

clergy, counselors and neighbors. As parents, we must be concerned about the people who have access to our children. The bottom line is that strict screening mechanisms and criminal background checks are vital to the safety of our children.

Mr. President, I am cosponsoring this bill because it provides grants to the States for programs for fingerprint-supported background checks for non-criminal justice purposes. These purposes include screening youth service employees, volunteers, and other individuals in positions of trust—if authorized by federal or state law and administered by a government agency. This bill also promotes enhanced communication nationwide between local, state, and national computer systems for domestic violence and sexual offender identification and registration systems.

The Crime Identification Technology Act of 1998 is also important because it provides necessary funding to the States so they can upgrade their criminal history record systems and improve criminal identification of sexual offenders.

Mr. President, this bill is an effective way to stop pedophiles from stalking our children under the guise of employment or volunteer activity. It will also help States protect their children by letting sexual predators know that background checks and screening mechanisms will be conducted wherever they move.

It is imperative that would-be employees not be able to avoid detection during background checks by failing to report their criminal past. The Raleigh News and Observer reported on January 8, 1997 that Terry Dondrell Howie pled guilty to being an accessory to a murder, at the same time he worked taking care of toddlers at a local day care center.

Howie was fired from his job at the day care center, three days after he was sentenced to five years in prison for his role in a deadly car-jacking. Although a state law that requires annual background checks would have eventually caught his felony charges, day care employees facing felony charges can escape detection for months.

There is no requirement that a lengthy background check be completed before a hiring because of the high turnover on day care center staffs.

This can be a fatal practice that must be changed. Take the tragic case of 18-year-old Michelle Montoya, who—in 1997, as a senior in Rio Linda High School—was brutally raped and killed in the school's wood shop by a substitute janitor with a felonious past. The janitor was put on-the-job before fingerprint tests were completed. He had served time for voluntary manslaughter and just prior to the murder of Michelle, he had been paroled. Although California has since passed legislation prohibiting school districts from hiring employees before back-

ground checks are complete, the same is not true in every state.

As parents we expect our schools and day care centers to protect our children. We must provide the funding and the attention necessary to correct this problem so that other families do not suffer the same kind of horrible tragedy and loss as the Montoya family.

Mr. President, we cannot take any chances when it comes to protecting our children. We must do everything we can to ensure their safety and protection which is why I urge my colleagues to join me in support of this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO MRS. CATHY ABELL

Mr. LOTT. Mister President, I would like to recognize the professional dedication, vision and public service of Mrs. Cathy Abell who is leaving the Army Senate Legislative Liaison Office to serve as the Congressional Affairs Coordinator for the Assistant Secretary of the Army for Manpower and Reserve Affairs. It is a privilege for me to recognize the many outstanding achievements she has provided for the Senate, the Army, and our great Nation.

Cathy Abell worked for every Member of the Senate as the Secretary of the Army's legislative liaison to the Senate. She was instrumental in facilitating the exchange of information between our constituent services offices and the Department of the Army. Mrs. Abell is an expert at cutting through the red tape of the military bureaucracy and never lost sight of the fact that taking care of the individual was paramount. I never knew of an instance in which Mrs. Abell would back away from doing the right thing for the Army, the soldier or family member and the Senate offices she served.

Mrs. Abell earned the reputation as someone on whom we could rely on to respond to our inquiries in a responsive, professional manner. She always provided informative, well researched responses to our constituents. Cathy Abell was the "go to" person in the Army's Senate Legislative Liaison Office. When a Senate office had a really complex case, the legislative assistants knew that they should direct the inquiry to her. Mrs. Abell would skillfully work through the complex military regulations and determine how best to maintain the integrity of the Army's processes while permitting the soldier or family member to receive the relief required by their situation.

She is able to communicate effectively with both military officials and Congressional staff members and has developed superb working relationships with our staffs. Her professional abilities and the excellent working relationships earned her the respect and trust which served her, the Army and the Senate so well.

Mrs. Abell recognized that many of our staff were not familiar with Army organizations, processes and procedures. To address this lack of familiarity, she organized and implemented a series of trips in which our staffs were able to experience first hand the conditions under which military personnel are recruited, processed and trained. As a result of her initiative, Senate staff members are able to more accurately explain Army procedures to constituents, in many cases eliminating the need for a formal inquiry. Initiative, caring service and professionalism are the terms used to describe Mrs. Abell.

Mister President, Cathy Abell is a great credit to the Army and the Nation. As she now departs to share her experience and expertise with the Assistant Secretary of the Army for Manpower and Reserve Affairs, I call upon my colleagues on both sides of the aisle to recognize her service to the Senate and wish her well in her new assignment.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 10, 1998, the federal debt stood at \$5,525,566,285,491.56 (Five trillion, five hundred twenty-five billion, five hundred sixty-six million, two hundred eighty-five thousand, four hundred ninety-one dollars and fifty-six cents).

One year ago, July 10, 1997, the federal debt stood at \$5,354,746,000,000 (Five trillion, three hundred fifty-four billion, seven hundred forty-six million).

Twenty-five years ago, July 10, 1973, the federal debt stood at \$454,595,000,000 (Four hundred fifty-four billion, five hundred ninety-five million) which reflects a debt increase of more than \$5 trillion—\$5,070,971,285,491.56 (Five trillion, seventy billion, nine hundred seventy-one million, two hundred eighty-five thousand, four hundred ninety-one dollars and fifty-six cents) during the past 25 years.

HIGHER EDUCATION REAUTHORIZATION ACT

Mr. GRASSLEY. Mr. President, I would like to discuss an important issue that should be addressed by House and Senate conferees meeting to resolve differences regarding the Higher Education Reauthorization Act.

Various institutions of higher education have tried for a number of years to have the Age Discrimination in Employment Act amended to allow certain types of early retirement plans for tenured faculty. Various Members of

this Body have traditionally viewed such an amendment with concern.

At the same time, some Members of this Body are concerned that potentially meritorious ADEA claims have faced statute of limitations problems based on the application of the Supreme Court decision in *Lorance versus AT&T Technologies*.

I understand there have been efforts to address these concerns, and I would like to pose a question to my colleague from Massachusetts, Senator KENNEDY. Senator KENNEDY, is it your understanding that the House of Representatives has addressed one or both of these issues in its version of this bill?

Mr. KENNEDY. The House of Representatives has addressed only one of these issues. It has proposed a limited exception to the Age Discrimination in Employment Act for tenured faculty. But you are correct that there is an additional concern regarding older workers and their ability to pursue claims under the Age Discrimination in Employment Act, and that has to do, as you noted, with the application of the Supreme Court case, *Lorance versus AT&T Technologies*.

In 1991, Congress passed legislation that partially overturned *Lorance*. Today, *Lorance* does not apply to claims brought under Title VII of the Civil Rights Act. Unfortunately, Congress did not consider the effect of the *Lorance* decision on other statutes, in particular, the Age Discrimination in Employment Act.

Mr. GRASSLEY. Yes, it is unfortunate. *Lorance* established an unworkable system for filing claims under the employment discrimination laws. It held that when a seniority system was allegedly adopted with a discriminatory purpose, the time limit for challenging that system begins to run on the date the system is first adopted—not the date it begins to apply to the individual employee. This could be a “catch-22”: by the time an employee is harmed and has standing to bring a claim, the statutory time period for challenging the policy will often have expired. Indeed, in some cases, no current employee would ever be able to challenge a long-standing, but discriminatory employment policy or system.

This is clearly contrary to the purposes of the age discrimination laws. There is no justification for unfairly closing the doors of justice to victims of age discrimination.

Mr. KENNEDY. I concur with my colleague from Iowa. Before the Senate accedes to the House’s provision on tenured faculty, this issue should be discussed and hopefully resolved during the conference.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5974. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Last-In, First-Out Inventories” (Rev. Rul. 98-35) received on July 9, 1998; to the Committee on Finance.

EC-5975. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Election Not to Apply Look-Back Method in De Minimis Cases” (RIN1545-AV79) received on July 9, 1998; to the Committee on Finance.

EC-5976. A communication from the Assistant Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank’s report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-5977. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the Authority’s report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-5978. A communication from the Executive Director of the Assassination Records Review Board, transmitting, pursuant to law, notice that the Board will cease its operations as of September 30, 1998; to the Committee on Governmental Affairs.

EC-5979. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium” (Docket 90F-0220) received on July 9, 1998; to the Committee on Labor and Human Resources.

EC-5980. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits” received on July 9, 1998; to the Committee on Labor and Human Resources.

EC-5981. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Update of Documents Incorporated by Reference” (RIN1010-46) received on July 8, 1998; to the Committee on Energy and Natural Resources.

EC-5982. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pur-

suant to law, notice of refunds or recoupments made under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC-5983. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “West Virginia Regulatory Program” (Docket WV-078-FOR) received on July 9, 1998; to the Committee on Energy and Natural Resources.

EC-5984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Animal Welfare; Primary Enclosures for Dogs and Cats” (Docket 98-044-1) received on July 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5985. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report on the Administrations’s financial condition and performance for calendar year 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5986. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, a quarterly report on Development Assistance Program Allocations; to the Committee on Foreign Relations.

EC-5987. A communication from the Assistant Secretary of the Army for Research, Development and Acquisition, transmitting, pursuant to law, notice of a planned destruction of lethal chemical agents; to the Committee on Armed Services.

EC-5988. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Army, transmitting, pursuant to law, the report of a cost comparison on the operation of base supply functions at F. E. Warren Air Force Base, Wyoming; to the Committee on Armed Services.

EC-5989. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule regarding amplifiers utilized in home entertainment products received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5990. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule regarding energy consumption and water use of certain products received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5991. A communication from the Acting Under Secretary for Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Experimental Program to Stimulate Competitive Technology” (RIN0692-ZA01) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5992. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule relative to permit transfers and other regulations on Pacific Coast groundfish fishery (RIN0648-AJ20) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5993. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes” (Docket