and efficient performance of its mission, each agency shall establish a goal of achieving a participation rate for WOSBs of not less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than 5 percent of the total value of all subcontract awards for each fiscal year. The agency's plans shall include, where appropriate, methods and programs as set forth in section 4 of this order.

*Sec. 3. Responsibilities of the Small Business Administration.* The Small Business Administration (SBA) shall establish an Assistant Administrator for Women's Procurement within the SBA's Office of Government Contracting. This officer shall be responsible for:

(a) working with each agency to develop and implement policies to achieve the participation goals for WOSBs for the executive branch and individual agencies;

(b) advising agencies on how to implement strategies that will increase the participation of WOSBs in Federal procurement;

(c) evaluating, on a semiannual basis, using the Federal Procurement Data System (FPDS), the achievement of prime and subcontract goals and actual prime and subcontract awards to WOSBs for each agency;

(d) preparing a report, which shall be submitted by the Administrator of the SBA to the President, through the Interagency Committee on Women's Business Enterprise and the Office of Federal Procurement Policy (OFPP), on findings based on the FPDS, regarding prime contracts and subcontracts awarded to WOSBs;

(e) making recommendations and working with Federal agencies to expand participation rates for WOSBs, with a particular emphasis on agencies in which the participation rate for these businesses is less than 5 percent;

(f) providing a program of training and development seminars and conferences to instruct women on how to participate in the SBA's 8(a) program, the Small Disadvantaged Business (SDB) program, the HUBZone program, and other small business contracting programs for which they may be eligible;

(g) developing and implementing a single uniform Federal Government-wide website, which provides links to other websites within the Federal system concerning acquisition, small businesses, and women-owned businesses, and which provides current procurement information for WOSBs and other small businesses;

(h) developing an interactive electronic commerce database that allows small businesses to register their businesses and capabilities as potential contractors for Federal agencies, and enables contracting officers to

identify and locate potential contractors; and

(i) working with existing women-owned business organizations, State and local governments, and others in order to promote the sharing of information and the development of more uniform State and local standards for WOSBs that reduce the burden on these firms in competing for procurement opportunities.

*Sec. 4. Other Responsibilities of Federal Agencies.* To the extent permitted by law, each Federal agency shall work with the SBA to ensure maximum participation of WOSBs in the procurement process by taking the following steps:

(a) designating a senior acquisition official who will work with the SBA to identify and promote contracting opportunities for WOSBs;

(b) requiring contracting officers, to the maximum extent practicable, to include WOSBs in competitive acquisitions;

(c) prescribing procedures to ensure that acquisition planners, to the maximum extent practicable, structure acquisitions to facilitate competition by and among small businesses, HUBZone small businesses, SDBs, and WOSBs, and providing guidance on structuring acquisitions, including, but not limited to, those expected to result in multiple award contracts, in order to facilitate competition by and among these groups;

(d) implementing mentor-protégé programs, which include women-owned small business firms; and

(e) offering industry-wide as well as industry-specific outreach, training, and technical assistance programs for WOSBs including, where appropriate, the use of Government acquisitions forecasts, in order to assist WOSBs in developing their products, skills, business planning practices, and marketing techniques.

*Sec. 5. Subcontracting Plans.* The head of each Federal agency, or designated representative, shall work closely with the SBA, OFPP, and others to develop procedures to increase compliance by prime contractors with subcontracting plans proposed under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) or section 834 of Public Law 101-189, as amended (15 U.S.C. 637 note), including subcontracting plans involving WOSBs.

*Sec. 6. Action Plans.* If a Federal agency fails to meet its annual goals in expanding contract opportunities for WOSBs, it shall work with the SBA to develop an action plan to increase the likelihood that participation goals will be met or exceeded in future years.

*Sec. 7. Compliance.* Independent agencies are requested to comply with the provisions of this order.

*Sec. 8. Consultation and Advice.* In developing the long-term comprehensive strategies required by section 2 of this order, Federal agencies shall consult with, and seek information and advice from, State and local governments, WOSBs, other private-sector partners, and other experts.

*Sec. 9. Judicial Review.* This order is for internal management purposes for the Federal Government. It does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any other person.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, May 23, 2000.

Mr. ABRAHAM. Mr. President, today I join my colleagues from the Senate Small Business Committee, Chairman KIT BOND and Ranking Member JOHN KERRY, in support of increased involvement of women-owned small businesses in the Federal procurement process.

I have had the opportunity to speak with many women business leaders in Michigan on this matter, and the general opinion is that there are certain doors that are closed to women business owners. In a field hearing I held in Michigan last summer on issues to women in business, I found that many times women business owners face the same problems as men in the private sector. However, when looking at the representation of women in terms of federal procurement dollars, the difference is striking.

Six years after posting a modest five-percent goal of Federal procurement dollars for women-owned small businesses, Federal departments and agencies have fallen far short. Last year, only 2.4 percent of the total dollar value of all Federal prime contracts went to women business owners. This shortfall is staggering when taking into account that women-owned small businesses are the fastest growing segment of the business community in the United States. In fact, by the year 2010, women-owned small businesses are expected to make up more than one-half of all businesses in the United States.

As a result of this striking information, I introduced an amendment to last year's Women Business Centers Sustainability Act that called for a GAO report studying the trends, barriers and possible solutions to this deficiency. I am proud to report that this report stands to be completed by the end of the year. However, this alone will not provide Federal procurement opportunities for women-owned small businesses. The administration must become actively involved in demanding Federal departments and agencies accomplish the five-percent procurement goal.

Mr. President, I have been advocating this issues for quite some time now. My colleagues and I in the Senate Small Business Committee have consistently supported efforts empowering the spirit of entrepreneurship in American women. In my view, these actions must be adopted and enforced on all levels of government.

I hope my colleagues in the Senate will join me in encouraging the President to hold the heads of the Federal departments and agencies accountable to ensure that the five percent goal is achieved during this fiscal year.

Mr. BURNS. Mr. President, today I join Senator BOND, Senator KERRY, and others in support of a Senate resolution urging the President to adopt a policy to ensure that the 5-percent Federal procurement goal for women-owned small businesses is met.

In 1994, Congress enacted the Federal Acquisition Streamlining Act, establishing a Government-wide goal for small businesses owned and controlled by women. This act allows for no less than five percent of the total dollar value of all prime contracts and subcontract awards for each year.

Over the past few years, we have witnessed the growth of women-owned

businesses, including federal contracts. Over the past ten we've seen thousands of women entrepreneurs start or expand their own businesses. It is important we realize that women-owned businesses are the fastest growing segment of the business community in the United States. In fact, in the next ten years, it is expected that women-owned businesses will make up more than one-half of all businesses in the United States.

This week has been designated as Small Business Week, therefore it is only fitting that the Senate should pass this resolution to symbolize the Senate's concern that the Federal departments and agencies have not made adequate effort in meeting the five percent goal established in 1994 as part of the Federal Acquisition Streamlining Act. I fully support this Senate resolution and urge Federal agencies to make a concerted effort to meet this 5-percent goal.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 311) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 311

Whereas women-owned small businesses are the fastest growing segment of the business community in the United States;

Whereas women-owned small businesses will make up more than one-half of all business in the United States by the year 2010;

Whereas in 1994, the Congress enacted the Federal Acquisition Streamlining Act of 1994, establishing a Government-wide goal for small businesses owned and controlled by women of not less than 5 percent of the total dollar value of all prime contracts and subcontract awards for each fiscal year;

Whereas the Congress intended that the departments and agencies of the Federal Government make a concerted effort to move toward that goal;

Whereas in fiscal year 1999, the departments and agencies of the Federal Government awarded prime contracts totaling 2.4 percent of the total dollar value of all prime contracts; and

Whereas in each fiscal year since enactment of the Federal Acquisition Streamlining Act of 1994, the Federal departments and agencies have failed to reach the 5 percent procurement goal for women-owned small businesses: Now, therefore, be it

*Resolved, That—*

(1) the Senate strongly urges the President to adopt a policy in support of the 5 percent procurement goal for women-owned small businesses, and to encourage the heads of the Federal departments and agencies to undertake a concerted effort to meet the 5 percent goal before the end of fiscal year 2000; and

(2) the President should hold the heads of the Federal departments and agencies accountable to ensure that the 5 percent goal is achieved during fiscal year 2000.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Budapest, Hungary, May 26-30, 2000: The Senator from Iowa (Mr. GRASSLEY), Acting Chairman; the Senator from Pennsylvania (Mr. SPECTER); the Senator from Wyoming (Mr. ENZI); and the Senator from Ohio (Mr. VOINOVICH).

## AUTHORIZING ACTION IN STATE OF INDIANA V. AMY HAN

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 312, submitted earlier by Senator LOTT and Senator DASCHLE.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 312) to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han.

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

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in Indiana Superior Court for the County of Marion. In the case of State of Indiana v. Amy Han, the county prosecutor has charged the defendant with two counts of criminal trespass on Senator LUGAR's Indianapolis office. Pursuant to subpoenas issued on behalf of the county prosecutor, this resolution authorizes two employees in Senator LUGAR's office who witnessed the events giving rise to the trespass charges, and any other employee in the Senator's office from whom testimony may be required, to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

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

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 312

Whereas, in the case of State of Indiana v. Amy Han, C. No. 99-148243, pending in the Indiana Superior Court of Marion County, Criminal Division, testimony has been requested from Lesley Reser and Lane Ralph, employees in the office of Senator Richard Lugar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the

Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

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

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Lesley Reser and Lane Ralph, and any other employee of Senator Lugar's office from whom testimony may be required, are authorized to testify and produce documents in the case of State of Indiana v. Amy Han, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Lesley Reser, Lane Ralph, and any other employee of Senator Lugar's office in connection with the testimony and document production authorized in section one of this resolution.

## AUTHORIZING ACTION IN HAROLD A. JOHNSON V. MAX CLELAND, ET AL.

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 313, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 313) to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

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

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff's second challenge to Georgia's current election laws. Having lost his first challenge against the State Board of Elections, the plaintiff now is bringing an identical challenge to the Georgia election laws through the use of the ancient writ of quo warranto.

Senator CLELAND, who was elected to the Senate almost four years ago, in 1996, in an election that was not the subject of any election contest brought before the Senate, is sued solely because of his official capacity as a sitting Senator. This quo warranto action in essence challenges his taking of the oath of office, as well as the Senate's action in seating him. As such, it falls appropriately within the Senate Legal Counsel's statutory responsibility to represent Members of the Senate in

civil actions in which they are sued in their official capacity.

The writ of quo warranto can have no applicability to United States Senators or Representatives, as Article I, section 5 of the United States Constitution commits to each House of Congress the sole power to seat and remove its Members. This action is also barred by the speech or debate clause.

This resolution would authorize the Senate Legal Counsel to represent Senator CLELAND to seek his dismissal from this matter.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

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

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 313

Whereas, Senator Max Cleland has been named as a defendant in the case of Harold A. Johnson v. Max Cleland, et al., Case No. 2000CV22443, now pending in the Superior Court of Fulton County, Georgia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

## NATIONAL CHILD'S DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 561, S. Res. 296.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) designating the first Sunday in June of each calendar year as "National Child's Day".

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in *italic*.)

## S. RES. 296

Whereas the first Sunday of June falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and