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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 11, 1999.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

GUNS

Mr. BLUMENAUER. Mr. Speaker, our responsibility in Congress is to find ways for the Federal Government to be a better partner in making our communities more livable for American families, to ensure that they are safe, economically secure, and healthy.

Since I have been in Congress just 3 years, there have been eight multiple shooting deaths on our school campuses, with young children shooting other children and teachers. The epidemic of gun violence amongst our youth has tragic consequences in terms of loss of life, physical safety, the health of our community, to say nothing of the tremendous financial costs that are involved.

For all the attention to the Littleton massacre, this is, in fact, occurring every day. It is just that the pain is scattered from town to town, from city to city in isolated bursts that even without the massive national media coverage is nonetheless producing pain every bit as real.

Yesterday there was a conference at the White House on reducing gun violence amongst our children. It was assailed by some because it did not go far enough in suggesting steps that virtually every other country has done to reduce gun violence.

Over 5,000 American children are killed by firearms every year in this country. By contrast, only 15 people in the entire country of Japan were murdered with handguns last year. At the same time, it was attacked by apologists for gun violence, who contend that there really are no useful government initiatives to reduce gun violence other than stricter enforcement of laws, more prison time for criminals, and wider use of firearms.

I am heartened by the meeting and the discussion yesterday, because most Americans know that the people who hold the most extreme views are simply wrong. Just as there is no single identifiable cause of the Littleton tragedy, there is no single magic solution. But it is defeatist in the extreme and an abrogation of our responsibility as Americans, and especially as Members of Congress, to fail to do everything in our power to make a difference.

The research shows we can and that we will be supported by the vast majority of the American people if we do take action. For example, we must stop the travesty of allowing the gun industry to operate without protections for public health.

There ought to be the same scrutiny applied to real guns as applied to toy guns as far as consumer protections are concerned. We should not sell one more new gun in this country that does not tell us if there is a bullet in the chamber.

There ought to be no loopholes for the background check requirements of the Brady bill, which has prevented more than a quarter million known felons from buying weapons. We ought to extend that prohibition to deny people with a history of violent and reckless behavior the ability to purchase and own firearms.

The Federal Government should select a date in the near future when it will require that all the guns that we supply to our thousands of employees will be personalized so that that weapon cannot be used against them.

We ought to assure that people who manage their guns in a reckless fashion are held accountable. We ought to make the child access law pioneered years ago in Florida the law of the land, protecting families everywhere.

The leadership in this Congress ought to have the courage to insist that the proposals be debated in the House of Representatives as they are this week in the Senate.

Once this sees the light of day on the floor of the House, we will find that, in fact, there are men and women in both parties who have the conscience, have the conviction to stand up to the apologists for gun violence and take these simple, common-sense steps to reduce the tragic toll that gun violence has had in our communities.

An important first step will be the Comprehensive Child Violence Protection Act introduced by the gentlewoman from New York (Mrs. MCCARTHY). I urge my colleagues to join me in cosponsoring her legislation and to urge the Republican leadership to finally find it in their hearts to allow

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this to be debated on the floor of the House.

The carnage of Littleton will occur again today in dozens of instances across America. I hope that this is the last day that Congress is missing in action and that this Congress finally steps forward to do all it can to protect our families and their children from senseless gun violence.

TAX FREEDOM DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today, May 11, is Tax Freedom Day, which means, if the government began taking every dime of one's paycheck on January 1 of this year, one would have spent, on average, the last 131 days working just to pay one's local, State, and Federal taxes.

We call it Tax Freedom Day, but this year we really do not have much to celebrate. We have spent more days working for the government than we did last year. A later Tax Freedom Day indicates an ever-increasing national tax burden.

Mr. Speaker, the citizens of this country cannot afford any more taxes. The typical American family already spends more than 38 percent of its income on taxes. That is more than most families spend on food, clothing, shelter, and transportation combined. In fact, the average American spends almost 3 hours of a typical 8-hour day working for the government.

Mr. Speaker, we cannot continue to expect our hard-working families to shoulder the debt of a big government that routinely spends outside of its means. It is unacceptable that Americans must work at least 5 months of the year just to pay their taxes.

While taxes have continued to mount, so, too, has the Tax Code. Growing more complex, the Tax Code now totals nearly 3,000 pages. Mr. Speaker, the tax burden on our American families is out of control.

Since gaining the majority in 1994, this Congress has continued working to put more money back in the pockets of hardworking Americans. We balanced the Federal budget. We passed the first tax relief in 16 years, and now we have the first budget surplus in generations. Today, the current tax rate is between 1.2 and 2 percent lower than just 2 years ago. Now it is time, Mr. Speaker, to build upon that momentum.

Mr. Speaker, I have supported legislation to abolish the current Tax Code in hopes of establishing a flat tax or a national sales tax. In addition, I supported legislation to abolish some of the most outrageous and unfair taxes in our American families, like the death tax, marriage tax, and capital gains tax. Personally, I have introduced legislation to offer a tax credit for our military personnel.

Mr. Speaker, the Republican Congress continues to prove to the American people its commitments to lower taxes. But we cannot stop now. Lower taxes always should be a top priority. That requires cooperation between Congress and the administration.

This Congress and Congresses of the future must always remember that this money belongs to the people, and we must make every effort to return it to the people.

I hope that the next person elected to serve as President of the United States makes a commitment to simplify the Tax Code to ensure its fairness for the citizens of this country.

Mr. Speaker, today we observe Tax Freedom Day. Let us now continue working to make sure that next year Tax Freedom Day falls on a day we can all celebrate.

TURKISH-KURDISH CONFLICT MUST BE RESOLVED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, as our military campaign in the Balkans continues, with the noble goal of stopping the ethnic cleansing that the dictator Milosevic has perpetrated against the Kosovar Albanian people, another similar atrocity continues to be perpetrated in the mountains of eastern Turkey against the Kurdish people.

There is a crucial difference between the situations in Kosovo and in Kurdistan. In the case of Kosovo, the forces of NATO are being used to stop the murderous rampage unleashed by Milosevic. But the Turkish regime that is responsible for the war against the Kurds is actually a member of NATO.

Unfortunately, because Turkey is viewed as a strategic ally of the U.S. and the West, the plight of the Kurds in Turkey has not been given adequate attention by the United States. In fact, Mr. Speaker, we may actually be contributing to the oppression of the Kurds.

The issue of Turkey's war on the Kurds and American support for Turkey was brought into sharp focus earlier this year with the apprehension of Abdullah Ocalan, the leader of the Kurdish independence movement. Mr. Ocalan has been fighting for autonomy for the Kurdish people, who are the victims of oppression by Turkey as well as Iraq, Iran and Syria.

Mr. Speaker, the Turkish regime refuses to even acknowledge the Kurds' existence, referring to them as ''mountain Turks'', prohibiting all expression of Kurdish culture and language in an effort to forcibly assimilate them, while jailing, torturing, and killing Kurdish leaders.

It is true that the Kurdish communities in Iraq, Iran and Syria also suffer terribly, and we should keep in mind the fate of the Kurds in those countries—indeed, the U.S.-led Operation Provide Comfort in Northern Iraq is an action we can all be proud of. But, frankly, we tend to expect egregious human rights violations to occur under the Iraqi, Iranian and Syrian regimes. Turkey, on the other hand, is a member of NATO, touted as a democracy, a participant in Operation Allied Force. Turkey has received over the years millions of dollars in economic and, especially, military assistance courtesy of the American taxpayer. We have a right to expect better, and Turkey, as a member of NATO and a candidate for the European Union has an obligation to do better.

Furthermore, the mistreatment of the Kurdish population of Turkey is not the only example of Turkey's blatant violation of American values, ideals or interests. The continued occupation of Northern Cyprus and the blockade against Armenia are two other glaring examples where Turkey pursues the kind of policies that we should not accept from any nation, but particularly one of our allies.

Mr. Speaker, I was appalled when it was reported that American intelligence and diplomatic services actually helped a Turkish commando team to capture Mr. Ocalan in Kenya in February of this year. This shameful collaboration with Turkey has resulted in Mr. Ocalan being held in solitary confinement on an island prison in Turkey. He will be tried in a secret military-type court with no jury and no foreign observers.

The prosecutors are seeking the death penalty. There is little hope that Mr. Ocalan will receive a fair trial. In fact, the debate in the Turkish press is not about whether he will get a fair trial but rather when he will be executed.

According to a recent report by Amnesty International, Mr. Ocalan's defense lawyers are routinely beaten and harassed by Turkish police. The police have even tried to incite public riots against the defense team. The lawyers and their families have received telephone threats.

I should point out that this is in violation of the United Nations Basic Principles on the Role of Lawyers, which states that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

In the United States and in other countries where the rule of law is respected, we believe that everyone, even the most unpopular defendants, has a right to a fair trial. There is no place for a lynch mob mentality.

After 3 months in solitary confinement, denied proper access to his lawyers and being constantly guarded by armed soldiers wearing ski masks, Mr. Ocalan may be suffering a psychological breakdown. All of his meetings with his lawyers are monitored. It is quite possible that he has been subjected to torture.

But if Turkey does go ahead and hang Mr. Ocalan, the result would be to create a martyr for the Kurdish people and to unleash an all-out civil war that would be disastrous for all the people

of the region, both Turks and Kurds. Such an outcome is not in anyone's interests, not that of Turkey, not the Kurdish people, not the neighboring countries, certainly not the United States.

Mr. Speaker, in order to encourage the U.S. Government to play a constructive role in heading off a crisis in Turkey, my colleague, the gentleman from California (Mr. FILNER), and I will be circulating a letter this week asking our colleagues to sign a letter to President Clinton urging his intervention, to implore that the Turkish authorities show some basic fairness in trying Mr. Ocalan and to spare his life.

The government of Turkey's undeclared war on the Kurds has claimed close to 40,000 lives and caused more than 3 million people to become refugees. Before his arrest, Mr. Ocalan had announced that he was ready to renounce violence and negotiate, but Turkey did not even consider the request. Even worse, Mr. Speaker, the United States did not encourage such negotiations to begin.

Mr. Speaker, it is my belief that it would be more appropriate to have an International Tribunal prosecute Mr. Ocalan since Turkey is at war with the Kurds and cannot be expected to conduct a fair trial. Seeking a fair trial for Mr. Ocalan should be the first step in our efforts to press Turkey to enter into negotiations to achieve a political solution to this tragic struggle.

What is truly tragic about the conflict between the Turkish regime and the Kurdish people is that the Turkish and Kurdish people have not always lived in conflict. There is hope that reconciliation could occur but only if the Turkish authorities recognize the rights and distinct identity of the Kurds and finally halt their goal of controlling and conquering the Kurds.

TAX FREEDOM DAY

The SPEAKER pro tempore (Mr. UPTON). Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. SAM JOHNSON) is recognized during morning hour debates for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to wish all Americans a happy Tax Freedom Day. Americans are now free from the Federal shackles on their income. And, this year, all American citizens worked for the government longer than in any previous year.

Today Americans start working for themselves and not the Federal Government. Starting today, the money all Americans earn goes to their families rather than the Washington bureaucracy.

This government is taking too much money out of our pockets. In fact, the average American will spend nearly 3 hours of each 8-hour working day just to pay taxes. Most of the time, almost 2 hours, will be spent working to pay Federal tax; and the remainder, 54 minutes, will be spent working to pay State and local taxes.

For too long the Federal Government has increased taxes on our businesses, our seniors, our families, our children. We need to take our money away from the Federal Government, away from the bureaucrats and give it back to the American people. After all, American workers have earned it.

My colleagues on the other side of the aisle believe all working Americans' money belongs to the Federal Government. I disagree. It is the money of all those hard-working Americans; and Americans want, need and deserve a refund now.

Let us help America. Let us give the people what they deserve: tax relief that is long overdue.

SECURITY FAILURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, in a press conference in March of this year, the President was asked, ''Can you assure the American people that under your watch no valuable nuclear secrets were lost?'' The President answered, ''Can I tell you that there has been no espionage at the lab since I have been President? I can tell you that no one has reported to me that they suspect such a thing has occurred.''

Mr. Speaker, on May 3, The New York Times reported a secret report was given to top Clinton administration officials, including the National Security Adviser Samuel Berger, in November of 1998 that warned, ''China posed an acute intelligence threat to our government's nuclear weapons laboratory and that computer systems at the labs were being constantly penetrated by outsiders.''

If the President stated in a press conference not more than 2 months ago that, ''no one has reported to me that they suspect such a thing'', while the top national security adviser in the Clinton administration received a classified report about Chinese espionage just 6 months ago, are we to assume that the President was never briefed upon this report?

Energy Secretary Bill Richardson acknowledged on Meet the Press this past Sunday that, ''There have been damaging security leaks.'' Obviously, National Security Adviser Samuel Berger was aware of the security leaks of the intelligence report warning the administration.

What is the truth, Mr. Speaker? The administration cannot have it both ways. Either Mr. Berger failed in his responsibility of notifying the President or the President in March misled our Nation about reports of espionage.

The Times further reported that, ''In April of 1996, Energy Department officials briefed Mr. Berger on the case and how it related to China's nuclear strategy. Mr. Berger took no action and did not inform the President of the matter, White House officials have said.'' That is what we believe.

How is Mr. Berger still on the job, Mr. Speaker? There are many troubling issues involved in the suspected spy case emanating from the Los Alamos National Laboratory, and I think one of the most troubling is that the suspected Chinese American spy, Wen Ho Lee, was under investigation by the FBI back in 1997. They wanted to monitor Lee's telephone conversations and to access his computer, but the Justice Department denied this request. Why?

This case may be the worst espionage committed against our Nation, and the Justice Department quickly denied our chief policing and policy and domestic counterintelligence agency the tools to conduct a proper investigation. Why?

Intelligence officials privately state that a denial of such a request is extremely rare. It hardly ever happens. Why did it occur in this case, when the evidence indicated that efforts were under way to steal our most classified information about our most deadly nuclear weapons?

What is even more shocking is that the FBI told Energy Department officials in April of 1997 that they could transfer Mr. Lee to a less sensitive job. What did these officials do? They, instead, gave Mr. Lee the job of updating a computerized archives of nuclear secrets. Here we have a suspect possibly passing information about our most secure weapons and the Energy Department places him in charge of their computer upgrades.

In addition, the Energy Department allows Mr. Lee to hire his own personal assistant. The person he happened to hire was a Chinese graduate student who has, since this story has broke, disappeared.

The FBI has determined that in February of this year Lee tried to delete evidence that he had improperly transferred more than 1,000 computer files containing nuclear secrets.

Mr. Speaker, what is going on here? The Justice Department, the Energy Department, the administration all had this evidence. There have been no arrests, and the administration continues to drag its feet in the release of the Cox report.

Have we allowed our judgment of China's conduct to be clouded by our desire for trade with China? Have we allowed the White House to compromise the security of every man, woman and child in our Nation for the desire for more profits? I earnestly pray that this is not true.

Mr. Speaker, I submit for the RECORD the recent AP story from Sunday entitled Richardson Says China Stole Secrets on Clinton Watch.

[From Reuters, May 9, 1999]

RICHARDSON: CHINA STOLE SECRETS ON CLINTON WATCH

WASHINGTON—Energy Secretary Bill Richardson said Sunday the Chinese government had obtained nuclear secrets during the Clinton presidency—something the administration had previously denied.

Speaking on NBC television's ''Meet the Press'' show, Richardson admitted security breaches had occurred during the Clinton presidency, despite denials by the president.

''There have been damaging security leaks,'' Richardson said. ''The Chinese have obtained damaging information . . . during past administrations and (the) present administration.''

In a March news conference, President Clinton denied the Chinese had secured nuclear secrets during his presidency.

''To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the labs, during my presidency,'' Clinton said then, referring to allegations of security breaches at the Los Alamos National Laboratory in New Mexico.

But The New York Times reported a week ago that counter-intelligence officials had told the Clinton administration in November that China posed an ''acute intelligence threat'' to nuclear arms labs.

The Times disclosed in March that a scientist at Los Alamos, Wen Ho Lee, was suspected of helping China obtain arms secrets. China has repeatedly denied the charges and the scientist last week rejected the accusations against him.

The Senate intelligence committee said in a report last week that China gained technical information from U.S. companies during satellite launches which will improve its missiles and could threaten the United States.

The report capped a 10-month investigation by the committee into the impact on U.S. national security of advanced satellite technology exports to China.

Senator Richard Shelby, chairman of the intelligence committee, said Sunday, ''This is probably the most serious espionage we have had in this country in modern times.''

Shelby said his committee's investigation uncovered ''very suspicious banking relationships'' which would need further investigation. The Republican from Alabama said millions of dollars were funneled to a small bank in the United States from China, possible as political campaign donations.

Bob Kerrey, the ranking Democrat on the intelligence committee, agreed there had been leaks at the Los Alamos lab.

''I have no doubt there has been Chinese espionage at these nuclear labs,'' the Nebraska senator said. ''I have no doubt the efforts to reduce the risk of that espionage was sloppy and not well coordinated and as a consequence has been damaging to the people of the United States.''

Despite the breaches, Kerrey said, the threat to Americans was not on the scale suggested by Shelby.

''This is a very serious case of espionage, a very serious breach of security at the labs, but its very important for us not to overestimate the threat,'' he said.

COMMEMORATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I come to the floor to announce that this month, May, is Asian Pacific American Heritage Month. This month is meant to celebrate the many contributions of Asian and Pacific Islander Americans to the fabric of American life.

As the Chair of the Congressional Asian Pacific American Caucus for the 106th Congress, I wish to draw attention to this month as a time to honor, remember and celebrate the Asian and Pacific Islander Americans who live in each one of our congressional districts. In fact, 65 congressional districts have a population of at least 5 percent APA and some 28 have over 10 percent APA in their districts.

This celebration dates back to the legislation introduced by former Representative Frank Horton in 1978, establishing Asian Pacific American Heritage Week to draw attention to this population. In 1990, the week was extended to a month, and it was not until 1992 that legislation was passed to make APA a permanent occasion during May of every year.

This is a particularly critical time to reflect upon the conditions and the contributions of Asian Pacific Americans. They are a growing part of our population, and they make major contributions to every facet of our life, from science to sports, from education to entertainment, from culture to commerce.

Asian Pacific Americans are major players and major movers in our American life. Yet, despite their success, they continue to experience various forms of discrimination; and some communities experience many difficulties in education and the economy. And they are, of course, subject to the ups and downs of our country's relationships with various countries in Asia and the Pacific.

We should all take the time to celebrate the success of individual APAs, like Junior Seau, the outstanding linebacker for the San Diego Chargers; David Ho, who was Time magazine's 1996 Man of the Year for his research on AIDS; Josie Natori, a highly acclaimed designer who recently received the Ellis Island Medal of Honor; Jerry Yang, the former Stanford Ph.D. student who cofounded Yahoo; and Seiji Ozawa, who is in his 24th season as music director for the Boston Symphony Orchestra.

But we must also take the time to acknowledge that there can be a thin line in American society between celebration and condemnation. Sometimes we are quick to praise individuals from various communities that make up the fabric of American life but we can be just as quick to stereotype and stigmatize the communities from which these individuals come from. Immigrant bashing, hate crimes, wholesale characterizations about this or that group are not only hurtful, they are disrespectful and harm our entire society.

We are in the midst of a series of charges and countercharges about espionage at the Department of Energy labs, alleged fundraising from foreign sources; and our relationship with the People's Republic of China is probably at its lowest point during this decade. We all have a serious responsibility to make clear and understandable distinctions between the activities of foreign agents, criminal spies and the Asian Pacific American communities which help make this country strong and vibrant.

There is much media coverage today about Chinese spying and illegal Chinese fund-raising. It is all too easy to blur any distinction between those who are operating outside the law and at the behest of foreign governments and the Asian Americans who live next door, who work at Silicon Valley and who work tirelessly in defense and energy laboratories around the country. Asian Americans have contributed enormously to our technological lead in the world, and they contribute to our military and economic strength in ways that all of us should be proud of and grateful for.

Let us be clear. The overwhelming and vast majority of Asian Pacific Americans are not just industrious, they are as loyal to America as all their fellow Americans. The preponderance of stories about the espionage may lead to the same result that we had a few years ago when the stories about illegal fundraising first surfaced. Individual Asian American citizens around the country had additional questions asked of them, found it a little more difficult to get appointments with elected officials, were asked to verify the origins of their campaign donations in ways that others were not.

The illegal fund-raising stories had a chilling and direct effect on the lives and the political participation of Asian Americans around the country. Let us make sure that the current rash of stories and the current state of our relationship with China has no impact upon the lives or the economic or employment opportunities of individual Asian Americans around the country.

We in Congress have a special responsibility to make sure that our sentiments about these matters of espionage is clearly separate from any reflection upon the ethnic communities in our country.

Mr. Speaker, I would like to thank the Energy Secretary, Bill Richardson, for his sensitivity to APA concerns; and I encourage all Members to attend the numerous planned APA activities in their home district this month. And the APA caucus will also be organizing a special order commemorating Asian Pacific American Heritage Month.

As we deal with the Cox Report, as we deal with the Department of Energy revelations, as we deal again with the charges about fund raising, let us remember that it is a thin line between celebration and condemnation, between singing praise and stereotyping.

On this note, I take this opportunity to thank Energy Secretary Bill Richardson for his sensitivity to APA concerns, and also on agreeing to speak at the Asian Pacific American Institute for Congressional Studies Gala.

There are numerous activities planned by Asian Pacific American groups this month to celebrate our diverse heritage. I urge every member's participation in these activities.

The Congressional Asian Pacific American Caucus will also be organizing a special order in May commemorating Asian Pacific American Heritage Month.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

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

As individuals we know how satisfying it is to affirm that You, O God, are the personal God who cares about our own needs and petitions. We know, too, how easily we can try to make Your nature so it fits with our own personal background or with our own particular Nation or with our own private interest. Yet, at our best moments we celebrate that You are God of all creation, that You are the judge of every people and Nation, and You have forgiveness and mercy available to every person. Help us, gracious God, to lift our vision of Your presence in our lives and of Your place and power in the universe so we see You as the creator and redeemer of all who seek Your grace. In Your name we pray. 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 West Virginia (Mr. RAHALL) come forward and lead the House in the Pledge of Allegiance.

Mr. RAHALL 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.

TAKES ONE-THIRD OF THE YEAR TO PICK UP THE TAB FOR OUR BLOATED GOVERNMENT BUREAUCRACY

(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, Katherin Whitehorn once said, ''The easiest way for our children to learn about money is for you to have none.'' Well, if Katherin Whitehorn is right, then the first 130 days of this year America's children have earned their doctorate on money because during this time every penny earned by the hard-working men and women of this Nation has been taken away by local, State and Federal Government taxation. It did not go to pay for kids' education, it did not go to pay for the home mortgage, and it did not go to pay medical expenses. Instead, it all went to expanding government bureaucracies.

Mr. Speaker, fully one-third of this year's effort of these hard-working Americans was spent just to pick up the tab of this bloated government bureaucracy. Decades of unchecked growth and deficit spending by the tax and spenders has left hard-working men and women of this country with this crushing tax burden.

The vast majority of Americans do not object to paying their fair share of taxes, but they do object to the suffocating level of taxation that exists today.

Mr. Speaker, for our children's sake let us allow hard-working families to keep more of their money, not less. I urge all of my colleagues to support meaningful tax reform this year.

OUR NUMBER ONE SECURITY THREAT

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

Mr. TRAFICANT. Mr. Speaker, China has accused America of deliberately bombing their embassy in Yugoslavia. That is unbelievable, and experts cannot believe this. I am not surprised. In fact, China has always considered America as their arch enemy.

Let us tell it like it is today:

The bombing of the Chinese embassy was an honest mistake. The Chinese fallout is no mistake. The reality is evident and clear. The number one security threat facing the American people is China. I might add it has been financed with American dollars.

I yield back all the missiles pointed at the United States of America, Mr. Speaker. Beam me up.

CHILD SEXUAL ABUSE MUST NOT BE TOLERATED

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

Mr. PITTS. Mr. Speaker, May is Victims of Pornography Month. Today I want to mention an outrage:

The American Psychological Association recently published a study suggesting that sexual relationships between adults and children are less harmful than believed and might actually be positive for ''willing'' children. My colleagues heard correctly.

The authors of this study attacked the term ''child sexual abuse'' in favor of the term ''adult-child sex.'' They conclude that child sexual abuse is not wrong unless the adult sexual encounter is unwanted by the child.

May I suggest that this outrageous junk science, as Dr. Laura Schlessinger calls it, is very offensive? All of us who are parents should be offended by this effort to normalize child sexual abuse. Child sexual abuse does result in long-term psychological harm, and it must not be tolerated.

Shame on the American Psychological Association for giving a forum for such dangerous and unprofessional propaganda for pedophilia.

THERE WILL NEVER BE A BETTER OPPORTUNITY TO CUT TAXES

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

Mr. KNOLLENBERG. Mr. Speaker, I rise today in recognition of Tax Freedom Day and to reiterate my call for lower taxes.

According to the nonpartisan Tax Foundation, the average American will have to work 131 days or until May 11; that is, today, just to pay his or her taxes.

This graph says it all.

I believe it is outrageous. Clearly the time has come for Congress and the President to cut taxes so the American people can keep more of their hard-earned money.

Taxes are at an historic high, higher than World War II. With a strong economy and the Federal Government running a surplus, there will never be a better time than today to cut taxes.

This year's budget calls for 800 billion in reduction in Federal taxes over the next 10 years. This much-needed tax cut will strengthen working families and keep our economy moving forward.

Mr. Speaker, I urge my colleagues to work together this year to ensure that the American people receive the tax relief they deserve and not this.

INTRODUCTION OF NATIONAL PEACE OFFICERS MEMORIAL DAY RESOLUTION

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

Mr. HEFLEY. Mr. Speaker, on May 15, peace officers from around the country will travel to Washington for a day of commemoration and honor for fellow officers slain in the line of duty. The National Peace Officers Memorial Day serves as a solemn reminder of the sacrifice and commitment to safety that these men and women make on our behalf. I am joined by over 130 of

my colleagues as I introduce today a resolution that expresses the gratitude of the House of Representatives for the work these officers perform.

There are currently more than 700,000 men and women who place their lives at risk every day as they serve as the guardians of law and order. Every year approximately 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. Last year 158 officers were killed in the line of duty, and about 60,000 were injured.

While the crime of murder has been reduced on the national level, the murder rate of peace officers has tragically risen.

Mr. Speaker, I hope all of my colleagues will join me in expressing our appreciation to all peace officers in paying tribute to those slain in line of duty and to their surviving families.

PROSTATE CANCER WAKE-UP CALL

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

Mr. BOEHLERT. Mr. Speaker, in 1999 over 179,000 men in the United States will be diagnosed with prostate cancer. Everyone has a story. One of the most heartwarming stories is that of New York Yankee skipper Joe Torre. While the latest news reports that Joe Torre's surgery has successfully removed the cancer from his body and he will be back on the job soon, news of his condition should serve as a wake-up call for all middle aged men.

In 1999, Mr. Speaker, an estimated 37,000 men will die from prostate cancer. The good news is that this type of cancer is easily treatable if it is found in the early stages, as it was with Torre. A routine physical examination provided to all the Yankees led to the diagnosis. The Yankees are not only champions on the field where America's pastime is played, the organization is also a champion off the field, whereas in the case of appropriate preventive care timely action saves lives.

Another well-deserved salute to George Steinbrenner and the Yankees management.

In Congress, Mr. Speaker, we must continue to support funding for ongoing research into the cause and cures of prostate cancer. I join all Yankee fans everywhere, and there is no bigger fan than me, in wishing Joe Torre a speedy recovery. He is a glowing example of how we can beat cancer.

A TAX SYSTEM THAT REWARDS HARD WORK AND SACRIFICE

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

Mr. DEMINT. Mr. Speaker, each year working moms and dads face more and more stress over paying their tax bill. This year the average taxpayer must give up nearly 5 months of paychecks just to pay their share of local, State and federal taxes. Those of us in the majority believe our constituents should keep more of their hard earned money. We know that they are spending more hours at work and less time at home. That is why we are going to eliminate our burdensome Tax Code and replace it with a new tax system that rewards work and sacrifice, a tax system that makes dreams of a new home, a secure retirement or a better life for their children a reality. They should be able to spend their paycheck before Washington does.

Mr. Speaker, that is why we are working to make sure every day is Tax Freedom Day, where one can wake up knowing that there is more money in their pocket and more freedom to pursue their dreams.

FREEWAY CONSTRUCTION PROJECT BEING HELD HOSTAGE BY A FLY

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

Mr. CALVERT. Mr. Speaker, the Endangered Species Act passed in 1973 was well-intentioned legislation. But the Fish and Wildlife Service, especially in California, is working outside of the ESA and undermining the original intent.

The Galena Interchange is a freeway construction project in my district that is being held hostage by the Delhi Sands flower-loving fly. The Galena Interchange is not an expansive new highway program. We are not talking about building a new six-lane highway. It is a simple project connecting Interstate 15 to Galena Street, and it has received $20 million in Federal, State and local funds last year to correct the commuters' nightmare.

After plans have been designed and the funds allocated, Fish and Wildlife claims that the county needs to establish a preserve for the Delhi Sands flower-loving fly and wants as many as 200 acres of the Inland Empire's priciest industrial lands for habitat mitigation. Two hundred acres could cost as much as $32 million, 32 million for a $20 million project. On top of all this, not one fly has been found in this area. Apparently the Branch Chief of the Carlsbad Fish and Wildlife Office heard the buzz of the fly but did not see it and now wants $32 million.

We need common sense reform. Support this legislation.

CONGRATULATING ST. PATRICK HOSPITAL IN MISSOULA, MONTANA

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

Mr. HILL of Montana. Mr. Speaker, I want to take this opportunity to recognize the National Hospital Week, a time when we pay tribute to our Nation's hospitals and health systems and the workers and the volunteers and the other health professionals who are there 24 hours a day, 365 days a week, curing and caring for their neighbors, the folks who need them. An example of this dedication is St. Patrick Hospital in Missoula, Montana. I want to commend St. Patrick Hospital for receiving the American Hospital Association's 1999 NOVA award.

NOVA awards spotlight innovative community partnerships that respond to community needs. St. Patrick Hospital is the 1999 NOVA award winner for giving people a sense of hope that their lives will improve and be more secure, and that is exactly what the residents in the low-income neighborhoods served by St. Patrick needed. The hospital formed the Healthy Neighborhood Project. Healthy neighborhoods offer a down payment assistance for first-time home buyers and supports a tool lending library. It is also helping to build a new playground and sponsors a summer reading program at the local elementary school.

I am very proud to recognize St. Patrick for its achievements. It is a stellar example of a hospital that is making a difference in its community.

NOW IS THE TIME TO PROVIDE TAX RELIEF FOR WORKING FAMILIES

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

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today as an advocate for the taxpayers of northeastern Wisconsin. See, today, as my colleagues have already heard, is the day when Americans finally stop working for the Federal Government and start working for their own families. The average American works 131 days just to pay his or her taxes.

Mr. Speaker, I am sad to report that this year Tax Freedom Day is the latest ever.

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As a matter of fact, Tax Freedom Day has moved back 11 days since 1993. This is unacceptable, and I believe it is time for this Congress to act.

One of my constituents, Jane Savides of Appleton, recently wrote me about the excessive burden of taxes on her family. Jane writes, quote, we just put our taxes in the mail today, and as usual we owe the government more money. We all have to put food on the table, buy clothes and save for college. We have been putting more money away for our kids' education, but the more we save for them the more we get hit with taxes.

I could not agree with Jane more. I appeal to my colleagues, now is the time to provide real tax relief to families like the Savides family. It is time to give all of our constituents true

freedom, the freedom to earn more money.

TAX FREEDOM DAY 1980–1999

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

Mr. GUTKNECHT. This chart is labeled Tax Freedom Day, 1980 through 1999. Just look at the chart. Look at how we are moving.

In 1994, Tax Freedom Day was May 2. In 1995, it was May 3. In 1996, it was May 5. In 1997, it was May 7. Last year, it was May 10; and this year, today, May 11 is Tax Freedom Day. Finally, Americans get to start working for themselves.

This is not the right road to the 21st century. Ronald Reagan was able to actually push back Tax Freedom Day from May 4 to April 27, but since then we have lost ground.

Many people say we should meet the President halfway, but we should never meet the President halfway on the road going in the wrong direction.

THE ADMINISTRATION HAS AUTHORIZED THE KILLING OF GRAY WHALES

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

Mr. METCALF. Mr. Speaker, the day we have all dreaded has arrived. After years of U.S. policy in opposition to commercial whaling, the Clinton-Gore administration is reopening whaling. In northwest Washington State it will begin within a few days. The McCaw tribe has been authorized by this administration to begin killing gray whales.

Whales have been protected in the U.S., and these whales have learned not to fear boats. In fact, a multimillion dollar whale watching industry has developed, but that is all changing. Once the U.S. allows whale killing based on cultural subsistence, what can we say to Japan and Norway and the other nations that want to go commercial whaling?

This is a tragic day, and we will regret that this has happened.

TAXPAYERS ARE FINALLY FREE OF THE TAXMAN

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

Mr. CHABOT. Mr. Speaker, here is a subject we will never hear the other side talk about. That is Tax Freedom Day. Tax Freedom Day is the day where the taxpayer is finally free of the taxman and is finally working for himself or working for herself.

As of yesterday, the average taxpayer was still working to pay his or her taxes, Federal, State and local.

When Bill Clinton took office in 1993, Tax Freedom Day was April 29, according to this chart. The next year, it was April 30; and it was May 2 the year after that. Last year, it was May 10; and this year it is May 11.

As we can see from this chart, we have come a long way from 1981 when it was May 4, before the Reagan tax cuts pushed the day back about a week.

This is not progress, in my book. American taxpayers have less and less freedom, and government has more and more power over our lives. Tax Freedom Day, it is a concept that puts in stark terms just how much of our income we have to send to the government before we are free at last. Let us finally cut taxes in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

FASTENER QUALITY ACT AMENDMENTS ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1183) to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1183

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 ''Fastener Quality Act Amendments Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended to read as follows:

''SEC. 2. FINDINGS.

''The Congress finds that—

''(1) the United States fastener industry is a significant contributor to the global economy, employing thousands of workers in hundreds of communities;

''(2) the American economy uses billions of fasteners each year;

''(3) state-of-the-art manufacturing and improved quality assurance systems have dramatically improved fastener quality, so virtually all fasteners sold in commerce meet or exceed the consensus standards for the uses to which they are applied;

''(4) a small number of mismarked, misrepresented, and counterfeit fasteners do enter commerce in the United States; and

''(5) multiple criteria for the identification of fasteners exist, including grade identification markings and manufacturer's insignia, to enable purchasers and users of fasteners to accurately evaluate the characteristics of individual fasteners.''.

SEC. 3. DEFINITIONS.

Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended to read as follows:

''SEC. 3. DEFINITIONS.

''As used in this Act, the term—

''(1) 'accredited laboratory' means a fastener testing facility used to perform end-of-line testing required by a consensus standard or standards to verify that a lot of fasteners conforms to the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured, and which—

''(A) meets the requirements of ISO/IEC Guide 25 (or another document approved by the Director under section 10(c)), including revisions from time to time; and

''(B) has been accredited by a laboratory accreditation body that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under section 10(d)), including revisions from time to time;

''(2) 'consensus standard' means the provisions of a document that describes fastener characteristics published by a consensus standards organization or a Federal agency, and does not include a proprietary standard;

''(3) 'consensus standards organization' means the American Society for Testing and Materials, the American National Standards Institute, the American Society of Mechanical Engineers, the Society of Automotive Engineers, the International Organization for Standardization, any other organization identified as a United States consensus standards organization or a foreign and international consensus standards organization in the Federal Register at 61 Fed. Reg. 50582–83 (September 26, 1996), and any successor organizations thereto;

''(4) 'Director' means the Director of the National Institute of Standards and Technology;

''(5) 'distributor' means a person who purchases fasteners for the purpose of reselling them at wholesale to unaffiliated persons within the United States (an original equipment manufacturer and its dealers shall be considered affiliated persons for purposes of this Act);

''(6) 'fastener' means a metallic screw, nut, bolt, or stud having internal or external threads, with a nominal diameter of 6 millimeters or greater, in the case of such items described in metric terms, or ¼ inch or greater, in the case of such items described in terms of the English system of measurement, or a load-indicating washer, that is through-hardened or represented as meeting a consensus standard that calls for through-hardening, and that is grade identification marked or represented as meeting a consensus standard that requires grade identification marking, except that such term does not include any screw, nut, bolt, stud, or load-indicating washer that is—

''(A) part of an assembly;

''(B) a part that is ordered for use as a spare, substitute, service, or replacement part, unless that part is in a package containing more than 75 of any such part at the time of sale, or a part that is contained in an assembly kit;

''(C) produced and marked as ASTM A 307 Grade A, or a successor standard thereto;

''(D) produced in accordance with ASTM F 432, or a successor standard thereto;

''(E) specifically manufactured for use on an aircraft if the quality and suitability of those fasteners for that use has been approved—

''(i) by the Federal Aviation Administration; or

''(ii) by a foreign airworthiness authority as described in part 21.29, 21.500, 21.502, or

21.617 of title 14 of the Code of Federal Regulations;

''(F) manufactured in accordance with a fastener quality assurance system; or

''(G) manufactured to a proprietary standard, whether or not such proprietary standard directly or indirectly references a consensus standard or any portion thereof;

''(7) 'fastener quality assurance system' means—

''(A) a system that meets the requirements, including revisions from time to time, of—

''(i) International Organization for Standardization (ISO) Standard 9000, 9001, 9002, or TS16949;

''(ii) Quality System (QS) 9000 Standard;

''(iii) Verband der Automobilindustrie e. V. (VDA) 6.1 Standard; or

''(iv) Aerospace Basic Quality System Standard AS9000; or

''(B) any fastener manufacturing system—

''(i) that has as a stated goal the prevention of defects through continuous improvement;

''(ii) that seeks to attain the goal stated in clause (i) by incorporating—

''(I) advanced quality planning;

''(II) monitoring and control of the manufacturing process;

''(III) product verification embodied in a comprehensive written control plan for product and process characteristics, and process controls (including process influence factors and statistical process control), tests, and measurement systems to be used in production; and

''(IV) the creation, maintenance, and retention of electronic, photographic, or paper records required by the control plan regarding the inspections, tests, and measurements performed pursuant to the control plan; and

''(iii) that—

''(I) is subject to certification in accordance with the requirements of ISO/IEC Guide 62 (or another document approved by the Director under section 10(a)), including revisions from time to time, by a third party who is accredited by an accreditation body in accordance with the requirements of ISO/IEC Guide 61 (or another document approved by the Director under section 10(b)), including revisions from time to time; or

''(II) undergoes regular or random evaluation and assessment by the end user or end users of the screws, nuts, bolts, studs, or load-indicating washers produced under such fastener manufacturing system to ensure that such system meets the requirements of clauses (i) and (ii);

''(8) 'grade identification marking' means any grade-mark or property class symbol appearing on a fastener purporting to indicate that the lot of fasteners conforms to a specific consensus standard, but such term does not include a manufacturer's insignia or part number;

''(9) 'importer' means a distributor located within the United States who contracts for the initial purchase of fasteners manufactured outside the United States;

''(10) 'lot' means a quantity of fasteners of one part number fabricated by the same production process from the same coil or heat number of metal as provided by the metal manufacturer;

''(11) 'manufacturer' means a person who fabricates fasteners for sale in commerce;

''(12) 'proprietary standard' means the provisions of a document that describes characteristics of a screw, nut, bolt, stud, or load-indicating washer and is issued by a person who—

''(A) uses screws, nuts, bolts, studs, or load-indicating washers in the manufacture, assembly, or servicing of its products; and

''(B) with respect to such screws, nuts, bolts, studs, or washers, is a developer and issuer of descriptions that have characteristics similar to consensus standards and that bear such user's identification;

''(13) 'record of conformance' means a record or records for each lot of fasteners sold or offered for sale that contains—

''(A) the name and address of the manufacturer;

''(B) a description of the type of fastener;

''(C) the lot number;

''(D) the nominal dimensions of the fastener (including diameter and length of bolts or screws), thread form, and class of fit;

''(E) the consensus standard or specifications to which the lot of fasteners has been manufactured, including the date, number, revision, and other information sufficient to identify the particular consensus standard or specifications being referenced;

''(F) the chemistry and grade of material;

''(G) the coating material and characteristics and the applicable consensus standard or specifications for such coating; and

''(H) the results or a summary of results of any tests performed for the purpose of verifying that a lot of fasteners conforms to its grade identification marking or to the grade identification marking the lot of fasteners is represented to meet;

''(14) 'represent' means to describe one or more of a fastener's purported characteristics in a document or statement that is transmitted to a purchaser through any medium;

''(15) 'Secretary' means the Secretary of Commerce;

''(16) 'specifications' means the required characteristics identified in the contractual agreement with the manufacturer or to which a fastener is otherwise produced, except that the term does not include proprietary standards; and

''(17) 'through-harden' means heating above the transformation temperature followed by quenching and tempering for the purpose of achieving uniform hardness.''.

SEC. 4. SALE OF FASTENERS.

(a) AMENDMENT.—Sections 5 through 7 of the Fastener Quality Act (15 U.S.C. 5404–6) are repealed, and the following new section is inserted after section 3 of such Act:

''SEC. 4. SALE OF FASTENERS.

''(a) GENERAL RULE.—It shall be unlawful for a manufacturer or distributor, in conjunction with the sale or offer for sale of fasteners from a single lot, to knowingly misrepresent or falsify—

''(1) the record of conformance for the lot of fasteners;

''(2) the identification, characteristics, properties, mechanical or performance marks, chemistry, or strength of the lot of fasteners; or

''(3) the manufacturer's insignia.

''(b) REPRESENTATIONS.—A direct or indirect reference to a consensus standard to represent that a fastener conforms to particular requirements of the consensus standard shall not be construed as a representation that the fastener meets all the requirements of the consensus standard.

''(c) SPECIFICATIONS.—A direct or indirect contractual reference to a consensus standard for the purpose of identifying particular requirements of the consensus standard that serve as specifications shall not be construed to require that the fastener meet all the requirements of the consensus standard.

''(d) USE OF ACCREDITED LABORATORIES.—In the case of fasteners manufactured solely to a consensus standard or standards, end-of-line testing required by the consensus standard or standards, if any, for the purpose of verifying that a lot of fasteners conforms with the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured shall be conducted by an accredited laboratory.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 4 of the Fastener Quality Act, as added by subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act.

SEC. 5. MANUFACTURERS' INSIGNIAS.

Section 8 of the Fastener Quality Act (15 U.S.C. 5407) is redesignated as section 5 and is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL RULE.—Unless the specifications provide otherwise, fasteners that are required by the applicable consensus standard or standards to bear an insignia identifying their manufacturer shall not be offered for sale or sold in commerce unless—

''(1) the fasteners bear such insignia; and

''(2) the manufacturer has complied with the insignia recordation requirements established under subsection (b).''; and

(2) in subsection (b), by striking ''and private label'' and all that follows and inserting ''described in subsection (a).''.

SEC. 6. REMEDIES AND PENALTIES.

Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is redesignated as section 6 and is amended—

(1) in subsection (b)(3), by striking ''of this section'' and inserting ''of this subsection'';

(2) in subsection (b)(4), by inserting ''arbitrate,'' after ''Secretary may''; and

(3) in subsection (d)—

(A) by inserting ''(1)'' after ''ENFORCEMENT.—''; and

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

''(2) The Secretary shall establish and maintain a hotline system to facilitate the reporting of alleged violations of this Act, and the Secretary shall evaluate allegations reported through that system and report any credible allegations to the Attorney General.''.

SEC. 7. RECORDKEEPING REQUIREMENTS.

Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is redesignated as section 7 and is amended by striking subsections (a) and (b) and inserting the following:

''Manufacturers and importers shall retain the record of conformance for fasteners for 5 years, on paper or in photographic or electronic format in a manner that allows for verification of authenticity. Upon request of a distributor who has purchased a fastener, or a person who has purchased a fastener for use in the production of a commercial product, the manufacturer or importer of the fastener shall make available information in the record of conformance to the requester.''.

SEC. 8. RELATIONSHIP TO STATE LAWS.

Section 11 of the Fastener Quality Act (15 U.S.C. 5410) is redesignated as section 8.

SEC. 9. CONSTRUCTION.

Section 12 of the Fastener Quality Act (15 U.S.C. 5411) is redesignated as section 9 and is amended by striking ''in effect on the date of enactment of this Act''.

SEC. 10. CERTIFICATION AND ACCREDITATION.

Sections 13 and 15 of the Fastener Quality Act (15 U.S.C. 5412 and 14) are repealed, and the following new section is inserted at the end of that Act:

''SEC. 10. CERTIFICATION AND ACCREDITATION.

''(a) CERTIFICATION.—A person publishing a document setting forth guidance or requirements for the certification of manufacturing systems as fastener quality assurance systems by an accredited third party may petition the Director to approve such document for use as described in section 3(7)(B)(iii)(I). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal

or greater rigor and reliability as compared to ISO/IEC Guide 62.

''(b) ACCREDITATION.—A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit third parties described in subsection (a) may petition the Director to approve such document for use as described in section 3(7)(B)(iii)(I). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 61.

''(c) LABORATORY ACCREDITATION.—A person publishing a document setting forth guidance or requirements for the accreditation of laboratories may petition the Director to approve such document for use as described in section 3(1)(A). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 25.

''(d) APPROVAL OF ACCREDITATION BODIES.—A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit laboratories may petition the Director to approve such document for use as described in section 3(1)(B). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 58. In addition to any other voluntary laboratory accreditation programs that may be established by private sector persons, the Director shall establish a National Voluntary Laboratory Accreditation Program, for the accreditation of laboratories as described in section 3(1)(B), that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under this subsection), including revisions from time to time.

''(e) AFFIRMATION.—(1) An accreditation body accrediting third parties who certify manufacturing systems as fastener quality assurance systems as described in section 3(7)(B)(iii)(I) shall affirm to the Director that it meets the requirements of ISO/IEC Guide 61 (or another document approved by the Director under subsection (b)), including revisions from time to time.

''(2) An accreditation body accrediting laboratories as described in section 3(1)(B) shall affirm to the Director that it meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under subsection (d)), including revisions from time to time.

''(3) An affirmation required under paragraph (1) or (2) shall take the form of a self-declaration that the accreditation body meets the requirements of the applicable Guide, signed by an authorized representative of the accreditation body, without requirement for accompanying documentation. Any such affirmation shall be considered to be a continuous affirmation that the accreditation body meets the requirements of the applicable Guide, unless and until the affirmation is withdrawn by the accreditation body.''.

SEC. 11. APPLICABILITY.

At the end of the Fastener Quality Act, insert the following new section:

''SEC. 11. APPLICABILITY.

''The requirements of this Act shall be applicable only to fasteners fabricated 180 days or more after the date of the enactment of the Fastener Quality Act Amendments Act of 1999, except that if a manufacturer or distributor of fasteners fabricated before that date prepares a record of conformance for such fasteners, representations about such fasteners shall be subject to the requirements of this Act.''.

SEC. 12. COMPTROLLER GENERAL REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report describing any changes in industry practice resulting from or apparently resulting from the enactment of section 3(6)(B) of the Fastener Quality Act, as added by section 3 of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1183.

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

There was no objection.

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

Mr. Speaker, the Fastener Quality Act was signed into law in 1990. It requires all threaded metallic fasteners of one-quarter inch diameter or greater that reference a consensus standard to be documented by a National Institute of Standards and Technology certified laboratory.

Although the legislation has been on the books for over 8 years, concerns over the bill's impact on the economy have delayed NIST's implementation of final regulations. NIST's regulations are slated to go into effect on June 24, 1999.

When enacted in 1990, the act was supposed to cover only high-strength critical application fasteners vital to the public safety. Yet all these fasteners represent only 1 percent of fasteners used in the United States. However, if the existing Fastener Quality Act regulations are implemented next month, even garden hose fasteners produced by Sheboygan Screw Products, Incorporated, in my home district would be forced to comply with the burdensome act.

I am not sure how faulty garden hose fasteners may pose a significant threat to public safety, but I am sure that regulating them will be expensive.

The Fastener Quality Act in its current form is unworkable, and implementing its regulations would cause great disruption to the United States economy without providing any significant public safety benefit.

Garden hose fasteners are only one example of the excesses associated with the law. A recent study conducted by the Department of Commerce concludes that significant improvements in fastener manufacturing and quality control have virtually eliminated the threat of substandard fasteners. These changes, however, are not reflected in the current law.

Mr. Speaker, H.R. 1183 continues the commitment of the Committee on Science to streamlining the outdated and unnecessary provisions of the act in a manner that recognizes the positive development of quality products in the fastener industry; focuses on assuring the public safety; and imposes the least possible additional burdens on an already regulated industry.

Specifically, provisions of H.R. 1183, first, fight fraud by clarifying that anyone intentionally misrepresenting the strength or other characteristic of a fastener is subject to both criminal penalties and civil remedies.

Second, ensure traceability by requiring virtually all fasteners sold in commerce to be labeled with the registered trademark of their manufacturer.

Third, reduce some of the burdensome paperwork requirements of the act by allowing documents to be stored and transmitted in electronic format.

Fourth, recognize industry's growing utilization of dramatically improved quality assurance in management systems by allowing fasteners manufactured in accordance with certain quality systems to be deemed in compliance with the requirements of the act.

The provisions of H.R. 1183 were crafted in consultation with the Committee on Commerce and the Committee on the Judiciary, as well as the Department of Commerce.

In addition, I wish to thank the chairwoman of the Subcommittee on Technology, the gentlewoman from Maryland (Mrs. MORELLA), and the ranking member of the subcommittee, the gentleman from Michigan (Mr. BARCIA), for their work on the legislation.

Finally, Mr. Speaker, I wish to again point out that the pending Fastener Quality Act regulations are slated to be implemented next month. With that in mind, I urge all of my colleagues to support the swift passage of H.R. 1183 and hope that the other body and the White House will follow our lead and act expeditiously in the coming weeks.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1183, the Fastener Quality Act Amendments Act of 1999.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has already summarized the provisions of the legislation. I will only add that H.R. 1183 is the result of bipartisan efforts and that this bill represents the hard work of the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BROWN), the ranking member of the Committee on Science, and the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL), the ranking member on the Committee on Commerce.

Further, as always, it has been a pleasure working with the gentlewoman from Maryland (Mrs. MORELLA), my chairwoman on the Subcommittee on Technology.

While I am new to this committee and this issue, I have had a particular interest in this bill because it so directly relates to the work of the National Institute of Standards and Technology, NIST, an agency that has important facilities in my district.

H.R. 1183 remains true to the intent of the original Fastener Quality Act passed 10 years ago. H.R. 1183 maintains the necessary standards to ensure the quality of high-strength fasteners, while recognizing advances in manufacturing techniques, such as quality assurance systems.

Moreover, it would not have been possible to craft this legislation without the close cooperation of industry and labor. I want to specifically mention the Automotive Industry Fastener Manufacturers and affected labor groups for their frank and candid discussions with us, as well as their willingness to compromise.

Ultimately, it was this prevailing sense of cooperation that allowed us to develop this legislation.

In closing, I would urge my colleagues to support 1183.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the Chairwoman of the Subcommittee on Technology.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time. I also thank him for his leadership in bringing this very important piece of legislation to the floor, as well as the ranking member, the gentleman from California (Mr. BROWN), and to the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA), as well as the gentleman from Colorado (Mr. UDALL) and other Members of the Subcommittee on Technology, the gentleman from Minnesota (Mr. GUTKNECHT), as well as Members of the Committee on Science and all its supporters.

As chair of the Committee on Science Subcommittee on Technology, we have held three hearings in the last 14 months to discuss the need for the existing Fastener Quality Act, as well as to consider any changes to the act that might be warranted.

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At the hearings we received testimony from a variety of fastener manufacturers, distributors, and consumers. There is a clear consensus that two factors have dramatically changed since passage of the Fastener Quality Act in 1990. First, the implementation of modern manufacturing quality procedures have dramatically increased the quality of fasteners used in U.S. commerce. In today's business place, heavy volume fastener users like automotive, aerospace, and heavy equipment manufacturers, they invent, they demand, and they ensure quality from their suppliers. They have a clear economic incentive to do so.

Secondly, the implementation of more stringent government procurement practices have eliminated the military's problems with substandard or mismarked fasteners. In fact, the Defense Industrial Supply Center has checked military inventories over the past 4 years and found no evidence of faulty fasteners at all.

Recognizing these important developments, H.R. 1183 is intended to modernize the existing 9-year-old act to better reflect the practices of today's fastener industry and to ensure that the flow of the 200 billion fasteners used annually in our Nation's chain of commerce is not unnecessarily disrupted.

The legislation that we are considering also creates a level playing ground for all fastener manufacturers, distributors, and consumers. It does not drive small manufacturers out of business, nor does it place U.S. manufacturers at a competitive disadvantage with their foreign competitors.

As the gentleman from Wisconsin (Chairman SENSENBRENNER) mentioned, Fastener Quality Act regulations are slated to take effect next month, on June 24. The proposed regulations significantly exceed the original congressional intent of the 1990 Act, which was to cover about 1 percent of fasteners used in the U.S. for critical applications.

Although it is difficult to determine the exact percentage of fasteners that would be covered by the additional regulations, industry estimates it to be at least 50 percent, possibly as much as 70 percent.

The Department of Commerce recently released a study that concluded current fastener quality presented little or no threat to public safety, and that changes made since 1990 in the fastener industry to improve the quality of fasteners have been significant.

With the Department's study in mind, it simply does not make sense to enact additional burdensome and costly fastener regulations. The Automobile Manufacturers Association, for example, projects the cost of compliance for the motor vehicle industry alone to be greater than $320 million a year, without necessarily enhancing vehicle safety.

So, Mr. Speaker, I am pleased that H.R. 1183 takes steps to modify the FQA in a way that focuses on assuring public safety without imposing costly new regulations.

H.R. 1183 was favorably reported by the Committee on Science on March 25 of this year, and it is bipartisan. It has been endorsed by many industry associations, including the National Association of Manufacturers, the U.S. Chamber of Commerce, and I strongly urge all my colleagues to support this commonsense legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, in 1990 Congress enacted the Fastener Quality Act to protect Americans from foreign manufacturers who were dumping substandard fasteners in the U.S. market. The Fastener Quality Act required all threaded, metallic, through-hardened fasteners of one-quarter inch in diameter or greater to be tested or documented by a laboratory certified by the National Institute of Standards and Technology, otherwise known as NIST. In short, Mr. Speaker, this was a $20 solution to a $5 problem.

Earlier this year, the Department of Commerce submitted a report to Congress recommending that the Fastener Quality Act be amended to, number one, limit coverage under the act to only high-strength fasteners; number two, deem fasteners compliant if they are manufactured by a NIST-approved facility; number three, reduce paperwork burdens; and finally, address fraud in commercial transactions involving fasteners.

NIST even testified in front of our committee that the agency did not want to enforce the Fastener Quality Act as it was written because it was ''overly burdensome.'' H.R. 1183 amends the Fastener Quality Act of 1990 to strengthen protections against the sale of mismarked, misrepresented, or counterfeit fasteners.

Let me make it very clear, Mr. Speaker, fraudulent marketing of fasteners is still a fraud. H.R. 1183 reduces the paperwork burdens of the Fastener Quality Act by allowing documents to be stored and transmitted by an electronic format.

Mr. Speaker, H.R. 1183 is the right solution to the real problem. I hope my colleagues will join me in supporting this important legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, most Americans, myself included, do not completely realize the importance of fasteners in our everyday lives. Fasteners are the nuts, bolts, and screws that hold together everything from furniture and cars to construction equipment, bridges, and buildings.

I became more aware of the importance of these fasteners just last weekend when I had to assemble a piece of furniture for my home. Without nuts or bolts, the entertainment center I was assembling would have lacked the strength and stability to withstand the weight of my television.

Mr. Speaker, during the past decade the manufacturers and distributors of fasteners have taken significant steps to ensure the quality of their products. With the implementation of modern manufacturing quality procedures and improved procurement practices, the American fastener industry is a global quality leader.

Approximately 5,000 of the men and women who help make these fasteners

are residents of the State of Illinois. The Chicagoland area has the highest concentration of fastener manufacturers and distributors in the Nation, and is home to the largest U.S. producer of fasteners. These people continue to work tirelessly to make a quality product on which the world's builders and manufacturers can rely.

H.R. 1183 recognizes the efforts of these American companies and their workers. It prevents burdensome, costly, and duplicate regulations from being placed on the fastener industry, and holds companies accountable for the quality of their work.

H.R. 1183 changes the focus of the law from government regulation and bureaucracy to industry accountability. I ask my colleagues to support it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise in support of H.R. 1183, the Fastener Quality Amendments Act of 1999. In 1990, Congress enacted the Fastener Quality Act in the belief that public safety was at risk because of the sale of faulty and mismarked fasteners in this country.

In its desire to ensure quality, Congress ended up creating a bureaucratic and regulatory nightmare that threatened the existence of smaller fastener manufacturing companies. The act proved rigid and obsolete as quality assurance technology within the industry advanced quickly.

In the district that I represent, we have over 80 fastener companies, the Pearson family, the Goellner family, all the way to the larger fastener companies, such as Elco-Textron. There are employers that employ as many as 1,800 people down to those that employ as few as 12, and every single one of these companies supports passage of H.R. 1183.

These manufacturers understand that the FQA in its current form imposes redundant testing requirements and regulations that simply do not work. I am pleased to be able to inform these hard-working Americans that H.R. 1183 addresses their concerns by creating a better system for identifying, reporting, and prosecuting the knowing misrepresentation of a mismarked fastener.

The bill targets the true essence of the problem; that is, it attacks fastener fraud, instead of trying to regulate quality. Any fastener maker worth its reputation will ensure the quality of its product, or else it will not be in business very long.

Many businesses wait anxiously for January 1 of 2000 to see the effects of the Y2K bug, but to the American fastener industry, the dreaded date comes much sooner, next month in fact, and its impact will not be a mystery. For on June 24, unless Congress passes H.R. 1183 and the President signs it into law, the Fastener Quality Act will take effect. This will set in motion the process of fastener companies going out of business, and the dire consequences that that in turn will have on industries dependent on the production of fasteners.

I am pleased to support H.R. 1183, and urge its speedy passage.

Mr. DINGELL. Mr. Speaker, I support H.R. 1183, the Fastener Quality Act Amendments Act of 1999. The Fastener Quality Act, which would be amended by the bill before us today, was enacted in 1990 and originated in the Committee on Commerce. It resulted from an 18-month investigation conducted by the Committee's Subcommittee on Oversight and Investigations. This investigation uncovered deaths attributable to industrial and aircraft accidents in which fastener failures occurred; the use of substandard fasteners with false certificates in Army Corps of Engineer projects; defective fasteners in Army vehicles and in critical areas of Navy ships; and the falsification of test results for fasteners used in spacecraft and aircraft.

For the last nine years, the National Institute of Standards and Technology (NIST) at the Department of Commerce has attempted, without success, to issue regulations implementing the Fastener Quality Act. Last year, legislation was enacted which imposed yet another delay in the issuance of fastener regulations. Under the law passed last year, Congress has until June 23rd of this year to enact amendments to the Fastener Quality Act, or NIST is to go ahead and issue its regulations implementing the current law.

Why does the Fastener Quality Act need to be amended? The simple fact is that manufacturing in the United States has undergone the same technological revolution over the last 10 years that has occurred in virtually every other sector of American life. Manufacturing operations are now largely computer-controlled. Many of these systems can measure the conformity of each fastener being manufactured, and thereby reduce the need for end-of-the-line testing of a sample from each lot of fasteners being produced.

Similarly, it was never the intent of the law that fasteners manufactured to a proprietary standard be covered by the Act, since total responsibility for fasteners produced to a proprietary standard rests with the one setting that standard. Nevertheless, NIST's proposed regulations cover proprietary fasteners, subjecting manufacturers and consumers to unnecessary expense and costs. This bill exempts fasteners produced to proprietary standards from the requirements of the Fastener Quality Act.

The bill before us today is the product of an agreement involving the Department of Commerce and the fastener industry, as well as representatives of major industries that use fasteners. Not only does this legislation account for manufacturing innovations during the past 10 years, it also recognizes that problems in the fastener industry persist.

An article in the April 5, 1999, edition of a publication called Engineering News illustrates why the Fastener Quality Act is still very much needed. This article cites a Department of Commerce consultant who claims counterfeit fasteners were used in the 700-foot tall hoist that broke free from the scaffold of an office building under construction in Times Square last July, killing an elderly woman and injuring 12 others. While it is too soon to tell whether counterfeit fasteners caused or contributed to this terrible accident, David Sharp, a consultant to the Commerce Department's New York Office of Export Enforcement, was quoted as saying there is ''very clear evidence'' that mismarked fasteners were used in the scaffold and hoist. Mr. Sharp also claims that initial findings indicate the use of inferior steel in some of the fasteners involved in this accident.

Clearly, the Fastener Quality Act remains important today, and the legislation we are considering continues the important elements of the original Act. Fastener manufacturers and distributors are prohibited from knowingly misrepresenting or falsifying fastener characteristics, properties, mechanical or performance marks, chemistry, strength, manufacturer's insignia, or the record of conformance concerning a lot of fasteners. The record of conformance, which a manufacturer or importer of foreign-made fastener is to make available upon request to end users or purchasers, must also contain a summary of any end-of-the-line testing required by a consensus standard to which the fastener is produced.

Records of conformance are required to be held for five years. Fasteners manufactured using quality assurance systems approved by accredited third parties would be exempt from these requirements of the Act. An accrediting body is required to provide notice to NIST that it meets the requirements of the published guide with which it purports to comply. All the criminal and civil penalties of current law are continued without charge.

Mr. Speaker, the health and safety of the American public depends on fasteners that are able to do the job they are represented to perform. The Fastener Quality Act is a very important tool in achieving this objective, and the amendments before us today should reduce the regulatory burden on industry while maintaining essential protections. I urge my colleagues to vote for this legislation.

Mr. BLILEY. Mr. Speaker, I rise today in support of H.R. 1183, the Fastener Quality Act Amendments Act of 1999. As you know, this is a measure over which the Committee on Commerce and the Committee on Science share jurisdiction, and I am pleased to lend my support to this effort.

The Commerce Committee's interest in this matter goes back to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. The investigation resulted in the issuance of a unanimously approved Subcommittee report entitled ''The Threat from Substandard Fasteners; Is America Losing Its Grip?'' which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

In the years since the enactment of the original Fastener Quality Act, we have had to revisit the statute on a number of occasions because the statutory requirements resulted in real-world outcomes that significantly increased the burden on legitimate businesses, had the potential to reduce the supply and increase the cost of critical use fasteners, and in the end would do very little to protect the public from substandard screws, nuts, and bolts. Most recently, the Congress enacted the Fastener Quality Act Amendments (P.L. 105–234) which exempted certain fasteners regulated by the Federal Aviation Administration from coverage under the Act. More importantly, however, the amendments delayed implementation of the rules implementing the Act

until the Secretary of Commerce reported to the Congress regarding the applicability of the original Act to modern day manufacturing practices and any recommended statutory changes.

On February 24, 1999, the Secretary of Commerce submitted his report to Congress, making several recommendations regarding the class of fasteners that should be covered by the Act, the use of quality management systems in the manufacturing process as a substitute for lot-testing of fasteners, and the reduction of paperwork burdens. Using these recommendations as a framework for discussion, the Science Committee, Commerce Committee, and the affected industries worked to craft the rewrite of the Fastener Quality Act which is contained in H.R. 1183.

I particularly want to commend Chairman SENSENBRENNER for his willingness to work with the Commerce Committee on this issue. He and his staff openly solicited our input, and the product before the House today reflects that effort. In particular, I want to commend him for his willingness to listen and accommodate the concerns of the Ranking Member of the Commerce Committee, the gentleman from Michigan, Mr. DINGELL. As you know, Mr. DINGELL was the original author of the Fastener Quality Act, and had a keen interest in these amendments.

Given our involvement in the process and the willingness of the Science Committee to address the concerns of members of the Commerce Committee, I did not exercise the Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over H.R. 1183. Chairman SENSENBRENNER and I engaged in an exchange of letters of this matter, and I submit them for the RECORD.

Mr. Speaker, H.R. 1183 makes badly needed changes to the Fastener Quality Act. I wholeheartedly support these amendments, and encourage my colleagues on both sides of the aisle to support them as well.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, April 17, 1999.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On March 25, 1999, the Committee on Science ordered reported H.R. 1183, the Fastener Quality Act Amendments of 1999, with amendments. As you know, the Committee on Commerce was named as an additional committee of jurisdiction and has had a longstanding interest in the issue of fastener quality and the Fastener Quality Act (15 U.S.C. §5401 et al.). This interest goes back at least to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. This investigation resulted in the issuance of a unanimously approved Subcommittee report—''The Threat from Substandard Fasteners: Is America Losing Its Grip?''—which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

As you know, the legislation, as amended, significantly restructures the Fastener Quality Act and adopts suggestions from both the Department of Commerce and the affected industries regarding changes in the Act. These changes must be enacted before June 23, 1999, when the rules promulgated by the Department of Commerce would otherwise become effective.

In light of the upcoming deadline, I recognize your desire to bring this legislation before the House in an expeditious manner. Given our involvement in the process thus far, and your assurance that we will work to address concerns raised by our minority before this legislation is considered by the House, I will not exercise the Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over H.R. 1183. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 1183 or similar legislation.

I request that you include this letter as a part of the Committee's report on H.R. 1183 and as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 22, 1999.

Hon. TOM BLILEY,
Chairman, House Committee on Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter of April 17, 1999 regarding H.R. 1183, the Fastener Quality Act Amendments of 1999.

I appreciate your waiving your Committee's right to a referral on this bill so that it can move expeditiously to the floor. I recognize your historic jurisdiction in this area and will support any request you may make to have conferees on H.R. 1183 or similar legislation.

The exchange of letters between our two committees will be included in the Committee report on H.R. 1183 and will be made part of the floor record.

Sincerely,

F. JAMES SENSENBRENNER, Jr.
Chairman.

Mr. EWING. Mr. Speaker, I would like to take this opportunity to express my support for this important legislation. As a member of the Science Committee I was pleased to support this legislation, which I believe will fix the Fastener Quality Act once and for all.

Since the original Fastener Quality Act was enacted in 1990, manufacturers have been faced with costly, counterproductive regulations which have not addressed the real issues of reporting and monitoring the quality of fasteners.

This legislation changes the Fastener Quality Act's emphasis from federal monitoring of production methods to a focus on the reporting, identification, traceability, and prosecution of efforts to sell intentionally mismarked fasteners.

Our main concern should be public safety and I believe this bill will address that issue, while eliminating some of the unnecessary regulation manufacturers have been faced with.

Requiring fasteners that are sold to be marked with the registered trademark of their manufacturers will help to ensure that only quality fasteners are distributed. I also believe that regarding fasteners as compliant if they are manufactured at a NIST approved facility will cut down significantly on excess paperwork and regulatory red-tape manufacturers are currently required to go through.

Republicans have worked hard since 1994 to eliminate burdensome and costly federal regulations imposed on businesses in our country and this legislation is another example of our commitment.

Again, I would like to express my strong support for this legislation and I hope that all members will support it.

Mr. SMITH of Michigan. Mr. Speaker, although the legislation is obscure, the story of the FQA holds an important lesson about how government can go overboard with regulations. This bill is an example of what we're trying to do to repeal costly and ineffective rules.

About 380 companies in the U.S. manufacture fasteners, employing about 44,000 people and ringing up about $7.5 billion in sales annually. Fasteners go into many products, including automobiles, aircraft, appliances, construction and agriculture machinery, and commercial buildings. Americans consume approximately 200 billion fasteners every year, 26 billion by the auto industry alone.

In the late 1980s, there were fears of harm from mismarked, substandard and fraudulently sold fasteners, mainly from abroad. Congress reacted by passing the FQA an 1990 (before I came to Congress). As originally written, it set federal standards for fasteners and required that they be tested at federally-certified laboratories.

The FQA has never gone into effect because no implementing regulations were written until 1998. Draft regulations had proven unworkable and rapid improvements in fasteners made some regulations out of date before they could be approved. By the time final implementing regulations were adopted last year, many questions had been raised about the FQA's regulatory burdens and the need for federal standards at all. Congress passed another law last year to delay the regulations from taking affect in order to have the Department of Commerce evaluate the need for the law.

In its study, the Department found no real threat to public safety from fasteners. At the same time, the regulations would have been extremely costly and created a new bureaucracy. The Automobile Manufacturers Association, for example, estimated that bureaucratic delays and other factors associated with the regulations would have cost the auto industry $318 million in the first year alone.

This bill will replace the law's federal standards with a simpler rule: tell the truth. So long as sellers accurately represent a fastener's quality, they will comply with the law. Those who misrepresent a fastener's quality, however, will be subject to serious legal penalties.

THis story shows both how government writes bad regulations and how they can be fixed. Too often, Congress allows itself to propose permanent regulatory solutions to temporary problems. The result is unnecessary expense. In this case, as in many others, market pressure did more to protect consumers than government could. Doing away with these rules represents the beginning of what many of us are trying to accomplish in reviewing and modifying laws to eliminate unnecessary government regulations.

Mr. STEBENOW. Mr. Speaker, I am a supporter of this legislation and appreciate the opportunity to share my thoughts on it with my colleagues. I would first like to thank Chairman SENSENBRENNER and Ranking Member BROWN of the Science Committee, as well as Chairman BLILEY and Ranking Member DINGELL of

the Commerce Committee for their efforts in bringing this bill to the floor today. It is the result of extensive talks between members of both committees and industry groups, and I believe we have reached a very satisfactory conclusion. This measure protects the safety of the citizens of this country while not impeding economic development, and does so in time to meet the June 1 deadline that was enacted during the last Congress.

For those that are not familiar with this issue, fasteners are nuts, bolts, screws used in manufacturing and construction. The fastener industry has a major impact on the economy operating 380 major manufacturing facilities with 44,000 employees and total U.S. sales of $7.5 billion. This activity is strongly tied to the automobile, aircraft, applicance, construction, agricultural machinery and equipment, and the commercial building industries. For example, more than 200 billion fasteners are consumed annually in this country, 26 billion by the auto industry alone, which has a significant impact in my home state of Michigan. Given that the estimated cost to business of the Fastener Quality Act of 1999 was $1 billion, it is appropriate that the original act has been updated to reflect changes in the fastener industry.

Mr. Speaker, this legislation promotes safety in a common-sense manner. It addresses the problems of substantial fasteners, requiring testing to be conducted by accredited laboratories and making it unlawful for a fastener manufacturer or distributor to knowingly misrepresent whether a product meets industry-set quality standards. Again, I support this bill and urge my colleagues to the same.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1183, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions, as amended.

The Clerk read as follows:

H.R. 209

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 ''Technology Transfer Commercialization Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the importance of linking our unparalleled network of over 700 Federal laboratories and our Nation's universities with United States industry continues to hold great promise for our future economic prosperity;

(2) the enactment of the Bayh-Dole Act in 1980 was a landmark change in United States technology policy, and its success provides a framework for removing bureaucratic barriers and for simplifying the granting of licenses for inventions that are now in the Federal Government's patent portfolio;

(3) Congress has demonstrated a commitment over the past 2 decades to fostering technology transfer from our Federal laboratories and to promoting public/private sector partnerships to enhance our international competitiveness;

(4) Federal technology transfer activities have strengthened the ability of United States industry to compete in the global marketplace; developed a new paradigm for greater collaboration among the scientific enterprises that conduct our Nation's research and development—government, industry, and universities; and improved the quality of life for the American people, from medicine to materials;

(5) the technology transfer process must be made ''industry friendly'' for companies to be willing to invest the significant time and resources needed to develop new products, processes, and jobs using federally funded inventions; and

(6) Federal technology licensing procedures should balance the public policy needs of adequately protecting the rights of the public, encouraging companies to develop existing government inventions, and making the entire system of licensing government technologies more consistent and simple.

SEC. 3. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting ''or, subject to section 209 of title 35, United States Code, may grant a license to an invention which is federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement,'' after ''under the agreement,''.

SEC. 4. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

''§ 209. Licensing federally owned inventions

''(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

''(1) granting the license is a reasonable and necessary incentive to—

''(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

''(B) otherwise promote the invention's utilization by the public;

''(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical application, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

''(3) the applicant makes a commitment to achieve practical application of the invention within a reasonable time, which time may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such extension would be unreasonable;

''(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

''(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

''(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

''(c) SMALL BUSINESS.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

''(d) TERMS AND CONDITIONS.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate, and shall include provisions—

''(1) retaining a nontransferrable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

''(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with, except that any such report shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code; and

''(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

''(A) the licensee is not executing its commitment to achieve practical application of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention;

''(B) the licensee is in breach of an agreement described in subsection (b);

''(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

''(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

''(e) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not

apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

''(f) PLAN.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development or marketing of the invention, except that any such plan shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.''.

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

''209. Licensing federally owned inventions.''.

SEC. 5. MODIFICATION OF STATEMENT OF POLICY AND OBJECTIVES FOR CHAPTER 18 OF TITLE 35, UNITED STATES CODE.

Section 200 of title 35, United States Code, is amended by striking ''enterprise;'' and inserting ''enterprise without unduly encumbering future research and discovery;''.

SEC. 6. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the ''Bayh-Dole Act''), is amended—

(1) by amending section 202(e) to read as follows:

''(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization, a small business firm, or a non-Federal inventor, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

''(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization, small business firm, or non-Federal inventor in accordance with the provisions of this chapter; or

''(2) acquire any rights in the subject invention from the nonprofit organization, small business firm, or non-Federal inventor, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition.''; and

(2) in section 207(a)—

(A) by striking ''patent applications, patents, or other forms of protection obtained'' and inserting ''inventions'' in paragraph (2); and

(B) by inserting '', including acquiring rights for and administering royalties to the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention'' after ''or through contract'' in paragraph (3).

SEC. 7. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended—

(1) in section 4(4) (15 U.S.C. 3703(4)), by striking ''section 6 or section 8'' and inserting ''section 7 or 9'';

(2) in section 4(6) (15 U.S.C. 3703(6)), by striking ''section 6 or section 8'' and inserting ''section 7 or 9'';

(3) in section 5(c)(11) (15 U.S.C. 3704(c)(11)), by striking ''State of local governments'' and inserting ''State or local governments'';

(4) in section 9 (15 U.S.C. 3707), by—

(A) striking ''section 6(a)'' and inserting ''section 7(a)'';

(B) striking ''section 6(b)'' and inserting ''section 7(b)''; and

(C) striking ''section 6(c)(3)'' and inserting ''section 7(c)(3)'';

(5) in section 11(e)(1) (15 U.S.C. 3710(e)(1)), by striking ''in cooperation with Federal Laboratories'' and inserting ''in cooperation with Federal laboratories'';

(6) in section 11(i) (15 U.S.C. 3710(i)), by striking ''a gift under the section'' and inserting ''a gift under this section'';

(7) in section 14 (15 U.S.C. 3710c)—

(A) in subsection (a)(1)(A)(i), by inserting '', other than payments of patent costs as delineated by a license or assignment agreement,'' after ''or other payments'';

(B) in subsection (a)(1)(A)(i), by inserting '', if the inventor's or coinventor's rights are assigned to the United States'' after ''inventor or coinventors'';

(C) in subsection (a)(1)(B), by striking ''succeeding fiscal year'' and inserting ''2 succeeding fiscal years'';

(D) in subsection (a)(2), by striking ''Government-operated laboratories of the''; and

(E) in subsection (b)(2), by striking ''inventon'' and inserting ''invention''; and

(8) in section 22 (15 U.S.C. 3714), by striking ''sections 11, 12, and 13'' and inserting ''sections 12, 13, and 14''.

SEC. 8. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) REVIEW.—Within 90 days after the date of the enactment of this Act, each Federal agency with a federally funded laboratory that has in effect on that date of enactment one or more cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) shall report to the Committee on National Security of the National Science and Technology Council and the Congress on the general policies and procedures used by that agency to gather and consider the views of other agencies on—

(1) joint work statements under section 12(c)(5) (C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)(C) or (D)); or

(2) in the case of laboratories described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), cooperative research and development agreements under such section 12,

with respect to major proposed cooperative research and development agreements that involve critical national security technology or may have a significant impact on domestic or international competitiveness.

(b) PROCEDURES.—Within one year after the date of the enactment of this Act, the Committee on National Security of the National Science and Technology Council, in conjunction with relevant Federal agencies and national laboratories, shall—

(1) determine the adequacy of existing procedures and methods for interagency coordination and awareness with respect to cooperative research and development agreements described in subsection (a); and

(2) establish and distribute to appropriate Federal agencies—

(A) specific criteria to indicate the necessity for gathering and considering the views of other agencies on joint work statements or cooperative research and development agreements as described in subsection (a); and

(B) additional procedures, if any, for carrying out such gathering and considering of agency views with respect to cooperative research and development agreements described in subsection (a).

Procedures established under this subsection shall be designed to the extent possible to use or modify existing procedures, to minimize burdens on Federal agencies, to encourage industrial partnerships with national laboratories, and to minimize delay in the approval or disapproval of joint work statements and cooperative research and development agreements.

(c) LIMITATION.—Nothing in this Act, nor any procedures established under this section shall provide to the Office of Science and Technology Policy, the National Science and Technology Council, or any Federal agency the authority to disapprove a cooperative research and development agreement or joint work statement, under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), of another Federal agency.

SEC. 9. INCREASED FLEXIBILITY FOR FEDERAL LABORATORY PARTNERSHIP INTERMEDIARIES.

Section 23 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended—

(1) in subsection (a)(1) by inserting '', institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code'' after ''small business firms''; and

(2) in subsection (c) by inserting '', institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code,'' after ''small business firms''.

SEC. 10. REPORTS ON UTILIZATION OF FEDERAL TECHNOLOGY.

(a) AGENCY ACTIVITIES.—Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710) is amended—

(1) by striking the last sentence of subsection (b);

(2) by inserting after subsection (e) the following:

''(f) AGENCY REPORTS ON UTILIZATION.—

''(1) IN GENERAL.—Each Federal agency which operates or directs one or more Federal laboratories or which conducts activities under sections 207 and 209 of title 35, United States Code, shall report annually to the Office of Management and Budget, as part of the agency's annual budget submission, on the activities performed by that agency and its Federal laboratories under the provisions of this section and of sections 207 and 209 of title 35, United States Code.

''(2) CONTENTS.—The report shall include—

''(A) an explanation of the agency's technology transfer program for the preceding fiscal year and the agency's plans for conducting its technology transfer function, including its plans for securing intellectual property rights in laboratory innovations with commercial promise and plans for managing its intellectual property so as to advance the agency's mission and benefit the competitiveness of United States industry; and

''(B) information on technology transfer activities for the preceding fiscal year, including—

''(i) the number of patent applications filed;

''(ii) the number of patents received;

''(iii) the number of fully-executed licenses which received royalty income in the preceding fiscal year, categorized by whether they are exclusive, partially-exclusive, or non-exclusive, and the time elapsed from the date on which the license was requested by the licensee in writing to the date the license was executed;

''(iv) the total earned royalty income including such statistical information as the

total earned royalty income, of the top 1 percent, 5 percent, and 20 percent of the licenses, the range of royalty income, and the median, except where disclosure of such information would reveal the amount of royalty income associated with an individual license or licensee;

''(v) what disposition was made of the income described in clause (iv);

''(vi) the number of licenses terminated for cause; and

''(vii) any other parameters or discussion that the agency deems relevant or unique to its practice of technology transfer.

''(3) COPY TO SECRETARY; ATTORNEY GENERAL; CONGRESS.—The agency shall transmit a copy of the report to the Secretary of Commerce and the Attorney General for inclusion in the annual report to Congress and the President required by subsection (g)(2).

''(4) PUBLIC AVAILABILITY.—Each Federal agency reporting under this subsection is also strongly encouraged to make the information contained in such report available to the public through Internet sites or other electronic means.'';

(3) by striking subsection (g)(2) and inserting the following:

''(2) REPORTS.—

''(A) ANNUAL REPORT REQUIRED.—The Secretary, in consultation with the Attorney General and the Commissioner of Patents and Trademarks, shall submit each fiscal year, beginning one year after enactment of the Technology Transfer Commercialization Act of 1999, a summary report to the President, the United States Trade Representative, and the Congress on the use by Federal agencies and the Secretary of the technology transfer authorities specified in this Act and in sections 207 and 209 of title 35, United States Code.

''(B) CONTENT.—The report shall—

''(i) draw upon the reports prepared by the agencies under subsection (f);

''(ii) discuss technology transfer best practices and effective approaches in the licensing and transfer of technology in the context of the agencies' missions; and

''(iii) discuss the progress made toward development of additional useful measures of the outcomes of technology transfer programs of Federal agencies.

''(C) PUBLIC AVAILABILITY.—The Secretary shall make the report available to the public through Internet sites or other electronic means.''; and

(4) by inserting after subsection (g) the following:

''(h) DUPLICATION OF REPORTING.—The reporting obligations imposed by this section—

''(1) are not intended to impose requirements that duplicate requirements imposed by the Government Performance and Results Act of 1993 (31 U.S.C. 1101 nt);

''(2) are to be implemented in coordination with the implementation of that Act; and

''(3) are satisfied if an agency provided the information concerning technology transfer activities described in this section in its annual submission under the Government Performance and Results Act of 1993 (31 U.S.C. 1101 nt).''.

(b) ROYALTIES.—Section 14(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended to read as follows:

''(c) REPORTS.—The Comptroller General shall transmit a report to the appropriate committees of the Senate and House of Representatives on the effectiveness of Federal technology transfer programs, including findings, conclusions, and recommendations for improvements in such programs. The report shall be integrated with, and submitted at the same time as, the report required by section 202(b)(3) of title 35, United States Code.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 209.

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

There was no objection.

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

Mr. Speaker, in the past two decades, Congress, through legislation considered by the Committee on Science, has established a system to transfer and commercialize unclassified technology from our Federal laboratories to ensure that United States citizens receive the full benefit from our government's investment in research and development.

To help further these goals, the Committee on Science first reported the Stephenson-Wydler Technology Innovation Act of 1980. The committee expanded on that landmark legislation with the passage of the Federal Technology Transfer Act of 1986, the National Competitive Technology Transfer Act of 1989, the American Technology Preeminence Act of 1991, and the National Technology Transfer and Advancement Act of 1995, among others.

As a result, the Committee on Science has strengthened and improved the process of technology transfer from our Federal labs. Technology transfer has resulted in products which are currently being used to enhance our quality of life.

A few examples include biomedical products, such as the AIDS home testing kit; transportation innovations, such as the global positioning system; and new materials technology that make automobiles lighter and more fuel-efficient.

H.R. 209 continues the Committee on Science's long and rich history of advancing technology transfer to help boost our Nation's standard of living. The bill improves and streamlines the ability of Federal agencies to license federally-owned inventions.

Under the Technology Transfer Commercialization Act, Federal agencies would be provided with two important new tools for effectively commercializing on-the-shelf government-owned inventions. First, the bill's revised authorities of Section 209 of the Bayh–Dole Act; and second, the ability to license technology as part of a cooperative research and development agreement.

Both mechanisms make Federal technology transfer programs much more attractive to American private industries that seek to form partnerships with the Federal labs.

I congratulate the chairwoman of the Subcommittee on Technology, the gentlewoman from Maryland (Mrs. MORELLA) for introducing H.R. 209, and for her very capable efforts in working cooperatively with members of the minority, the administration, and the other body to reach an agreement on this important bipartisan bill.

Mr. Speaker, H.R. 209 was reported by the committee without objection by voice vote and has been discharged by the Committee on the Judiciary, to which the bill was sequentially referred.

I appreciate the cooperation of the chairman and ranking member of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), for their cooperation in expeditiously bringing this bill to the floor. H.R. 209 is yet another important step in refining our Nation's technology transfer laws to remove existing impediments to enhance government and industry collaboration, and I urge its adoption.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 209, the Technology Transfer Commercialization Act of 1999. H.R. 209 is the product of 2 years of hard work on the part of the Committee on Science, the Senate Committee on Commerce, the Senate Committee on the Judiciary, and the administration.

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We seem finally to have developed a version of the legislation that is acceptable to all these parties.

This is no small feat in the world of patent policy, and I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from California (Mr. BROWN), the gentlewoman from Maryland (Mrs. MORELLA), the subcommittee chair, and the gentleman from Michigan (Mr. BARCIA), the subcommittee ranking Democrat, for their hard work which has put us in this enviable position.

H.R. 209 is the first comprehensive review of Federal patent policy in 15 years. The 1980 Bayh-Dole Act, which it amends, has made a major difference in the commercialization of Federal inventions. Before Bayh-Dole passed, it was relatively rare for inventions resulting from Federal research to reach their market potential.

As many as 20,000 Federal inventions were patented but not licensed. Only two or three inventions at that point had achieved royalties as high as a million dollars, and the total royalty stream for the entire Federal Government at that time was less than the royalties received by a mid-sized university today.

Bayh-Dole has opened major opportunities to research universities like the University of Colorado, which is in my

district in Colorado. It has been a major contributor to the outreach activities of contractor-operated laboratories like the National Renewable Energy Laboratory, located also in Colorado. It has led to benefits for Federally employed inventors and their laboratories, including NIST and NOAA at the Department of Commerce and throughout the government.

Over the 19 years since the enactment of the Bayh-Dole Act, we have learned of the need for some improvements. The bill before us takes advantage of the lessons learned and is intended to make the law more user friendly. It also updates the act to reflect the new ways that industry now gets and shares information.

One important section of the bill developed by the gentlewoman from California (Mrs. TAUSCHER) deserves special mention. That section provides for the Committee on National Security, part of the Office of Science and Technology Policy, to work with affected agencies, to make sure that major cooperative research and development agreements get proper interagency review.

Some of these cooperative agreements involve issues of national security, domestic competitiveness, and even international competitiveness. These clearly extend beyond the expertise of the contracting agency and interagency clearance will permit resolution of significant issues before agreements are signed.

We are pleased that the Committee on National Security has begun its work in anticipation of the passage of this provision and that they are also examining analogous situations that involve Work for Others agreements and patent licensing.

Mr. Speaker, H.R. 209 is very similar to legislation that passed the House twice last Congress. A handful of improvements have been made at the suggestion of the Senate Judiciary Committee. Jurisdictional differences in the Senate also appear to have been worked out.

So it is our hope that if we can pass this bill today, it will be considered in the near future by the Senate and cleared by the President perhaps this month. I urge passage of the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I shall not exceed 10 minutes, although I could with this bill, and it has been around long enough. It was passed by the House in the last session by our Committee on Science. I appreciate the time that the gentleman from Wisconsin has yielded to me.

Mr. Speaker, as previously stated by the gentleman from Wisconsin (Chairman SENSENBRENNER) from the Committee on Science, Congress has long encouraged the transfer of unclassified technology created in our Federal laboratories to United States private industry.

Our Federal laboratories have long been considered one of our greatest scientific research and development resources, employing one out of every six scientists in the country, and encompassing one-fifth of the country's laboratory and equipment capabilities.

Effectively capturing this wealth of ideas and technology from our Federal laboratories through the transfer to the private industry for commercialization has helped to bolster our Nation's ability to compete in the global marketplace. By permitting effective collaboration between our Federal laboratories and private industry, new technologies are being rapidly commercialized.

Federal technology transfer stimulates the American economy. It enhances the competitive position of the United States industry internationally, promotes the development and use of new technologies developed under taxpayer funded research so those innovations are incorporated quickly and effectively into practice, and that is to the benefit of the American public.

By reducing the delay and the uncertainty created by existing procedural barriers, by lowering the transactional costs associated with licensing Federal technologies from the government, we could greatly increase participation by the private sector in its technology transfer programs.

This approach would expedite the commercialization of government-owned inventions; and through royalties, it could reduce the cost to the American taxpayer for the production of new technology-based products created in our Nation's Federal laboratories. That is the intention of the bill that is before us.

The goal of H.R. 209, the Technology Transfer Commercialization Act, is to remove the procedural obstacles and, to the greatest extent possible within the public interest, the uncertainty involved in the licensing of Federally patented inventions created in a government-owned, government-operated laboratory by applying the successful Bayh-Dole Act provisions to a GOGO.

As a result, the Technology Transfer Commercialization Act provides Federal laboratories with two important new tools for effectively commercializing on-the-shelf, government-owned inventions: one, the bill's revised authorities of section 209 of the Bayh-Dole Act, and, two, the ability to license technology as part of a CRADA.

Both mechanisms make Federal technology transfer programs much more attractive to United States private companies that seek to form partnerships with Federal laboratories.

H.R. 209, as amended by the committee, also makes a number of smaller adjustments to the Bayh-Dole Act and the Stevenson-Wydler Act of 1980 to improve those laws and to reflect a series of consensus lessons learned from 19 years of practical application of our current Federal technology transfer laws.

Given the importance and benefits of technology transfer, the Committee on Science and the Subcommittee on Technology, which I chair, continue to refine the technology transfer provisions to facilitate greater government, university, and industry collaboration.

I believe it is important to note that, with the enactment of these new authorities, most recently with the National Technology Transfer and Advancement Act of 1995, and now with the Technology Transfer Commercialization Act of 1999, that Congress has gone to great lengths to provide the Federal agencies with unprecedented authorities to enter into research and development partnerships with industry.

It is only fair that, as public stewards, these agencies must now be held accountable for aggressively applying these mechanisms.

Too many times the private sector's perception is that the bureaucracy's main concern is avoiding criticism in making decisions, not in completing the deal. This complaint has been heard too many times to not believe there is some truth behind the charge.

Innovation is always a difficult task. It must be approached aggressively and prudently. Those are not contradictory goals. They require good judgment combined with the willingness to take risks.

So it is my expectation using our oversight powers to ensure that this will be so, that Federal agencies can now effectively utilize the expanded authorities that we in Congress have provided and which we fully expect them to use to promote partnerships with industry.

I want to also note that the bill before us represents a bipartisan and a bicameral consensus. I am pleased to have worked closely with the members of the minority, the administration, and the Senate in helping to perfect the bill since it was originally introduced.

I am especially pleased that the administration has issued a statement of administration policy stating that, ''the Administration supports House passage of H.R. 209, which will significantly facilitate the licensing of government-owned inventions by Federal agencies.''

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BROWN), chairman and ranking member of the Committee on Science, as well as the gentleman from Michigan (Mr. BARCIA), ranking member of the Subcommittee on Technology, for their support of H.R. 209.

I also want to commend a number of the Members of the other body, Senators ROCKEFELLER, FRIST, HATCH and LEAHY for their input and support in helping to refine the legislation.

It is my understanding that H.R. 209 will soon be placed before the Senate

for its consideration. I look forward to its expedited consideration and its eventual enactment into law in the near future.

So I urge my colleagues to support H.R. 209 and to pass this important measure.

Mr. Speaker, as previously stated by the Chairman of the Science Committee, Congress has long encouraged the transfer of unclassified technology created in our Federal laboratories to United States private industry.

Our Federal laboratories have long been considered one of our greatest scientific research and development resources—employing one of every six scientists in the country, and encompassing one-fifth of the country's laboratory and equipment capabilities.

Effectively capturing this wealth of ideas and technology from our Federal labs, through the transfer to private industry for commercialization, has helped to bolster our Nation's ability to compete in the global marketplace.

By permitting effective collaboration between our Federal laboratories and private industry, new technologies are being rapidly commercialized.

Federal technology transfer stimulates the American economy, enhances the competitive position of United States industry internationally, and promotes the development and use of new technologies developed under taxpayer funded research so those innovations are incorporated quickly and effectively into practice—to the benefit of the American public.

One of the most successful legislative frameworks for advancing Federal technology transfer has been the Bayh-Dole Act.

The Bayh-Dole Act, enacted in 1980, permits universities, not-for-profit organizations, and small businesses to obtain title to scientific inventions developed with Federal Government support.

The Bayh-Dole Act also allows Federal agencies to license Government-owned patented scientific inventions either nonexclusively, partially exclusively, or exclusively, depending upon which license is determined to be the most effective means for achieving commercialization.

Critical pressures originally prompted the passage of the Bayh-Dole Act.

Prior to its enactment, many discoveries resulting from Federally-funded scientific research were not commercialized for the American public's benefit.

Since the Federal Government lacked the resources to market new inventions, and private industry was reluctant to make high-risk investments without the protection of patent rights, many valuable innovations were left unused on the shelf of Federal laboratories.

With its success licensing Federal inventions, the Bayh-Dole Act is widely viewed as an effective framework for Federal technology transfer.

For example, the Association of University Technology Managers (AUTM) conducted a 1996 study on the effect of the Bayh-Dole Act.

AUTM concluded that the law garnered tremendous economic benefits not just for the universities and private industry directly involved in each partnership, but more importantly, for the United States economy as a whole.

The AUTM report documented that the impact of the Bayh-Dole Act represented a very real gain to Federal agencies and the Nation since it not only encourages the commercialization of Government-owned patents that would otherwise gather dust on the shelf, but it also brings in revenues to the Federal Government through licensing fees.

Accordingly, the process for the licensing of Government-owned patents should continue to be refined by streamlining the procedures and by removing the uncertainty associated with the licensing process.

Both past and prospective private industry partners, however, have voiced their concerns regarding the Federal technology licensing process.

The private sector has already demonstrated a strong interest in the strategic advantages of partnering with a Federal laboratory through a Cooperative Research and Development Agreement (CRADA) or through the licensing of Government-owned technology, but companies are deterred by the delays and uncertainty often associated with the lengthy Federal technology transfer process.

These procedural barriers and delays can increase transaction costs and are often incompatible with the private sector's need for a swift commercialization calendar.

The present regulations governing Federal technology transfer have also made it difficult for a Government-owned, Government-operated laboratory (GOGO) to bring existing scientific inventions into a CRADA even when its inclusion would create a more complete technology package.

Currently, a GOGO does not have the flexibility that small businesses and non-profits have in managing their inventions under the Bayh-Dole Act.

Also, a GOGO, unlike a GOCO, currently faces statutory notification provisions when granting exclusive licenses, and more importantly, it cannot include existing inventions in a CRADA.

By reducing the delay and uncertainty created by existing procedural barriers, and by lowering the transactional costs associated with licensing Federal technologies from the Government, we could greatly increase participation by the private sector in its technology transfer programs.

This approach would expedite the commercialization of Government-owned inventions, and through royalties, could reduce the cost to the American taxpayer for the production of new technology-based products created in our Nation's Federal laboratories.

That is our intention in the bill before us.

The goal of H.R. 209, The Technology Transfer Commercialization Act, is to remove the procedural obstacles and, to the greatest extent possible within the public interest, the uncertainty involved in the licensing of Federally patented inventions created in a Government-owned, Government-operated laboratory, by applying the successful Bayh-Dole Act provisions to a GOGO.

As a result, the Technology Transfer Commercialization Act provides Federal laboratories with two important new tools for effectively commercializing on-the-shelf, Government-owned inventions:

(1) The bill's revised authorities of Section 209 of the Bayh-Dole Act; and

(2) The ability to license technology as part of a CRADA.

Both mechanisms make Federal technology transfer programs much more attractive to United States private companies that seek to form partnerships with Federal laboratories.

H.R. 209, as amended by the Committee, also makes a number of smaller adjustments to the Bayh-Dole Act and the Stevenson-Wydler Act of 1980 to improve those laws and to reflect a series of consensus ''lessons learned'' from 19 years of practical application of our current Federal technology transfer laws.

Given the importance and benefits of technology transfer, the Science Committee and my Technology Subcommittee have continued to refine the technology transfer process to facilitate greater Government, university, and industry collaboration.

As a result, the ability of the United States to compete globally has been strengthened and a new paradigm for greater collaboration among the scientific enterprises that conduct our nation's research and development—Government, industry, and universities—has been developed.

Federal agencies have now been provided with unparalleled authorities to promote technology transfer.

I believe it's important, however, to note that with the enactment of these new authorities, most recently with the National Technology Transfer and Advancement Act of 1995, and now with the Technology Transfer Commercialization Act of 1999, Congress has gone to great lengths to provide the Federal agencies with unprecedented authorities to enter into research and development partnerships with industry.

It is only fair that as public stewards, these agencies must now be held accountable for aggressively applying these mechanisms.

Too many times the private sector's perception is that the bureaucracy's main concern is avoiding criticism in making decisions, not in completing the deal.

This complaint has been heard too many times to not believe there is some truth behind the charge.

Innovation is always a difficult task and must be approached aggressively and prudently.

These are not contradictory goals—they require good judgment combined with the willingness to take risks.

It is my expectation, and using our oversight powers to ensure that his will be so, that Federal agencies can now effectively utilize the expanded authorities we, in Congress, have provided and which we fully expect them to use to promote partnerships with industry.

Let me close by noting that the bill before us represents a bipartisan and bicameral consensus.

I am pleased to have worked closely with the members of the Minority, the Administration, and the Senate is helping to perfect the bill since it was originally introduced.

I am especially pleased that the Administration has issued a Statement of Administration Policy stating that, ''the Administration supports House passage of H.R. 209, which will significantly facilitate the licensing of Government-owned inventions by Federal agencies.''

I would like to thank the Chairman and Ranking Member of the Science committee, Mr. SENSENBRENNER and Mr. BROWN, as well as the Ranking Member of my Technology Subcommittee, Mr. BARCIA, for their support of H.R. 209.

I would also like to commend a number of members of the other body, Senators ROCKEFELLER, FRIST, HATCH, and LEAHY for their

input and support in helping to refine the legislation.

It is my understanding that H.R. 209 will soon be placed before the Senate for its consideration.

I look forward to its expedited consideration and its eventual enactment into law in the very near future.

I urge all of my colleagues to support H.R. 209, the Technology Transfer Commercialization Act of 1999 and to pass this important measure.

Mr. BERRY. Mr. Speaker, Ms. MORELLA is a Member I have great respect for because of her bipartisanship.

I appreciate the efforts made in the H.R. 209, the Technology Transfer Commercialization Act of 1999, to ensure members of the public benefit from inventions created by the federal government.

However, I am concerned that this bill could lead to consumers having to pay more for prescription drugs as a result of there not being adequate notification or time to raise public objections concerning the government granting a company the exclusive right to manufacture a prescription drug developed by federal researchers.

I look forward to working with members of the House of Representatives and the Senate to ensure that any legislation eventually enacted works to the benefit of the public and businesses, alike.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 209, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1550

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 ''Fire Administration Authorization Act of 1999''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 17. Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there are authorized to be appropriated to carry out the purposes of this Act—

''(1) $30,554,000 for fiscal year 1999;

''(2) $46,130,000 for fiscal year 2000, of which $2,200,000 shall be used for research activities, and $250,000 shall be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 shall be for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

''(3) $49,500,000 for fiscal year 2001, of which $3,000,000 shall be used for research activities, and $250,000 shall be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 shall be for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.

None of the funds authorized by paragraph (3) may be obligated unless the Administrator has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 3 of the Fire Administration Authorization Act of 1999.''.

SEC. 3. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2000, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training, research, data collection and analysis, and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(5) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(6) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(7) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(8) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(9) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency; and

(10)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and whether they provide real time interaction between instructor and students, and including the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance.

SEC. 4. RESEARCH AGENDA.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) USE IN PREPARING STRATEGIC PLAN.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 3.

SEC. 5. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

''SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

''The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess Federal fire, emergency, hazardous material, or other equipment or property that may be useful to State and local fire and emergency services.''.

SEC. 6. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

''SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

''The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.''.

SEC. 7. MISCELLANEOUS REPEALS.

The Federal Fire Prevention and Control Act of 1974 is amended—

(1) by repealing section 10(b) and redesignating subsection (c) of that section as subsection (b);

(2) by repealing section 23;

(3) in section 24—

(A) by striking ''(a) The'' and inserting ''The''; and

(B) by repealing subsection (b);

(4) by repealing section 26; and

(5) by repealing section 27.

SEC. 8. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) IN GENERAL.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) CONTENTS OF ASSESSMENT.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and June 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of counterterrorism training facilities in regions where many applicants for such training reside.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 9. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) IN GENERAL.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than 180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 10. INTERNET AVAILABILITY OF INFORMATION.

The Administrator of the United States Fire Administration shall make available through the Internet home page of the United States Fire Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 11. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) REPEAL.—Section 4 of Public Law 103–195 (107 Stat. 2298) is hereby repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 1 year after the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1550.

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

There was no objection.

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

Mr. Speaker, H.R. 1550, the U.S. Fire Administration Authorization Act of 1999 reauthorizes training, research, data collection and analysis, and public education programs at the United States Fire Administration, which includes the National Fire Academy. It was passed out of the Committee on Science by a voice vote on April 29, 1999.

This year marks the 25th anniversary of the Fire Prevention and Control Act establishing the Fire Administration. Since its formation in 1974, the Fire Administration has played an important role in reducing the loss of life and property from fire. These declines can be traced in part to research sponsored by the USFA that led to affordable smoke detectors and its work in promoting sprinkler systems.

Recently, many in the fire-fighting community have begun questioning the value of a Fire Administration that appears to have lost its way. These concerns were raised in the recent Blue Ribbon Panel report that identified a number of deficiencies that have undermined the agency's effectiveness.

The Committee on Science shares these concerns and is dedicated to assuring that the report's recommendation, which reflect the consensus of the fire-services community, are implemented in H.R. 1550. This is the first step to getting the Fire Administration back on track, especially in research.

The bill provides a significant increase in funding, authorizing a total of $95.6 million over fiscal years 2000 and 2001. Of this amount, $5.2 million has been set aside for research, $500,000 for outsourcing of data analysis, and $14 million for antiterrorism training.

The bill also requires the Fire Administration to certify that funds obligated in fiscal year 2001 are consistent with the strategic plan required in section 3 of the bill.

The strategic plan provision of the bill matches closely the language's strategic plans in the Government Performance and Results Act. Additional elements of the plan include coordination with other Federal agencies, especially the Department of Defense; a plan for disseminating information and materials to State and local fire services; and an assessment of the use of the Internet in delivering training courses.

In addition to the increased authorization for research funding, the bill also requires the Fire Administration to establish research priorities and to develop a plan for implementing a research agenda.

The bill also directs the Fire Administration to make available the State and local fire and emergency services information on excess Federal equipment and on setting up cooperative agreements with Federal facilities, such as military bases; conduct an assessment on the need for additional counterterrorism training for emergency responders; review the content and delivery of the curriculum offered by the National Fire Academy; and to post abstracts of research grants it awards on its Internet homepage.

In addition, H.R. 1550 repeals obsolete sections of the Fire Administration statute. It also repeals, as of 1 year after enactment, a provision in law that exempts Federally-funded housing built in New York City from sprinkler requirements.

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Before closing, Mr. Speaker, I want to commend the gentleman from Michigan (Mr. SMITH), chairman of the Subcommittee on Basic Research of the Committee on Science, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who is the ranking

minority member of the subcommittee, for all their hard work in producing a balanced bill that will rejuvenate and strengthen the Fire Administration. It is a bill that deserves broad bipartisan support. I urge its passage.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Fire Administration has long enjoyed the bipartisan support of the Congress because of its vital mission: to improve safety for all of our citizens.

I would like to acknowledge the collegial approach taken by the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Basic Research, in developing H.R. 1550. It has been a pleasure working with him on the bill.

I also want to thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking Democrat member, the gentleman from California (Mr. BROWN), for their efforts in moving the bill through the committee and in bringing it expeditiously before the House for its consideration.

The Federal Fire Prevention and Control Act of 1974 was intended to address a serious problem affecting the safety of all Americans. Much progress has been made during the past 25 years in public education about fire safety, improvement in the effectiveness of fire services, and the wider use of home fire safety devices. Nevertheless, the United States still has one of the highest fire death rates among advanced nations. In 1997, 4,000 Americans died and 24,000 were injured in fires. Moreover, the approximately 2 million fires reported each year result in direct property losses estimated well over $8 billion, with total direct and indirect costs reaching $100 billion annually.

The bill before the House seeks to reinvigorate the efforts of the Fire Administration. I am pleased that it endorses the President's fiscal year 2000 proposal for a 40 percent funding increase and provides an additional 7 percent increase in the second year. Although these increases will raise the fire budget nearly $50 million, it still pales compared to the scale of activity originally contemplated for the agency.

The landmark report, ''America Burning'', which was the genesis for the 1974 act, recommended an initial budget for the Fire Administration of $124 million in 1974 dollars. H.R. 1550 is a good start for providing the level of resources the Fire Administration needs to carry out its important mission. In addition to resources, the bill provides for the agency to develop a management plan and establish the program priorities that will help to ensure the increased resources are used to maximize effect.

H.R. 1550 will enable the Fire Administration to increase support for its critical responsibility of firefighter training through the National Fire Academy. Moreover, the budget growth will enable the agency to reverse the steep decline in support for fire research and for public education programs. Greater research is absolutely necessary so that we can help prevent firefighter injury and death nationally, including those that claimed the lives of three firefighters from the Dallas-Fort Worth area earlier this year.

Regarding public education, the Fire Administration must enlarge and improve its efforts to reduce losses for the population groups most at risk from fire death and injury. We know that the elderly, the very young and the poor are most vulnerable. I included language in the report accompanying the bill tasking the Fire Administration to carefully assess whether research and additional data collection activities could improve understanding of the factors that lead to increased fire risk. Effective targeted fire prevention campaigns can be developed only from a sound base of knowledge.

Also, I asked the Fire Administration to look into the current use of security bars, which are often called burglary bars. These devices offer protection from criminals but can become fire traps in the event of fire, as has recently been the case in Texas and other States. The Fire Administration could help prevent such tragedies by disseminating information about ways to install the security bars properly that also will allow for easy departure from a building in a fire emergency.

In addition to funding authorizations, H.R. 1550 establishes the requirement for a 5-year program plan for the agency. This plan will constitute the formal documentation of Fire Administration's response to the recommendations of the blue ribbon panel convened last year by FEMA Director Witt to review the agency's management and programs.

I am particularly concerned about the recent decision the FEMA director made to create the position of chief operating officer for the Fire Administration. The incumbent for this position, a civil service employee, would report directly to the FEMA director but assist rather than report to the administrator.

I understand the reasons that led to the creation of this new position and generally support the position. The problem lies in the tangling of lines of authority within the Fire Administration and confusing the roles of two officials. This arrangement, in my view, will create confusion in the line of authority within the Fire Administration that may be harmful to the functioning of the agency.

I believe the fire administrator is committed to carrying out reforms at the agency consistent with the blue ribbon panel's recommendations. I will be following this situation closely to be sure the fire administrator plays an important role in developing and implementing the FEMA director's final response to the blue ribbon panel report.

One part of the process required by H.R. 1550 for developing the 5-year will include consultation with the National Institute of Standards and Technology and the fire service organizations to establish a prioritized set of research goals. I am particularly interested in seeing that this research prioritization places adequate emphasis on development of firefighter protection equipment. Firefighters put their lives on the line every day. It is only right they have the equipment that will allow them to do their jobs effectively and as safely as possible.

Mr. Speaker, H.R. 1550 is a useful bill that comes to the floor with bipartisan support and that authorizes programs that advance public safety. I am pleased to recommend the measure to my colleagues for their approval.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 8 minutes to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, more than ever the American fire and emergency services are being called upon to respond to new challenges and incidents, most notably chemical, biological, nuclear, and conventional weapons of mass destruction. At the same time, they have small budgets, higher operating costs and fewer volunteers.

To their credit, the fire and emergency services simply make do with what they have in every one of our communities, but the cost to them is high. Roughly 100 firefighters and first responders die every year on the job and nearly one-third of our firefighters are injured. This compares, incidentally, to about 180 law enforcement officers killed in the line of duty each year. However, both groups are vital to our communities. The difference is the budgets, with police getting about twentyfold of what we are giving to firefighters. For first responders, we can do better.

Today, the House will vote on the reauthorization of the United States Fire Administration. In this Congress the vote will not seem significant, but within the American fire services this is a landmark occasion. The United States Fire Administration is the lead agency for our 1.2 million first responders, the brave men and women who stand ready at a moment's notice to place their own lives in danger in order to protect ours. In the three terms I have served in Congress, this legislation is one of my proudest achievements.

The United States Fire Administration was established in 1975 under the Fire Prevention and Control Act of 1974. Its mission was divided into four program areas: data collection, public

education, training, and technology development. Much of the progress in reducing fire-related deaths over the past 25 years can be attributed to the work of the USFA.

In recent years, the United States Fire Administration has been subject to scrutiny and criticism from its own constituents. In fact, James Lee Witt, Director of the Federal Emergency Management Agency, appointed a blue ribbon commission to conduct a thorough review of the administration and report back with recommendations to revitalize its mission. The commission represented virtually every facet of fire services, including career and volunteer firefighters, chiefs, ethnic and female firefighters and instructors. Having had the pleasure of meeting with the chair and co-chairperson of this distinguished commission, I can say that this group made certain that all views were represented in the report.

They listed 34 recommendations to improve the United States Fire Administration. At the top of their list was additional funding.

As many of my colleagues know, I am a fiscal conservative. So, quite frankly, I was somewhat skeptical of their motives. However, after careful review of the report, I saw in it a serious and earnest effort on the part of these stakeholders to bring about positive change, to increase funding for the United States Fire Administration while at the same time holding it accountable for its own performance.

The measure we will consider today will increase USFA's authorization from $30 million to $46 million in fiscal year 2000, approximately a 40% increase. It provides a fourfold increase in research that is so vital for firefighter safety and reducing the amount of damage in this country from fires.

The legislation will require USFA to prepare a 5-year plan on how the funding will be spent, mandating the administration to coordinate activities with other Federal agencies, including the National Institute of Standards and Technology. It will channel new funding into the National Fire Academy for counterterrorism training for first responders and call for a review of National Fire Academy courses to ensure that they are up to date and complement, not duplicate, courses of instruction offered elsewhere.

Mr. Speaker, 3 weeks ago, as a member of the Congressional Fire Caucus, I had the pleasure of attending the 11th Annual National Fire and Emergency Services dinner here in Washington, D.C. The event was sponsored by leadership of the caucus, and I must say I was somewhat embarrassed to be seated at the head table when that honor should have been accorded to the 2,000 fire service leaders seated in the audience.

They came from every corner of the United States here to represent their segment of the firefighting industry. They were here in Washington to learn about the Federal process while also to enjoy themselves at the dinner. But as I stand here today delivering these remarks, many of them are properly responding to emergencies placing their own lives in harm's way.

So when I say this legislation is one of my proudest achievements, my colleagues now know why. This will have the potential of saving countless numbers of lives, significantly reducing physical injuries and decreasing the dollar amount of damages caused by fire and other forms of disasters.

I would personally like to thank everyone from the fire service who offered their support to me throughout this entire reauthorization process. But more importantly, I would like to thank all 1.2 million first responders for their dedication and commitment to duty, and offer my best wishes for their continued success and safety. I am concerned that Washington's commitment to firefighters is not as great as firefighter's commitment to us. Too often, we take their willingness to protect and assist us for granted. The next time you hear a siren or see a fire truck, you should give some thought to the firefighters and rescue workers, who are mostly volunteers, going out of their way and often risking their lives to protect their communities and neighbors. I hope H.R. 1550 can be the beginning of a national effort to increase our support for these public-spirited citizens.

H.R. 1550 is an important piece of legislation that deserves broad bipartisan support. I ask my colleagues to support it.

Allow me to note some recent heroes, firefighter Matt Mosely, suspended from a helicopter hovering over a flame-engulfed factory plucked Ivers Sims from the top of a construction crane.

March 16, 1999, The Bourbonnais Fire Department, a volunteer department with 44 men and only three pumpers responded to the worst train wreck in America since 1993 found 14 dead and 119 injured. And acted with valor.

April 20, 1999, In Littleton, Colorado fire engineers placed their engines closer to the school to serve as cover for advancing officers and escaping students in Littleton.

Capt. Richard Knowlton, of the Austin Fire Department, dove from a 26-foot cliff into a Northwest Austin pond in June, After Knowlton pulled a swimmer from the pond, he attempted mouth-to-mouth resuscitation until emergency medical rescuers arrived.

We cannot overlook their needs without continued loss of life. Sgt. John Carter, who died last year in Washington, D.C. was an unnecessary fatality. The reconstruction report said that he could have been saved if his portable radio worked properly. It was old, it was faulty, and he died from drowning in a basement when his air ran out. If fireground communication can save even one life, how much is it worst spending.

Finally, it is very important to contrast spending on law enforcement vs. spending on the fire services. The federal government probably spends more than $96 million a month on everything from cars to vests for cops, while the fire services get nothing.

And I would like to cite the lack of leadership in the Administration on this vote for H.R. 1550!

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time to speak in support of H.R. 1550, the Fire Administration Authorization Act of 1999.

I would like to talk specifically about the merits of two provisions added by amendments I offered that are designed to strengthen our counterterrorism training efforts.

As we experience more instances of domestic terrorism, it is vital our first responders are trained to address the possibilities of terrorist attack. We are now facing a situation in which a policeman, paramedic or firefighter can be called upon to deal with a terrorist scenario.

Take Oklahoma City. In the bombing there, the incident commander was the fire chief. The law enforcement emergency professionals and others reported to him. In the future, given this example, training received at the National Fire Academy might mean life or death not just for our first responders but for uncountable numbers of people. It is essential that the Fire Administration have the resources necessary to help meet the anti-terrorism training needs of the fire services.

I agree with the Committee on Science's 1997 report authorizing the Fire Administration that important training programs for major fires, natural disasters and hazardous materials accidents should not come at the expense of existing USFA programs.

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I would also note that the Blue Ribbon Panel convened last year by FEMA Director Witt recommends that the Fire Administration budget for natural disaster and terrorism response activities be $15 million.

Accordingly, my first amendment increased the authorization level for the Fire Administration's anti-terrorist training activities by $1 million for fiscal year 2000 and by an additional $2 million for fiscal year 2001. These increases raised the total authorization level for this important activity to $6 million per year in the first year and to $8 million, or twice the current level, by the second year.

Under my second amendment, the U.S. Fire Administration is required to assess the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

We need to know how adequate our current efforts are, what our current need is, and how best to satisfy that need in the event that demand for training exceeds our current capacity for training.

My amendments were designed to ensure an important activity of the Fire Administration is placed on a reasonable growth track consistent with the Blue Ribbon Panel's recommendation. Terrorism is a problem that has reached endemic proportions; and I feel strongly that, whenever possible, we

should do our part to protect Americans from this national threat.

Mr. Speaker, I urge support for this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise to take this opportunity to thank our colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on Science, and the gentleman from Michigan (Mr. SMITH) for bringing this piece of legislation to the floor today.

This reauthorization addresses many of the concerns of today's firefighters and prepares them for the challenges ahead. I am pleased to cast my vote today in favor of the reauthorization of the Fire Administration. We trust America's firefighters with the lives of our families and the protection of our property, our homes, forests, and communities. In turn, they trust us with the protection of their lives by expecting us to provide them with the resources and training necessary to face the dangers ahead.

This legislation protects and prepares our Nation's firefighters for the critical challenges they face in our world today. This is a vital piece of legislation, preventing fires and protecting families and is ensuring our firefighters with the necessary funding to provide training and to enable them to gather information. By increasing funding by almost 40 percent, this reauthorization will assist Federal, State, and local firefighters in their efforts to develop and complete fire profiling, data analysis and reporting projects. It will provide today's firefighters with anti-terrorism training and develop a curriculum for fire and emergency services personnel.

Moreover, the bill requires the U.S. Fire Administration to develop a comprehensive mission statement which will cover the administration's major functions and operations in training, research, data collection and analysis, and public education and allows fire companies to identify the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and open discussion of how those activities can be coordinated with and contribute to the achievement of these goals and objectives of the U.S. Fire Administration.

This reauthorization prepares today's firefighters by providing them with the up-to-date information that they sorely need by allowing them to input their ideas into national fire prevention efforts and giving them the funding support that will protect them as they face the challenges ahead.

Accordingly, I urge my colleagues to fully support this measure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me the time and for her leadership on this issue.

Mr. Speaker, the Fire Administration Authorization Act contains an important provision which closes the loophole specific to New York City, the area that I represent.

In 1993, a provision was slipped into a technical amendments bill which exempted New York City from the national requirement that all multi-family housing built using Federal funds must have fire sprinklers installed. This loophole allowed Federally funded multi-family housing only in New York City to be exempted from this requirement if the structure had ''an equivalent level of safety.'' Yet it did not define what ''an equivalent level of safety'' was. And, as we have learned, there is absolutely no substitute to sprinklers when it comes to limiting fires and saving lives.

After a terrible string of fires in New York City apartment buildings, the City Council this year passed a very strict fire safety law which made sprinklers mandatory in multi-family housing. But with this loophole in place, if a developer receives any Federal funding, they can apply to be exempt from this fire safety requirement.

I introduced a stand-alone bill, H.R. 1126, to close this loophole; and the gentleman from New York (Mr. WEINER), an original cosponsor, added it as an amendment to this legislation.

I would like to publicly thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Wisconsin (Mr. JAMES SENSENBRENNER) for supporting this provision and for making certain that apartment buildings in New York City are as safe from fire as they are in the rest of the country. I thank them for including the amendment.

Mr. LARSON. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time, and I rise today in support of the Fire Administration Authorization Act.

First, I wish to thank our Chairman, the gentleman from Wisconsin, Mr. SENSENBRENNER, for his work on this bill and the ranking member of our committee, the gentleman from California Mr. GEORGE BROWN, and my colleagues who have sponsored and introduced this legislation, the gentleman from Michigan, Mr. SMITH, and the gentlewoman from Texas, Ms. JOHNSON, for graciously accepting the amendment I offered during mark-up.

Fewer than two weeks ago we approved this bill in the Committee on Science. The bill, among other things, requires the United States Fire Administration to create a five-year plan laying out the agency's overall goals and program activities. My amendment added a provision to assess, within the strategic plan, the benefits of providing fire education to local fire departments through distance learning.

Under my amendment, the Fire Administration's strategic plan must now include full consideration of how the Internet is currently used and could be used more effectively in the future to deliver National Fire Academy training courses at remote sites. It also asks the Fire Administration to review its current training activities over the Internet and assess the benefits and problems associated with Internet use for training. Finally, it requires an inquiry into the availability of federal facilities with advanced tele-communications capabilities which could be used as remote settings for Fire Academy courses.

The question that prompted me to propose this amendment is whether the National Fire Academy has carefully considered how best to make use of the Internet. At an authorization hearing on the Fire Administration in the Science Committee earlier this year, I learned that on-campus courses at the Academy are heavily oversubscribed and that distance learning is one mechanism to provide needed training for the fire services community. I believe that by assessing the viability of instituting this mechanism, we take a first step toward facilitating this needed training for our valued fire services community, who will stand to benefit from this practical application of information technology.

My amendment marks an important step in ensuring that the Government keeps pace with the uses and applications of the technological advances taking place in the world as we approach the next millennium. It also represents a continuation of my efforts in Congress to ensure that the Federal Government will be at the forefront of these technological changers.

Again, I wish to thank my colleagues on the committee for supporting the amendment and encourage all my colleagues in the House to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further questions for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1550, as amended.

The question was taken.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING AND RECOGNIZING SLAIN LAW ENFORCEMENT OFFICERS

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 165) acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

The Clerk read as follows:

H. RES. 165

Whereas the well-being of all citizens of this country is preserved and enhanced as a

direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of peace;

Whereas peace officers are the front line in preserving our children's right to receive an education in a crime-free environment that is too often threatened by the insidious fear caused by violence in schools;

Whereas 158 peace officers lost their lives in the performance of their duty in 1998, and a total of more than 15,000 men and women have now made that supreme sacrifice; and

Whereas every year 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all peace officers slain in the line of duty should be honored and recognized; and

(2) the President should issue a proclamation calling upon the people of the United States to honor and recognize slain peace officers with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

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

(Mr. CHABOT asked and was given permission to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, as the eyes of most Americans are fixed on events in Yugoslavia and the brave service of our military forces there, it is easy to overlook the courageous service of another group of men and women who protect us much closer to home.

Over 700,000 law enforcement officers, serving at every level of government and in communities of every size, stand guard over our lives and our property every single day. These officers patrol our streets. They pursue those who threaten our security. They are just a phone call away.

Today, with the consideration of this resolution, we honor the dedication and devotion of America's law enforcement community. But, in particular, we honor the sacrifice of a specific heroic group of law enforcement officers. We honor those who have given their lives in the service to the rule of law.

Mr. Speaker, mere words cannot fully express the significance of this sacrifice. How do we adequately express our appreciation for those who are willing to die to protect us and our families? Police officers enjoy life just as much as of the rest of us. They long to see their children grow up and be successful and to some day hold their grandchildren, just like all of us do. And yet they are willing to risk all of their hopes and all of their dreams for us to ensure the safety and well-being of our communities.

It is far too easy for us to take for granted their devotion to duty. It is for this reason that we bring H.Res. 165 to the floor today. It is to honor the 158 peace officers who lost their lives in the performance of their duties just last year. It is also to commemorate the more than 15,000 officers who have made the supreme sacrifice over the course of our Nation's history.

The names of these heroes are now enshrined on the Law Enforcement Memorial Wall only a few blocks away from this very House Chamber. That wall and this simple resolution are among the many ways that we can encourage all Americans to remember, to never forget, the extraordinary service of these extraordinary public servants.

This Saturday, Mr. Speaker, we will celebrate Law Enforcement Officer Memorial Day. The main event will be a ceremony in memory of peace officers killed in the line of duty in 1998 held on the West Lawn of the Capitol. This resolution calls on the President to issue a proclamation calling on the people of the United States to honor and recognize slain peace officers with ceremonies similar to Saturday's event. I am pleased that this Congress has the honor of hosting the annual memorial service.

Last night, in my hometown of Cincinnati, Ohio, I had the privilege of speaking at our local police memorial service. Over the last year, our community has suffered the tragic loss of three officers: Cincinnati Officer Daniel Pope and Specialist Ronald Jeter, and Officer Michael Partin from neighboring Covington, Kentucky, just across the river. Now today we honor officers from throughout the country who have made the ultimate sacrifice.

I want to thank the gentleman from Colorado (Mr. HEFLEY) for introducing this resolution and taking the lead in ensuring that this House expresses its profound appreciation for the commitment and sacrifice of America's law enforcement officers.

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

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

Mr. Speaker, I want to commend the gentleman from Colorado (Mr. HEFLEY) for his work on this important issue and for sponsoring the resolution to honor the men and women in law enforcement who each day proudly put their lives on the line to protect and serve communities across the Nation.

I also want to commend the Law Enforcement Caucus, particularly the gentleman from Michigan (Mr. STUPAK), for making sure that the concerns of law enforcement officers and their families are heard in Congress.

Today's law enforcement officers face numerous risks as they perform their duties. Last year over 150 law enforcement officers were killed in this country; and it is appropriate that at this time, during Police Week, that Congress take out time to salute these officers and their families.

All week long, thousands of law enforcement officers and their families will take part in events around the country to honor those who have fallen and to salute the daily heroic efforts of men and women who continue to walk the beat.

Mr. Speaker, this resolution comes at a time when many of us in Congress still feel the loss of two members of the law enforcement community who died last year while protecting the people's House. The names of Special Agent John Gibson and Officer Jacob Chestnut are now listed alongside the names of 15,000 men and women who gave their lives in order to keep our community safe.

I also want to take time to extend my deep appreciation to the law enforcement officers who are currently serving in my home State of Virginia and to the families of those who lost their lives in the line of duty. Their dedication in preserving the safety of communities in Virginia has not gone unnoticed.

This resolution correctly acknowledges the sacrifices of law enforcement officers who have made the keeping of our communities, especially our schools and children, safe. I encourage my colleagues to support this resolution.

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

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of the slain peace officers resolution, H.Res. 165.

I want to commend the gentleman from Colorado (Mr. HEFLEY) for introducing this resolution, and I want to thank the gentleman from Ohio (Mr. CHABOT) for bringing it to the floor at this time, along with the gentleman from Virginia (Mr. SCOTT), the ranking minority member.

Our law enforcement officials represent an integral part of our society in which we have instilled public trust. As the vanguard of our public safety, we sometimes take for granted the risks that they assume in the course of their duties. Regrettably, we are far too often reminded of those risks.

In 1998, 158 law enforcement officers lost their lives in the line of duty, bringing the total number of slain officers to some 15,000 over the last 10 years. In July of that same year, we were witness to a tragedy here in our Nation's capital as two of our Capitol Police, Officer Jacob Chestnut and Officer John Gibson, were killed in an unforeseen act of violence by a lone, deranged gunman.

This resolution, which expresses the sense of Congress that all peace officers slain in the line of duty should be honored and recognized as well as stating that the President should issue a proclamation calling on the people of our

Nation to honor and recognize slain peace officers with appropriate ceremonies and respect, is an important measure. Properly recognizing and honoring those officers who lost their lives in the fulfillment of their duties is important to our Nation.

□ 1530

On May 15, the annually celebrated Law Enforcement Memorial Day, more than 15,000 law enforcement officers are expected to gather in our Nation's capital with their families to honor their comrades who have been killed in the line of duty. This resolution is an excellent tribute to those officers who have fallen while exercising their solemn duty to ensure the safety and livelihood of all of our citizens.

Accordingly, Mr. Speaker, I am pleased to be an original cosponsor of this vital resolution. I urge my colleagues to join in supporting its passage.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much thank the gentleman for yielding me this time, and I thank the gentleman from Ohio and the gentleman from Virginia for bringing this very timely and solemn resolution to the floor and the gentleman from Colorado for introducing it.

I rise to pay honor and respect to the officers of this country who have been slain in the line of duty.

Mr. Speaker, yesterday the Congressional Black Caucus sponsored a compelling hearing on police brutality in this country, which tragically has gone up as crime has gone down, especially in many black and Hispanic communities. The Nation's capital has been number one in police shootings of civilians. These are matters that must be answered and attended to.

At the same time, Mr. Speaker, I reported at that hearing that there is enormous respect and appreciation for police officers in the District of Columbia as residents have clamored for more of them, particularly as we now come out of one of the worst crime epidemics in our history. The depth of the feeling was revealed especially during the 1990s when 11 police officers in the District of Columbia lost their lives in the line of duty. There was deep feeling, as well, in the District and across the Nation at the tragic slayings of Officers Chestnut and Gibson and, of course, of other public safety officers in the District of Columbia and throughout the country.

One of these especially brutal killings in the District led me to introduce, and Congress to pass, the Brian Gibson Tax-Free Pension Equity Act, which allows the family of a slain Federal or local law enforcement officer killed in the line of duty to receive that officer's pension tax free, just as officers for some time who retired on disability could receive their pension tax free. I want to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Minnesota (Mr. RAMSTAD), who are cochairs of the Congressional Law Enforcement Caucus, and the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL), who helped me get this through the Taxpayers Relief Act of 1997.

Mr. Speaker, the next order of business is to build the Visitors Center. I have long had a bill and ultimately named it for Officers Chestnut and Gibson for a Visitors Center. In the wake of the tragedy, an appropriation allowed a Visitors Center to go forward. It would make the Capitol more secure for all of us and especially more secure for the officers. The Visitors Center would help avoid tragedies like the killings of two brave officers in this Capitol in 1997.

I salute the Capitol Police and the District of Columbia Police and especially the families of the slain peace officers in this country who have died in the line of duty and whom we honor this week.

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

I would like to thank the gentleman from Ohio (Mr. CHABOT) for his leadership in advancing this legislation. I urge my colleagues to support it.

Mr. STUPAK. Mr. Speaker, I rise today to support this resolution to honor law enforcement officers who were killed in the line of duty. I want to thank my colleague, Mr. HEFLEY, for sponsoring this important legislation. I am pleased to be here to participate in this debate.

Before coming to Congress in 1993, I served for 12 years as a police officer, both as a city officer and as a state trooper. I have known many officers who have given their lives for the people they serve and understand the importance of the House of Representatives taking this step to honor law enforcement officers who have made the ultimate sacrifice.

In May of 1998, in my district, Traverse City Sgt. Dennis Finch was killed while on duty. A 30 year veteran of the police force, Sgt. Finch was shot during a stand off with an armed gunman. He was survived by his wife and two daughters who will be in Washington this week participating in many of the Police Week activities.

Just last summer everybody in this body was reminded of the extreme sacrifice our nation's law enforcement and public safety officers make to our communities and our nation when Officers Chestnut and Gibson were killed here in the Capitol.

Unfortunately, there were many more officers killed last year. In 1998, 158 officers lost their lives while on the job. This brings the total to more than 15,000 men and women who have given their lives serving the public as law enforcement officers.

This legislation recognizes the value our government places on the work of our public safety officers. It is important that we take time this week to show our respect and recognition for the jobs that police officers do every day in every city and town in America.

Join me to support this resolution. It is the least we can do for those who put their lives on the line every day.

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of honoring those police officers who have given their lives for the sake of others. A reflection on the sacrifice made by these officers can only lead one to feelings of sadness, humility, and pride. These Americans have demonstrated a commitment to the public good that could not be eclipsed, and their courage serves as a profound testament to the strength of our nation and our purpose.

I was privileged last Congress to introduce the Public Safety Memorial Scholarship Act. This bill sought to provide education funding to the families of state and local public safety officers who were killed in the line of duty. I was certainly gratified when legislation which was very similar to my bill was signed into law last year.

In honoring the memories of these fallen officers, we in Congress must continue our efforts to create safer and stronger communities through an active commitment to supporting those in the law enforcement community. I know that I speak for all of my colleagues when I say that our constituents deserve nothing less than our best efforts as we work towards this goal.

Mr. CRAMER. Mr. Speaker, I rise today in support of this House Resolution to honor law enforcement officers killed in the line of duty.

This resolution is in recognition of National Peace Officers Memorial Day, which serves as a solemn reminder of the sacrifice and commitment to safety that law enforcement officers make on our behalf every day.

Law enforcement officers who have died in the line of duty sacrifice not only their own lives, but also the lives of their spouses, children, parents, and friends. In fact, the whole community suffers a profound loss when a law enforcement officer dies.

Last year, in 1998, 155 of our country's brave law enforcement officers died protecting the citizens of this nation. This resolution serves as a tribute to those fallen officers and their families.

This simple gesture will send a signal across the country that our law enforcement officers deserve our utmost respect for putting their lives on the line day-in and day-out.

Every day, law enforcement officers are at war against criminals that threaten the security of this country. Passing this resolution to honor those officers is the least that we in Congress can do to thank them for their sacrifices.

I am proud to support this resolution that is before us today.

Mr. RAMSTAD. Mr. Speaker, I rise as a cosponsor and strong supporter of the important resolution before us today to honor those brave police officers who have given their lives to keep our communities safe.

As co-chair of the bipartisan Law Enforcement Caucus, I applaud the courage and dedication to duty of all peace and police officers serving their communities. These officers put their lives on the line for us, every day they put on the badge. Their courage and sacrifice was demonstrated in a very dramatic way last summer, when shots rang out in the Capitol and two of the U.S. Capitol Police's finest lost their lives.

It is fitting that we consider this resolution during National Police Week. I encourage members of this body and the public to participate in other events this week honoring America's fallen police officers. On May 13, the

11th Annual Candlelight Vigil will take place at 8 p.m. at the National Law Enforcement Memorial grounds, followed by a reading of the 312 names newly engraved on the Memorial. At noon on May 15, the 18th Annual National Peace Officers' Memorial Day Service will take place on the west front of the Capitol, with a wreath-laying ceremony to follow.

In my home state of Minnesota, May 8 was Law Enforcement Appreciation Day at the Metrodome in Minneapolis, where ''Top Cops'' were honored during the Minnesota Twins game. I encourage my fellow Minnesotans to attend events on May 15, in which uniformed officers will stand in silence all day at the Peace Officers Memorial on the State Capitol grounds. Also, a 5-kilometer ''Race to Remember'' will be held in St. Paul, and a candlelight service will be held at 7:30 p.m. at the Peace Officers Memorial.

Mr. Speaker, 156 law enforcement officers were killed in the line of duty in 1998, and over 15,000 officers have been killed since our nation began recording their deaths. My home state of Minnesota has lost 207 officers.

On average, a law enforcement officer is killed every other day in America. Each year, one in nine officers is assaulted and one in 25 is injured while on duty. These sacrifices are made daily to fight crime and make our citizens safer.

These law enforcement heroes and their families deserve our gratitude and respect, during National Police Week and throughout the year. We must never forget their sacrifices, including the ultimate sacrifice paid by too many officers.

We must all work for a day when no more names will be added to the Law Enforcement Memorial wall, and a resolution like this will no longer be necessary.

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to join me in honoring the 40th annual observance of Peace Officers Memorial Day. Flint Memorial Park is the setting for this observance on May 14 in my hometown of Flint, Michigan. On this day the Flint community will take time to reflect on the loss of some of its finest police officers.

For the past 40 years, Flint Memorial Park has honored Peace Officers that have fallen in the line of duty. A memorial service is held annually to remind us of their bravery and sacrifice. The names of the officers that have been immortalized on the monument at Flint Memorial Park are:

Patrolman Terry Lee Thompson—Burton Police Department July 5, 1983.

Patrolman Russell A. Herrick—Burton Police Department May 8, 1980.

Trooper Norman Killough—Michigan State Police, Detroit Post October 6, 1978.

Deputy Ben R. Walker—Genesee County Sheriff Department April 6, 1971.

Detective Alton C. Fritcher—Flint Police Department January 5, 1969.

Trooper Albert Souden—Michigan State Police, Brighton Post September 3, 1959.

Trooper Burt Pozza—Michigan State Police, Flint Post November 19, 1956.

Patrolman Karl J. Liebengood—Burton Township Police Department January 11, 1955.

Trooper George Lappi—Michigan State Police, Flint Post November 19, 1956.

Detective James McCullough—Flint Police Department February 28, 1952.

Patrolman Neil Krantz—Flint Police Department April 24, 1951.

Deputy James W. Cranston—Genesee County Sheriff Department July 26, 1945.

Patrolman Gerald Leach—Flint Police Department September 21, 1940.

Patrolman John Wopinski—Flint Police Department August 9, 1932.

Detective Matthew Hauer—Flint Police Department April 18, 1924.

Patrolman Avera M. Hudson—Flint Police Department June 28, 1924.

In addition to the memorial to slain Peace Officers a monument to police dogs that have been killed in the line of duty will be unveiled at this year's ceremony. The names of the canines and their handlers are: Aiko—Handler—Trooper Joel Service, Symmon—Handler—Sgt. Richard. E. King, Gillette—Handler—Officer Bruce Burton, Romel—Handler—Sgt. Dan Spaniola, Charlie—Handler—Deputy Dale Glover, Major—Handler—Sgt. Jerry Wilhelm.

Mr. Speaker, I ask the House of Representatives to please reflect on these individuals and their families and pay tribute to their ultimate sacrifice. We pay homage these slain officers and all peace officers everywhere that are asked to give so that the rest of us can live in a safer world.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of this resolution that pays honor to slain law enforcement officials.

Law enforcement officers place themselves in harms way every day to protect all Americans. Despite these inherent risks, peace officers go out and make our streets, our businesses, and our country safe.

It takes a special person to respond to this call to duty. It takes someone with courage, honor, bravery, integrity, a sense of community, and concern for their fellow man.

Today we come together to honor the memories of those men and women who have fallen while in the line of duty. We gather to remember and honor the memory of those law enforcement agents who made the ultimate sacrifice.

There is no greater sacrifice than to lay down your life for your fellow man.

Their sacrifices came while these brave individuals were doing their duty of protecting us, fighting crime, and making our community a better place.

While today we honor the memories of those persons who have passed away, we must remember and never forget their sacrifice. The duty they felt will always be felt in our hearts, and will be carried on by their fellow officers, friends and family.

Our hearts go out to the family, friends, and colleagues that have had to say good bye to a loved one. We are indebted to every spouse, every child, every parent, sister, brother, grandchild, aunt, uncle, and every friend of all those whom we come here to honor today. We pay tribute not only to those who have died, but to those who have lost them, to their survivors. And we pay tribute to the more than half million law enforcement officers who continue to go to work every day, not knowing for sure if on that day they will be required to make the ultimate sacrifice.

Today, I would say that, more than anything else, we ought to rededicate ourselves to becoming a country worthy of the heroes we come here to honor. Every day, law enforcement officers take the oath to uphold the law and defend citizens. Danger is a constant companion; still, law enforcement officers go out every day carrying the badge that symbolizes their commitment.

The job of law enforcement is so dangerous today not only because criminals are better armed, but because our society is too often coming apart when it ought to be coming together.

And so today we must dedicate ourselves—all of us—to making America worthy of the sacrifice of the law enforcement officials who have fallen, and those who still risk their lives every day. I ask today that we remember the law enforcement officers and their families who paid the ultimate sacrifice.

Mr. HOYER. Mr. Speaker, I rise today to honor the men and women of law enforcement who made the ultimate sacrifice in protecting our civil society.

Yesterday, I joined the families and colleagues of Officers Christopher Eney and Jacob Chestnut and Detective John Gibson in dedicating the Capitol Police Headquarters in their honor. Their deaths, as tragic as they were, are only three of more than 15,000 men and women who have lost their lives in the line of duty.

Thousands of law enforcement officers are converging on Washington for the Annual National Law Enforcement Week. This year, the names of Officer Chestnut and Detective Gibson will be read at the Candlelight Vigil along with the names of 156 other officers from around the Nation. The names of those 158 officers will forever be remembered on the walls of the National Law Enforcement Officers Memorial.

Whether in the Capitol Building, on the highway, or in our neighborhoods, these men and women put on a badge and strapped on a gun, knowing that they risked their lives. No one escapes death. That is a fact that we have known since a young age. Our lives are precious, and a gift that is to be cherished and celebrated to its fullest. Yet, putting duty to their profession ahead of boundless risks, these officers forfeited that gift for what they believed in.

For the 158 officers who lost their lives in 1998, their tragic deaths came too soon and without reasonable cause. In an instant, the families and colleagues of these officers had someone they loved and cared for taken away from them. And in an instant, we lost a dedicated and committed community servant.

Abraham Lincoln once stated that ''Those brave men who here gave their lives that that Nation might live.'' The fallen men and women that we honor today gave their lives upholding the laws vital to maintaining our democratic form of government. Just as President Lincoln honored the fallen heroes of a war between brothers, we honor the brave husbands, wives, fathers and mothers from departments across the country that sacrificed their lives, enforcing the laws of rural towns and urban cities across America.

God bless our fallen officers.

Mr. HAYES. Mr. Speaker, I rise today in honor of National Police Week to pay tribute to the men and women who serve as Law Enforcement officers across the United States. This includes police officers, sheriff's deputies, correctional officers, parole and probation agents, and pretrial services officers.

Police officers are on the front lines everyday protecting our streets, communities, and neighborhoods. So often we overlook the

many duties that police officers perform on a daily basis.

Crime statistics nationwide have shown a dramatic decrease over the past 3 years in homicides, violent crimes, and property crimes. But, until those statistics become nonexistent, we need to support our law enforcement officials at every level of government.

On a federal level, we need to give local law enforcement the support they need to be successful and safe. Programs like the Bulletproof Vest Initiative, has given rural communities the chance to quality for grants to increase officer safety. Advancements in the Criminal Justice Information Network have given local agencies the ability to better communicate and exchange critical information.

Mr. Speaker, we will also be celebrating Peace Officers Memorial Day this week. Two communities in my district in North Carolina have been leaders in paying tribute to fallen officers. Ann Cannon led the effort in my hometown, Concord, N.C., to erect a memorial in the center of town. Even today, citizens in Albermarle, N.C., are dedicating a memorial to their fallen officers.

I want to highlight the efforts of one local sheriff in my district. Sheriff Tony Frick, of Stanly County, is looking inward to community members to help solve crime problems. Stanly County residents are sponsoring the Save our Sheriff (S.O.S.) Walk-a-thon in support of the Sheriff's Department and updating obsolete equipment.

I would remiss if I did not mention the families of those we recognize today. The families of our peace officers deserve our admiration for their steadfast support of those selfless citizens who willingly make the necessary sacrifices to preserve public safety.

Ms. JACKSON-LEE of Texas. Mr. Speaker, President John F. Kennedy once remarked, ''A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.'' These slain officers truly uphold this lofty standard. As responsible defenders of our country, they protected our citizens from mortal danger, and it cost them their very lives.

Mr. Speaker, I rise in support of this House Resolution. This bill expresses the sense of the House that law enforcement officers killed in the line of duty should be honored, their dedication and sacrifice recognized and their service to the nation remembered.

Today, I would like to acknowledge the courage and dedication that these slain officers exemplified in their careers. The resolution before us seeks to honors the memories of these brave men who served their country with the utmost dignity.

Whenever an officer is killed in the line of duty the pall of sorrow falls upon our great Nation. We all pause today to remember our heroes whose lives were prematurely ended. In 1997, some 159-law enforcement officers died in the line of duty.

Mr. Speaker, it is fitting that as we pause today to remember our nation's fallen officers, that we remember the two Capitol Hill Police officers who lost their lives in the line of duty. Officer Chestnut and Officer Gibson protected the very core of our American society, our belief in the preservation of life. I am also honored that the names of Officer Chestnut and Gibson will be associated with the building, which houses the Capitol Hill Police. This small gesture will ensure that we remember their selfless acts of valor.

I offer my utmost sympathy to the families and friends of our fallen heroes who will gather in Washington on May 15, 1999 to honor the memories of their loved ones. Given their loss, I feel that we must ensure the memory of the courage displayed by these fallen officers by supporting this House resolution.

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

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, House Resolution 165.

The question was taken.

Mr. CHABOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on April 15, 1999 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2592—HUDSON RIVER AT HUDSON, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Hudson River, New York published as House Document 149, 72nd Congress and other pertinent reports, with a view to determining whether any modifications of recommendations contained therein are advisable at the present time, in the interest of water resources development including navigation, environmental restoration and protection, and other allied purposes for the Hudson River at Hudson, New York.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2593—VENTURA RIVER, VENTURA COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ventura River, Ventura County, California, published as House Document 323, 77th Congress, 1st Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at this time, in the interest of environmental restoration and protection, and related purposes, with particular attention to restoring anadromous fish populations on Matilija Creek and returning natural sand replenishment to Ventura and other Southern California beaches.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2594—ST. JOSEPH RIVER, LEO-CEDARVILLE, INDIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the St. Marys River, Ohio and Indiana, published as House Document 166, 72nd Congress, 1st Session, and other pertinent reports with a view to determining the advisability of providing flood control, erosion control, environmental restoration and protection, and related water resource improvements, including a riverfront master plan, and allied purposes at and in the vicinity of Leo-Cedarville, Allen County, Indiana.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2595—CITY OF SAN BERNARDINO, SAN BERNARDINO COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Santa Ana River Main Stem, including Santiago Creek, California, published as House Document 20, 99th Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of reducing the risks to public safety and property caused by flooding from high groundwater conditions, ground liquefaction, related water quality contamination, and environmental damage in the City of San Bernardino, California, and adjacent communities.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2596—PORT OF NEW YORK AND NEW JERSEY ENVIRONMENTAL RESTORATION

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the reports of the Chief of Engineers on the New York and New Jersey Channels, published as House Document 133, 74th Congress,

1st Session; the New York and New Jersey Harbor Entrance Channels and Anchorage Areas, published as Senate Document 45, 84th Congress, 1st Session; and the New York Harbor, NY Anchorage Channel, published as House Document 18, 71st Congress, 2nd Session, as well as other related reports with a view to determining the feasibility of environmental restoration and protection relating to water resources and sediment quality within the New York and New Jersey Port District, including but not limited to, creation, enhancement and restoration of aquatic, wetland, and adjacent upland habitats.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2597—UPPER MISSISSIPPI RIVER FROM LAKE ITASCA TO LOCK AND DAM 2, MINNESOTA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River above Coon Rapids Dam near Minneapolis, Minnesota, published as House Document 66, 73rd Congress, 1st Session, and other pertinent reports with a view to determining whether modifications of the recommendations contained therein are advisable at this time in the interest of flood damage reduction, environmental restoration and protection, water quality and other purposes, with a special emphasis on determining the advisability of developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the Upper Mississippi River Basin from the Mississippi's headwaters to Lock and Dam #2 at Hastings, Minnesota.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER, Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 10, 1999 at 5:40 p.m., and said to contain a message from the President whereby he submits a certification pursuant to Section 1512 of Public Law 105–251.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

CERTIFICATION REGARDING EXPORT OF SATELLITE FUELS TO CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–60)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Armed Services and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of Public Law 105–261, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, I hereby certify that the export to the People's Republic of China of satellite fuels and separation systems for the U.S.-origin Iridium commercial communications satellite program:

(1) is not detrimental to the United States space launch industry; and

(2) the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1999.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain special order speeches without prejudice to the resumption of legislative business.

ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I have taken to the well of this Chamber many times to talk about the need to enact meaningful patient protection legislation. Unfortunately, there remains a compelling need for Federal action, and I am far from alone in holding that view.

Last week, for example, Paul Elwood gave a speech at Harvard University on health care quality. Elwood isn't exactly a household name, but he is considered the father of the HMO movement.

Elwood told a startled group that he did not think health care quality would improve without government-imposed protections. Market forces, he told the group, ''will never work to improve quality, nor will voluntary efforts by doctors and health plans.''

Mr. Elwood went on to say, and I quote, ''It doesn't make any difference how powerful you are or how much you know. Patients get atrocious care and can do very little about it. I've increasingly felt we've got to shift the power to the patient. I'm mad, in part because I've learned that terrible care can happen to anyone.''

This is a quote by Paul Elwood, the father of the American HMO movement. Mr. Speaker, this is not the commentary of a mother whose child was injured by her HMO's refusal to authorize care. It is not the statement of a doctor who could not get requested treatment for a patient. Mr. Speaker, these words suggesting that consumers need real patient protection legislation to protect them from HMO abuses come from the father of managed care.

Mr. Speaker, I am tempted to stop here and to let Dr. Elwood's speaks for themselves, but I think it is important to give my colleagues an understanding of the flaws in the health care market that led Dr. Elwood to reach his conclusion.

Cases involving patients who lose their limbs or even their lives are not isolated examples. They are not anecdotes.

In the past, I have spoken on this floor about little Jimmy Adams, a 6-month-old infant who lost both hands and both feet when his mother's health plan made them drive many miles to go to an authorized emergency room rather than stopping at the emergency room which was closest.

The May 4 USA Today contains an excellent editorial on that subject. It is entitled, Patients Face Big Bills as Insurers Deny Emergency Claims.

After citing a similar case involving a Seattle woman, USA Today made some telling observations:

''Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.''

Or, ''All patients are put at risk if hospitals facing uncertainty about payment are forced to cut back on medical care.''

This is hardly an isolated problem. The Medicare Rights Center in New York reported that 10 percent of complaints about Medicare HMOs related to denials for emergency room bills.

The editorial noted that about half the States have enacted a ''prudent layperson'' definition for emergency care this decade, and Congress has passed such legislation for Medicare and Medicaid.

Nevertheless, the USA Today editorial concludes that this patchwork of laws would be much strengthened by passage of a national prudent layperson standard.

The final sentence of the editorial reads, ''Patients in distress should not have to worry about getting socked with big health bills by firms looking only at their bottom line.''

Mr. Speaker, I include the full text of the editorial in the RECORD at this point.

[From USA Today]

TODAY'S DEBATE: PAYING FOR EMERGENCY CARE—PATIENTS FACE BIG BILLS AS INSURERS DENY EMERGENCY CLAIMS

Our View—Industry Promises to Fix the Problem Fail, Investigations Begin

Early last year, a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help, only to be whisked to the nearest hospital, where she was promptly admitted.

To most that would seem a prudent course of action. Not to her health plan. It denied payment because she didn't call the plan first to get ''pre-authorized,'' according to an investigation by the Washington state insurance commissioner.

The incident is typical of the innumerable bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs. But denial of payment for emergency care presents a particularly dangerous double whammy:

Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

All patients are put at risk if hospitals, facing uncertainty about payment, are forced to cut back on medical care.

Confronted with similar outrages a few years ago, the industry promised to clean up its act voluntarily, and it does by and large pay up for emergency care more readily than it did a few years ago. In Pennsylvania, for instance, denials dropped to 18.6% last year from 22% in 1996.

That's progress, but not nearly enough. Several state insurance commissioners have been hit with complaints about health plans trying to weasel out of paying for emergency room visits that most people would agree are reasonable—even states that mandate such payments. Examples:

Washington's insurance commissioner sampled claims in early 1998 and concluded in an April report that four top insurers blatantly violated its law requiring plans to pay for ER care. Two-thirds of the denials by the biggest carrier in the state—Regence BlueShield—were illegal, the state charged, as were the majority of three other plans' denials. The plans say those figures are grossly inflated.

The Maryland Insurance Administration is looking into complaints that large portions of denials in the state are illegal. In a case reported to the state, an insurance company denied payment for a 67-year-old woman complaining of chest pain and breathing problems because it was ''not an emergency.''

Florida recently began an extensive audit of the state's 35 HMOs after getting thousands of complaints, almost all involving denials or delays in paying claims, including those for emergency treatments.

A report from the New York-based Medicare Rights Center released last fall found that almost 10% of those who called the center's hotline complained of HMO denials for emergency room bills.

ER doctors in California complain the Medicaid-sponsored health plans routinely fail to pay for ER care, despite state and federal requirement to do so. Other states have received similar reports, and the California state Senate is considering a measure to toughen rules against this practice.

The industry has good reason to keep a close eye on emergency room use. Too many patients use the ER for basic health care when a much cheaper doctor's visit would suffice.

But what's needed to address that is better patient education about when ER visits are justified and better access to primary care for those who've long had no choice other than the ER, not egregious denials for people with a good reason to seek emergency care.

Since the early 1990s, more than two dozen states have tried to staunch that practice with ''prudent laypersons'' rules. The idea is that if a person has reason to think his condition requires immediate medical attention, health plans in the state are required to pay for the emergency care. Those same rules now apply for health plans contracting with Medicare and Medicaid.

A national prudent layperson law covering all health plans would help fill in the gaps left by this patchwork of state and federal rules.

At the very least, however, the industry should live up to its own advertised standards on payments for emergency care. patients in distress should not have to worry about getting socked with big health bills by firms looking only at their own bottom line.

Mr. Speaker, there are few people in this country who have not personally had a difficult time getting health care from an HMO. Whether we are talking about extreme cases like James Adams or the routine difficulties obtaining care that seem all too common, the public is getting frustrated by managed care. The HMO industry has earned a reputation with the public that is so bad that only tobacco companies are held in lower esteem.

Let me cite a few statistics to back this up. Mr. Speaker, by more than two to one, Americans support more government regulation of HMOs. Last month, the Harris Poll revealed that only 34 percent of Americans think that managed care companies do a good job of serving their customers. That is down sharply from the 45 percent who thought so just a year ago.

Maybe more amazing were the results when Americans were asked whether they trusted a company to do the right thing if they had a serious problem. By nearly a two to one margin, Americans would not trust HMOs in such a situation. That level of confidence was far behind other industries, such as hospitals, airlines, banks, automobile manufacturers and pharmaceutical companies. In fact, the only industry to fare worse in the survey than HMOs were tobacco companies.

Anyone who still needs proof that managed care reform is popular with the public just needs to go to the movie, As Good As It Gets. Audiences clapped and cheered when during the movie Academy Award winner Helen Hunt expressed an expletive about the lack of care her asthmatic son was getting from their HMO. No doubt the audience's reaction was fueled by dozens of articles and news stories highly critical of managed care and also by real-life experiences.

□ 1545

In September 1997 the Des Moines Register ran an op-ed piece entitled, ''The Chilly Bedside Manner of HMOs,'' by Robert Reno, a Newsweek writer.

The New York Post ran a week-long series on managed care. The headlines included ''HMO's Cruel Rules Leave Her Dying for the Doc She Needs.''

Another headline blared out: ''Ex New Yorker Is Told: Get Castrated So We Can Save Dollars.''

Or how about this headline? ''What His Parents Didn't Know About HMOs May Have Killed This Baby.''

Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments? Instead the HMO case manager told him to have a fund-raiser. A fund-raiser. Mr. Speaker, I certainly hope that campaign finance reform will not stymie this man's attempts to get his cancer treatment.

To counteract this, this image in the public, even some health plans have taken to bashing their colleagues. Here in Washington one ad declared, ''We don't put unreasonable restrictions on our doctors, we don't tell them they can't send you to a specialist.''

In Chicago Blue Cross ads proclaimed, ''We want to be your health plan, not your doctor.''

In Baltimore an ad for Preferred Health Network assured customers: ''At your average health plan cost controls are regulated by administrators. At PHN doctors are responsible for controlling costs.''

Mr. Speaker, advertisements like these demonstrate that even the HMOs know that there are more than a few rotten apples in the barrel.

An example of this problem can be found in the recent 10th Circuit Court of Appeals decision in the case Jones v. Kodak. The name Jones is particularly appropriate because after this decision other health plans will rush to keep up with what their competitors are doing to the Joneses in this world. In Jones v. Kodak the 10th Circuit Court of Appeals showed how a clever health plan can use federal law to keep patients from getting needed medical care. The facts are relatively simple:

Mrs. Jones received health care through her employer, Kodak. The plan covers inpatient substance abuse treatment when medically necessary. The determination as to whether a particular substance abuse service is medically necessary is made by American Psych Management, APM.

Mr. Speaker, APM reviewed a request for inpatient substance abuse treatment and found that Mrs. Jones did not meet APM's protocol for inpatient mental health hospitalization. The family pursued the case further, eventually persuading the health plan to send the case to an independent medical expert for review. The reviewer agreed that Mrs. Jones did not qualify for the benefit under the criteria established by the plan. But the reviewer observed that, ''the criteria are too rigid and do not allow for individualization of case management.'' In other words, the criteria were not appropriate to Mrs. Jones' condition. His hands being tied, the reviewer was unable to reverse APM's original decision.

So Mrs. Jones sued for the failure to pay the claim. The trial court affirmed the court's decision to grant summary judgment to the defendants. The 10th Circuit Court of Appeals held the following:

''The Employment Retirement Income Security Act's disclosure provisions do not require that the plan's summary contained particularized criteria for determining medical necessity.''

The court went on.

''The unpublished APM criteria were part of the plan's terms. Because we

consider the APM criteria a matter of planned design and structure rather than implementation, we agree that a court cannot review them.''

Mr. Speaker, in layman's terms this means that a plan does not have to disclose the treatment guidelines or protocols it uses to determine whether or not a patient should get care. Moreover, any treatment guidelines used by the plan would be considered part of the plan design and thus are not reviewable by a court.

The implications of this decision, Mr. Speaker, are in a word ''breathtaking''. Jones v. Kodak provides a virtual road map to enterprising health plans on how to deny payment for medically necessary care. The decision is a clear indication of why we need Federal legislation to ensure that treatment decisions are based on good medical practice and take into consideration the individual patient's circumstances.

Under Jones v. Kodak, health plans do not need to disclose to potential or even current enrollees the specific criteria they use to determine whether a patient will get treatment. There is no requirement that a health plan uses guidelines that are applicable or appropriate to a particular patient's care.

Despite these limitations, Jones compels external reviewers to follow the plan's inappropriate treatment guidelines because to do otherwise would violate the sanctity of ERISA, and most important to the plan, the decision assures the HMOs that, if they are following their own criteria, then they are shielded from court review. It makes no difference how inappropriate or inflexible the criteria may be since, as the court in Jones noted, this is a plan design issue and, therefore, not reviewable under ERISA.

Mr. Speaker, if Congress through patient protection legislation does not act to address this issue, many more patients are going to be left with no care and no recourse to get that care. Jones v. Kodak sets a chilling precedent making health plans and the treatment protocols untouchable. The case in effect encourages health plans to concoct rigid and potentially unreasonable criteria for determining when a covered benefit is medically necessary. That way they can easily deny care and cut costs, all the while insulated from responsibility for the consequences of their actions.

Let me give my colleagues an example. A plan could promise to cover cleft lip surgery for those born with that birth defect. But they could then put in undisclosed documents that the procedure is only medically necessary once the child reaches the age of 16. Or that coronary bypass operations are only medically appropriate for those who have previously survived two heart attacks.

Mr. Speaker, you may think that sounds absurd, but that is the way the law reads. Logic and principles of good medical practice would dictate that that is not sound health care, but the Jones case affirms that health plans do not have to consider medicine at all. They can be content to consider only the bottom line.

Unless Federal legislation addresses this issue, patients will never be able to find out what criteria their health plan uses to provide care, and external reviewers who are bound by current law will be unable to pierce those policies and reach independent decisions about the medical necessity of a proposed treatment using clinical standards of care, and Federal ERISA law will prevent courts from engaging in such inquiries also. The long and the short of the matter is that sick patients will find themselves without proper treatment and without recourse.

Mr. Speaker, I have introduced legislation, H.R. 719, the Managed Care Reform Act, which addresses the very real problems in managed care. It gives patients meaningful protections. It creates a strong and independent external review process, and it removes the shield of ERISA which health plans have used to prevent State court negligence actions by enrollees who have been injured as a result of that plan's negligence.

This bill has received a great deal of support and has been endorsed by consumer groups like the Center For Patient Advocacy, the American Cancer Society, the National MS Society. It is also supported by many health care provider groups such as the American Academy of Family Physicians whose professionals are on the front lines and have seen how faceless HMO bureaucrats thousands of miles away, bureaucrats who have never seen the patient, can deny needed medical care because it does not fit their, quote, criteria unquote.

Mr. Speaker, I would like to focus on one small aspect of my bill, specifically the way in which it addresses the issue of the Employee Retirement Income Security Act, ERISA. It is alarming to me that ERISA combines a lack of effective regulation of health plans with a shield for health plans that largely gives them immunity from liability for their negligent decisions.

Personal responsibility has been a watch word for this Republican Congress, and this issue should be no different. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created the ERISA loophole and Congress should fix it.

Mr. Speaker, my bill has a compromise on the issue of health plan liability. I continue to believe that health plans that make negligent medical decisions should be accountable for those decisions, but winning a lawsuit is little consolation to a family that has lost a loved one. The best HMO bill assures that health care is delivered when it is needed, and I also believe that the liability should attach to the entity that is making those medical decisions. Many self insured companies contract with large managed care plans to deliver care. If the business is not making those discretionary decisions, under my bill they would not face liability. But if they cross the line and they determine whether a particular treatment is medically necessary in a given case, then they are making medical decisions and they should be held responsible for their actions.

Now, Mr. Speaker, to encourage health plans to give patients the right care without having to go to court my bill provides for both an internal and an external appeals process that is binding on the plan, and an external review could be requested by either the patient or the health plan. I can see circumstances where a patient is requesting an obviously inappropriate treatment; let us say laetrile, and the plan would want to send the case to external review. The external review would back up their denial. It would give them, in effect, a defense if they are ever dragged into court.

When I was discussing this idea with the President of Wellmark Iowa Blue Cross/Blue Shield, he expressed support for the strong external review. In fact, he told me that his company is instituting most of the recommendations of the President's Commission on Health Care Quality and that he did not foresee any premium increases as a result. Mostly what it meant, he told me, was tightening existing safeguards and policies already in place.

Now, Mr. Speaker, this chief executive also told me that he could support a strong, independent, external review system like the one in my bill, but he cautioned: If we did not make the decision and are just following the recommendations of the review panel, then we should not be liable for punitive damages, and I agree with that. Punitive damages awards are to punish outrageous and malicious conduct. If a health plan follows a recommendation of an independent review board composed of medical experts, it is tough to figure out how they acted with malice. So my bill provides health plans with a complete shield from punitive damages if they follow the recommendation of that external review panel, and that I think is a fair compromise on this issue of health plan liability.

And I certainly suspect that Aetna wishes that they had had an independent peer panel available even with a binding decision on care when it denied care to David Goodrich. Earlier this year a California jury handed down a verdict of $116 million in punitive damages to his widow, Teresa Goodrich. If Aetna or the Goodriches had had ability to send the denial of care to external review, they could have avoided the courtroom. But more importantly, David Goodrich might still be alive today.

Mr. Speaker, that is why my plan should be attractive to both sides. Consumers get a reliable and quick external appeals process which will help

them get the care they need. But if the plan fails to follow the external reviewer's decision, the patient can sue for punitive damages, and health insurers whose greatest fear is that 50 or $100 million punitive damage award can shield themselves from those astronomical awards but only if they follow the recommendations of an independent review panel which is free to reach its own decision about what care is medically necessary.

□ 1600

The HMOs say that my legislation and other patient protection legislation would cause premiums to skyrocket. There is ample evidence, however, that that would not be the case.

Last year, the Congressional Budget Office estimated that a similar proposal, which did not include the punitive damages relief, would increase premiums around 4 percent over 10 years.

When Texas passed its own liability law 2 years ago, the Scott and White Health Plan estimated that premiums would have to increase just 34 cents per member per month to cover the costs. These are hardly alarming figures.

The low estimate by Scott and White seems accurate since only one suit has been filed against the Texas health plan since Texas passed patient protection legislation removing the liability shield. That is far from the flood of litigation that opponents predicted.

I have been encouraged by the positive response my bill has received, and I think that this could be the basis for a bipartisan bill this year. In fact, the Hartford Courant, a paper located in the heart of insurance country, ran a very supportive editorial on my bill by John MacDonald. Speaking of the punitive damages provision, MacDonald called it a reasonable compromise and urged insurance companies to embrace the proposal as, quote, the best deal they may see in a long time, unquote.

Mr. Speaker, I include the full text of the editorial by John MacDonald in the RECORD at this point.

[From the Hartford Courant, March 27, 1999]

A COMMON-SENSE COMPROMISE ON HEALTH CARE

(By John MacDonald)

U.S. Rep. Greg Ganske is a common-sense lawmaker who believes patients should have more rights in dealing with their health plans. He has credibility because he is a doctor who has seen the runaround patients sometimes experience when they need care. And he's an Iowa Republican, not someone likely to throw in with Congress' liberal left wing

For all those reasons, Ganske deserves to be heard when he says he has found a way to give patients more rights without exposing health plans to a flood of lawsuits that would drive up costs.

Gankse's proposal is included in a patients' bill of rights he has introduced in the House. Like several other bills awaiting action on Capitol Hill, Ganske's legislation would set up a review panel outside each health plan where patients could appeal if they were denied care. Patients could also take their appeals to court if they did not agree with the review panel.

But Ganske added a key provision designated to appeal to those concerned about an explosion of lawsuits. If a health plan followed the review panel's recommendation, it would be immune from punitive damage awards in disputes over a denial of care. The health plan also could appeal to the review panel if it thought a doctor was insisting on an untested or exotic treatment. Again, health plans that followed the review panel's decision would be shielded from punitive damage awards.

This seems like a reasonable compromise. Patients would have the protection of an independent third-party review and would maintain their right to go to court if that became necessary. Health plans that followed well-established standards of care—and they all insist they do—would be protected from cases such as the one that recently resulted in a $120.5 million verdict against an Aetna plan in California. Ganske, incidentally, calls that award ''outrageous.''

What is also outrageous is the reaction of the Health Benefits Coalition, a group of business organizations and health insurers that is lobbying against patients' rights in Congress. No sooner had Ganske put out this thoughtful proposal than the coalition issued a press release with the headline: Ganske Managed Care Reform Act—A Kennedy-Dingell Clone?

The headline referred to Sen. Edward M. Kennedy, D–Mass., and Rep. John D. Dingell, D–Mich., authors of a much tougher patients' rights proposal that contains no punitive damage protection for health plans.

The press release said: ''Ganske describes his new bill as an affordable, common sense approach to health care. In fact, it is neither: It increases health care costs at a time when families and businesses are facing the biggest hike in health care costs in seven years.''

There is no support in the press release for the claim of higher costs. What's more, the charge is undercut by a press release from the Business Roundtable, a key coalition member, that reveals that the Congressional Budget Office has not estimated the cost of Ganske's proposal. The budget office is the independent reviewer in disputes over the impact of legislative proposals.

So what's going on? Take a look at the coalition's record. Earlier this year, it said it was disappointed when Rep. Michael Bilirakis, R–Fla., introduced a modest patients' rights proposal. It said Sen. John H. Chafee, R–R.I., and several co-sponsors had introduced a ''far left'' proposal that contains many extreme measures. John Chafee, leftist? And, of course, it thinks the Kennedy-Dingell bill would be the end of health care as we know it.

The coalition is right to be concerned about costs. But the persistent No-No-No chorus coming from the group indicates it wants to pretend there is no problem when doctor-legislators and others know better.

This week, Ganske received an endorsement for his bill from the 88,000-member American Academy of Family Physicians. ''These are the doctors who have the most contact with managed care,'' Ganske said. ''They know intimately what needs to be done and what should not be done in legislation.''

Coalition members ought to take a second look. Ganske's proposal may be the best deal they see in a long time.

Mr. Speaker, it is also important to state what this bill does not do to ERISA plans. It does not eliminate the Employment Retirement Income Security Act or otherwise force large multistate health plans to meet benefit mandates of each and every of the 50 States. This is an exceedingly important point.

Just 2 weeks ago, representatives of a major employer from the upper Midwest were in my office. They urged me to rethink my legislation because they alleged it would force them to comply with benefit mandates of each State and that the resulting rise in costs would force them to discontinue offering health insurance to employees.

Frankly, Mr. Speaker, I was stunned by their comments, because their fears are totally unfounded. It is true that my bill would lower the shield of ERISA and allow plans to be held responsible for their negligence, but it would not alter the ability of group health plans to design their own benefits package.

Let me be absolutely clear on this point. The ERISA amendments in my bill would allow States to pass laws to hold health plans accountable for their actions. It would not allow States to subject ERISA plans to a variety of State benefit mandates.

Mr. Speaker, there are other pressing issues that require our prompt attention. In particular, the crisis in the Balkans is becoming a humanitarian tragedy of unspeakable proportions. No matter what else Congress does, we have to stand ready to help the displaced Kosovars with food, clothing and shelter.

Regardless of how the crisis in the Balkans evolves, it would be irresponsible for Congress to ignore domestic policy issues. The need for meaningful patient protection legislation continues to fester.

Before closing, Mr. Speaker, I also want to address something that should not be in patient protection legislation, and I am speaking specifically of extraneous provisions that could bog down the bill and severely weaken its chances for passage and for being signed into law.

In particular, there have been reports in the press and elsewhere that the managed care reform legislation will at some point be married with a bill to increase access to health insurance. Let me be perfectly clear on this. I strongly believe that Congress should consider ways to make health insurance more affordable. It would be a tremendous mistake, however, in my opinion, to try to marry these two ideas together. It would present too many opportunities for needed patient protections to become sidetracked in fights over tax policy and the future of the employer-based health system.

There are many reforms to improve access to health care that I support. I have long advocated medical savings accounts. In fact, Mr. Speaker, I wrote a white paper about their potential benefits in 1995 and was pleased to see them created first for small businesses and the uninsured and then 2 years ago for Medicare recipients.

I also support changing the law so individuals receive the same tax treatment as large businesses when buying

health insurance. It makes no sense to me why a big business and its employees can deduct the cost of health benefits but an employee of a small company that does not offer health insurance must pay all of the cost with after-tax dollars.

Finding the money to provide this tax equity is not going to be easy.

I believe that ideas like association health plans, also known as multiple employer welfare associations, MEWAs, and healthmarts could destroy the individual market by leaving it with a risk pool that is sicker and more expensive.

Let me give some specific concerns about association health plans or multiple employer welfare associations. Simply put, an association health plan is a pool of individuals who are employers who band together and form a group that self-insures. By doing so, they remove themselves from regulation by State insurance commissioners and instead subject themselves to regulation by Federal ERISA law.

While association health plans may provide a measure of efficiency for employers, they leave employees without any real safeguards against the less honorable practices of HMOs. In a very real sense, ERISA remains the Wild West of health care. Unlike State laws which regulate quality, ERISA contains only minimal safeguards for quality. Let me explain.

ERISA places only limited requirements on health plans. They must act as fiduciaries, meaning they must exercise sound management consistent with rules established by a plan sponsor. They must provide written notice to beneficiaries whose claims have been denied, setting forth the reasons. They must disclose some information about the plan to participants of beneficiaries. They cannot discriminate against beneficiaries. They have to allow certain employees, usually those who have been terminated, to purchase COBRA coverage. They have to provide coverage to adopted children in the same manner they cover natural children, and they have to comply with the 1996 HIPAA law in regards to portability.

That sounds all right, but consider what ERISA does not require. Among its many requirement shortcomings, ERISA does not impose any quality assurance standards or other standards for utilization review. ERISA does not allow consumers to recover compensatory or punitive damages if a court finds against the health plan in a claims dispute. ERISA does not prevent health plans from changing, reducing or terminating benefits; and with few exceptions ERISA does not regulate the design or content such as covered services or cost sharing of a plan. Remember from the Jones case how important that can be. And ERISA does not specify any requirements for maintaining plan solvency.

I confess, I cannot understand why some Members would want to place more employees in health plans regulated by ERISA. If anything, we should be moving in the opposite direction and returning regulatory authority to State insurance commissioners.

The patient protection legislation is intended to fix some very real problems in ERISA. I will not consider adding to the number of people under its regulatory umbrella until I see meaningful patient protections for them signed into law.

I am certainly not alone in my concerns about association health plans. When they were proposed as part of the Republican patient protection bill last year, they drew significant opposition from Blue Cross/Blue Shield plans and the National Association of Insurance Commissioners.

Blue Cross, the insurer of last resort for many States, fears that association health plans will undermine State programs to keep insurance affordable. Joined by the Health Insurance Association of America, they wrote, ''Association health plans would undermine the most volatile segments of the insurance market, the individual and small group markets. The combinations of these with healthmarts could lead to massive market segmentation and regulatory confusion.''

A constituent of mine and an insurance industry professional wrote to me to express his concerns about association health plans. He wondered why these plans ''can sell whatever level of benefits they want to provide and can limit coverage for any type of benefit the plan might want to cover.''

Now, some may say that these concerns reflect the self-interest of the industry. Before buying into that argument, consider an editorial by The Washington Post a year ago. In criticizing association health plans, and I would say, by extension, healthmarts, the Post pointed out that, ''if you free the MEWAs, multiple employer welfare associations, you create a further split in the insurance market which likely will end up helping mainly healthy people at the expense of the sick.''

Some may say that The Washington Post is a relentlessly liberal paper and that it cannot be considered an objective source. Then consider what the American Academy of Actuaries had to say about association health plans. In a letter to Congress in June, 1997, they wrote, ''While the intent of the bill is to promote association health plans as a mechanism for improving small employers' access to affordable health care, it may only succeed in doing so for employees with certain favorable risk characteristics. Furthermore, this bill contains features which may actually lead to higher insurance costs.''

The Academy went on to explain how these plans could undermine State insurance regulation. ''The resulting segmentation of the small employer group market into higher and lower cost groups would be exactly the type of segmentation that many State reforms have been designed to avoid. In this way, exempting them from State mandates would defeat the public policy purposes intended by State legislatures.''

The Academy also pointed out that these plans ''weaken the minimum solvency standards for small plans relative to the insured marketplace, which may increase the chance for bankruptcy of a health plan.''

Still not convinced? Well, how about a letter jointly signed by the National Governors Association, the National Conference of State Legislatures and the National Association of Insurance Commissioners. In a letter to Congress, these groups argued that association health plans, and I might add healthmarts, ''substitute critical State oversight with inadequate Federal standards to protect consumers and to prevent health plan fraud and abuse.''

Think these are just the concerns of Washington insiders? Legislators in my own State took time to write and express their concerns about association health plans. A letter signed by six members of the Iowa House of Representatives urged rejection of association health plans. They wrote, ''Under the guise of allowing employers to join large purchasing groups to lower health care costs, these proposals would result in large premium increases for small employers and individuals by unraveling State insurance reforms and fragmenting the market.''

Mr. Speaker, attempting to attach association health plan legislation or healthmart legislation to patient protection legislation poses two very real dangers. First, association health plans undermine the individual insurance market and can leave consumers without meaningful protections from HMO abuses; and, second, I am very concerned that opposition to healthmarts and association health plans, much like that I have already cited today, will bog down patient protection legislation, leading it to suffer the same death that it did last year.

Mr. Speaker, on behalf of patients like Jimmy Adams, who lost his hands and feet because an HMO would not let his parents take him to the nearest emergency room, I will fight efforts to derail managed care reform by adding these sorts of extraneous provisions; and I pledge to do whatever it takes to ensure that opponents of reform are not allowed to mingle these issues in order to prevent passage of meaningful patient protections.

Mr. Speaker, I look forward to working with all my colleagues to see that passage of real HMO reform is an accomplishment of the 106th Congress, something we all, on both sides of the aisle, can be proud of.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADY of Texas) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 775, YEAR 2000 READINESS AND RESPONSIBILITY ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–134) on the resolution (H. Res. 166) providing for the consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which those motions were entertained.

Votes will be taken in the following order:

H.R. 1550, as amended, by the yeas and nays; and House Resolution 165, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1550, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1550, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 13, as follows:

[Roll No. 121]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth
Paul
Sanford

NOT VOTING—13

Brown (CA)
Capps
Coble
Greenwood
Jones (OH)
Kasich
Lowey
Napolitano
Ose
Peterson (PA)
Scarborough
Sisisky
Slaughter

□ 1821

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 121, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. KASICH. Mr. Speaker, on Tuesday, May 11, 1999, I was unable to record a vote by electronic device on Roll Number 121, to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes. Had I been present, I would have voted "yea" on Roll Number 121.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY of Texas). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the second motion to suspend the rules on which the Chair has postponed further proceedings.

HONORING AND RECOGNIZING SLAIN LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 165.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 165, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420 nays 0, not voting 13, as follows:

[Roll No. 122]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Brown (CA)
Capps
Gephardt
Greenwood
Kasich
Lowey
Napolitano
Ose
Reyes
Roybal-Allard
Scarborough
Sisisky
Slaughter

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KASICH. Mr. Speaker, on Tuesday, May 11, 1999, I was unable to record a vote by electronic device on Roll Number 122, acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. Had I been present, I would have voted "yea" on Roll Number 122.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 121 and 122. Had I been present, I would have voted "yea" on both rollcall votes 121 and 122.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, on rollcalls No. 121 and 122, an airline delay due to mechanical failure caused me to be late. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. OSE. Mr. Speaker, I was inadvertently detained due to a canceled flight, and therefore was not present to vote today for rollcall number 121. Had I been present, I would have voted "yea."

Mr. Speaker, I was inadvertently detained due to a canceled flight, and therefore was not present to vote today for rollcall number 122. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on May 6, 1999, I missed four votes because I was unavoidably detained in my district. If I had been present I would have voted "no" on rollcall 117; "yes" on rollcall 118; "no" on rollcall 119; and "yes" on rollcall 120.

ANNOUNCEMENT OF INTENTION TO OFFER ON TOMORROW MOTION TO INSTRUCT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. DEUTSCH. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 1141, the emergency supplemental appropriations bill.

Motion to instruct conferees on H.R. 1141: Mr. Deutsch moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 1141 be instructed to instruct on the funding level of $621 million contained under the heading "Central America And The Caribbean Emergency Disaster Recovery Fund" of the House bill for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia.

BECOME A PART OF THE "I WILL" FOUNDATION

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

Mr. TANCREDO. Mr. Speaker, the issue I want to rise today to discuss is actually to draw attention to a couple of people in my district. I represent the area that includes Columbine High School in which we had such a tragic event a short time ago.

We keep talking about what we can do to stop something like this from happening again. Eventually, it all gets down to changing people's hearts. That is really all that can happen. But there

is something that is going on that can work in that direction, and I want to draw attention to it.

Two teachers, one Mary Catherine Bradshaw in Hillsboro High School in Nashville, and Heather Beck, a teacher at Green Mountain High School in Colorado, and also a student, Rebecca Hunter, they have created a pledge, a pledge which I will enter into the record, a pledge they ask each student to take.

It says: As a part of the blank community, I will pledge to be a part of the solution. I will eliminate taunting from my own behavior. I will encourage others to do the same. I will do my part to make my school a safe place by being more sensitive to others. I will set the example of a caring individual. I will not let my word or actions hurt others. I will become a part of the solution.

This is the real way to address it.

Mr. Speaker, I include the following for the RECORD:

Please print this out and sign this petition.

As a part of the _____ Community, I will . . .

I will pledge to be a part of the solution.

I will eliminate taunting from my own behavior.

I will encourage others to do the same.

I will do my part to make _____ a safe place by being more sensitive to others.

I will set the example of a caring individual.

I will not let my word or actions hurt others.

. . . and if others won't become a part of the solution, I will.

Signing here reflects your commitment to your pledge through graduation 1999.

_____

_____

GETTING A BETTER RETURN ON INVESTMENT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, just reporting to my colleagues, today at our Social Security Task Force meeting, Roger Ibbotson was one of the witnesses, and he estimated that the stock market would increase to 100,000 by the year 2025. So as we talk about the possibility of taking advantage of some of the investment money coming in in Social Security taxes and helping to solve the Social Security problem by using some of that money for private retirement investment accounts, if his estimates are a little bit high or a little bit low, and I would recall to our attention that it was Dr. Ibbotson that said in 1974 that the stock market would go from 1,000 to 10,000. Of course, that was at a time when the stock market was significantly depressed.

So as we look for real solutions to Social Security, I think it is becoming more agreed that part of the effort that we must take is getting a better return on the investment that workers of this country pay in.

Doctor Gary Burtless also testified before our Social Security Task Force today and agreed that long-term investment rates can enhance Social Security.

Dr. Gary Burtless is a Senior Fellow in Economic Studies with the Brooking Institution. Dr. Burtless has published various articles on Social Security, Medicare and social welfare, and testified before several House and Senate committees. He has published various articles and presented testimony.

Dr. Roger Ibbotson, Professor of finance at Yale School of Management, also serves as Chairman of Ibbotson Associates, which publishes an annual Yearbook of stock, bonds, treasury bill, and inflation rates. He has been recognized as a leading expert in measuring rates of return for the past twenty years.

Our bi-partisan Social Security Task Force meets every week on Tuesday at noon. All members are welcome to attend and I will again send out a report to, colleagues on todays hearing.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADY of Texas). 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.

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

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DIFFICULT VOTE FOR CONGRESS ON EMERGENCY SUPPLEMENTAL

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

Mr. SOUDER. Mr. Speaker, last week and probably again either Thursday of this week or early next week we will have one of the most difficult votes that a Congress can cast, and that is on our emergency supplemental.

It might be called a war-plus bill. It is not just to forward fund the war, because there are over $3 billion to forward fund the war; and it is not just monies that could escalate the war, because there are multiple categories in this bill, including money intended to rebuild our national defense that could, in fact, expand this to a ground war, and the motion to limit that was defeated.

So this, in fact, is not just a funding bill for the war, however, because it also includes important funds to rebuild what has been a devastating number of years on our military, where we do not have the readiness and where we have sent troops into battle without being properly prepared and without the munitions necessary. We have weakened ourselves around the world, and I realize that.

It also has important funds for our agricultural catastrophes, and it may even have things for Hurricane Mitch and the victims of the earthquake in Colombia in this bill. It has a pay boost for our veterans.

But, ultimately, this is a vote on war. And that becomes a very difficult subject for Members of Congress to handle in their districts because, in fact, we have troops on the ground, and none of us want to be perceived as weakening them and putting them in the battle without adequate supplies. At the same time, many of us have strong reservations about this war, that, in fact, it is not winnable and, in fact, we are putting our soldiers' lives unnecessarily at danger by continuing to fund this war.

I have been regularly visiting high schools and elementary schools in my district since the first of the year as part of the Committee on Education and the Workforce efforts to look at the Elementary and Secondary Education Act. And when I talk to students, whether about the drug-free school program or school violence, inevitably the war comes up. Because many of them are concerned that they may soon become involved in this, especially if it expands to a ground war and we should have to resort to a draft, which in fact we might have to do if we need 400,000 troops.

The question I get regularly asked, since I express my skepticism that this war cannot be successful and we have had a poor strategy, is how do we stop genocide and the ethnic cleansing around the world if in fact we do not fight this war; and what are we to do to show our disapproval if we do not go to war? These are difficult questions but not easily addressed or solved merely by saying, therefore, we are going to bomb everybody who we disagree with or who we think has committed genocide.

Clearly, this has been a problem in the past. It has happened in Turkey vis-a-vis the Armenians. We watched the Communists overrun Hungary. And many of us, I was only 6 years old at the time of the Hungarian revolution, but many Americans felt we should have intervened at that point.

But there are certain things in American history we have said that are criteria for when we get involved in these type of conflicts. One is generally that it has to cross international boundaries. This question is complicated here because it is inside a nation, albeit an autonomous subsection of that nation or at least an area we believe should be autonomous.

We have also historically argued that there has to be a clear national interest. And the only clear national interest here is the instability of Europe; and, quite frankly, what we have seen is that every week this war goes on, Europe is becoming less stable and the agreement will be less good. In other words, our peak in American interest agreement was before we started bombing. Every week the bombing has continued, the agreement in the end will be worse.

The agreements that are now on the table we could have had several weeks ago. In truth, the Kosovars are less willing and the Serbians less willing to live together in peace in the future because of the conflict escalating. The more we bomb, the more we destabilize Montenegro.

Now we have accidentally hit the Chinese embassy, and China has used this at least as an occasion to stir up their people. Russia is concerned as to whether we will be coming in there, and they have reactivated and are concerned about their nuclear defenses because they do not want us coming in if it is Chechnya.

Other nations around the world are concerned about what our international policy is. Israel is concerned, justly, that if we recognize an independent Kosovo, what does that mean for the Palestinians? Turkey is concerned about what this means for the Kurds. The settlement we are looking towards is worse than we would have had early on while there was still a possibility to put this thing back together.

Furthermore, it does not appear to be winnable. Historically, wars or efforts that have worked have been winnable or had an exit strategy. But that does not and still begs the fundamental moral question: How then do we deal with a Milosevic or a Serbian population? Or, for that matter, in Croatia, where many people were killed and moved out? The ethnic cleansing being the moved out; the killed being the genocide without a trial.

Now Sandy Berger, the National Security Adviser to our Republican conference, suggested that the goal of this administration, and he said this pointblank, was to teach the world how to live together in peace. This shows some of the divisions that we have in this country and in the world regarding, quite frankly, the perfectibility of man. Can we, in fact, especially through bombs, teach the world how to live in peace? Or even without bombs, is that a realistic goal?

In my opinion, that is more a humanist perfectibility of man argument and not one rooted in the Judeo-Christian beliefs that this country was founded on.

Mr. Speaker, I will extend my comments with written remarks, because I am very concerned the premises of this war are unachievable and the goals are false and, therefore, because of a kind heart, we have plunged ourselves in an unwinnable conflict that is contrary to our own moral traditions.

TRANSPORTATION AND COMMUNITY SYSTEMS PRESERVATION PROGRAM

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

Mr. BLUMENAUER. Mr. Speaker, this last week at the Conference on Sustainable Development in Detroit, Michigan, the administration announced the winners of the Transportation and Community Systems Preservation Program. The TCSP was a little noticed title in TEA–21, which really did not get the attention and recognition it deserved.

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There are a number of programs that spend far more than the $13 million involved, but there are few that will have more long-term impact.

The program had its origin in the experience in my State of Oregon in the early 1990s, where citizen activists successfully petitioned the State Department of Transportation to consider an alternative to a traditional beltway that included careful land use planning, connecting the transportation links, and grouping uses in a way that might be able to achieve the transportation and congestion and air quality objectives without as much concrete. And the fact is that the alternative that they developed was more cost effective than simply building a traditional road.

This LUTRAC program, helping communities design local initiatives to maximize their infrastructure investment, has found its way into ISTEA.

Yesterday morning, I visited with Federal, State and local officials and local business people in my community dealing with FEMA's Project Impact. And here we found that Oregon's requirement of careful land use planning with local governments actually has made a significant impact in lowering the losses to flood damage. It has resulted in saving Oregon's homeowners and businesses millions of dollars as a result of disaster mitigation.

The TCSP is designed to extend these principles beyond natural disasters to potential manmade disasters of needless loss of farmland, forests, unnecessary traffic congestion, and conflicts between residential, commercial, and industrial uses.

Recently we had a presentation from the director of our State watchdog agency, the Land Conservation and Development Commission, which was set up to enforce and regulate the land use requirements that our Oregon voters have repeatedly supported. He presented the data that I found rather compelling that, in the 20 years that we have had our system, we actually protected an increase of 4 percent more agriculture land in the Willamette Valley in Oregon.

The metropolitan Portland area, although it has increased in population 42 percent, the urbanized area has only increased 20 percent. Unlike what has happened in New York City, where the urbanized area increased eight times more rapidly than the population increase, in Chicago it was 11 times more rapidly urbanization in the population increase, Detroit 13 times.

An even more interesting comparison is we have two fast growing counties in the Portland metropolitan area, one, Washington County, just to the west of the City of Portland, and one to the north in the State of Washington, Clark County. Both have been the fastest growing counties in their States.

Clark County, in Washington, lost 6,000 more acres of farmland than Washington County, even though in Washington County we have increased more than 40,000 more residents than Clark County. Not only that, but the per-farm income actually dropped by 10 percent in Clark County, while in Washington County, with the land use and transportation protections, farm income rose by 30 percent, farm income rising in a county that is the home of Oregon's high-tech industry.

The TCSP program is going to make a difference in localities that do not have the Oregon land use planning framework and it is going to make a huge difference in our community building on that system.

There have been over 500 applications submitted around the country. This week, in Denver, there are people studying at a conference right now how to use the program.

I strongly urge that each Member of Congress look at the applications from their district, understand how they work. These concepts of smart growth can include a number of programs that simply are not going to be funded without having the adequate support from our Congressional representatives. It will in the long run save far more tax dollars than the modest investment in planning; and, most important, it will include our citizens in helping shape impacts on their destiny.

WHITE HOUSE YOUTH VIOLENCE SUMMIT

The SPEAKER pro tempore (Mr. BRADY of Texas). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken out this time to make some comments about the horrendous tragedy

which shook this entire Nation when we saw two deranged young men go into the Columbine High School in Littleton, Colorado, and rampantly murder classmates, schoolmates of theirs.

All of us have done a great deal of thinking about this over the past few weeks. We know that the White House held a conference just yesterday, a youth violence summit, during which many thoughts and recommendations were provided. But I think it is very important that as we look at this situation, the problem of violence in our schools, that we keep this in perspective.

First, our thoughts and prayers continue to go to the families and friends of those who were victims and, of course, to the many young people who have heard of this around the country who have gotten very, very rattled and frightened because of the prospect of this happening again.

But, again, I believe it is important for us to keep this situation in perspective. In fact, I am one who believes that the victims in this case are more representative of the young people of America today than these two deranged individuals.

There are many people who believe that American culture has gone bad. Mr. Speaker, I do not believe that American culture has gone bad. It actually has gotten broadened. We have a broadened culture today.

A quarter of a century ago, this country had four television networks: ABC, CBS, NBC, and the Public Broadcasting System. We could choose books from our local library or the corner book store, and that was about it. And we all know what it is that we have today: Two hundred channels on television. We have a million websites out there. And we can go to ''Amazon.com'' and choose from 4.7 million CDs or books.

And so, as we approach the year 2000, we do not have a violent culture. What we have is a create-your-own culture. And it is mostly a very, very good create-your-own culture. But, obviously, with that broadened culture, at the extreme edges, it can be downright horrible.

So before condemning America, first we should consider that, as I mentioned, that the child victims in Columbine are a lot more reflective of American culture, of American youth, than their child killers.

They were terrific kids. Based on all the reports that we have gotten, they were creative, energetic, religious, and very involved in their community. Those are the kids we find in high school libraries across the country today.

We also know, based on the figures we have seen, that American kids today are more religious, they volunteer more. And I am very proud that, in just a few weeks, I am going to be presenting for about the 15th year Youth Volunteer Awards in Southern California to scores of young people in the San Gabriel Valley in California who have stepped up and volunteered in law enforcement and libraries and hospitals and a wide range of areas where community needs exist.

We find that there are today fewer out-of-wedlock births, and students are less violent today than they were a decade ago. So I think that another tragedy of Columbine is that two mentally deranged individuals can cause us to question and look past all of the extraordinarily positive work of American parents and the positive work that has taken place in our communities. It is impossible to explain or in any way justify insanity, and that is exactly what we have witnessed here.

More than anything, Mr. Speaker, we need to do a better job of identifying and helping young people who are deeply troubled. With this make-your-own culture to which I referred that is so broad, a hateful, sick person can in fact create an entire world of hate and evil for themselves. It is obvious that the answer is not for us to go back to four television networks, 10,000 books, and PAC Man. But the answer is for us to more successfully intervene in the lives of troubled youth who are spiraling into a world of violence.

It seems to me that we need to recognize, Mr. Speaker, that there are solutions, not necessarily Federal governmental solutions, but we want to do what we can here. But there are solutions. Last week I met with the sheriff of Los Angeles County who is proposing that we move ahead and do everything possible to have boot camps for those kids who are taking guns into schools. And we need to prosecute those young people who take guns into schools.

So those are just a couple of the steps. And I hope very much that we can recognize the positive things that are taking place there, as I know many of my colleagues will be presenting Youth Volunteer Awards throughout their districts in the coming weeks.

TRANSITIONING TO A NEW ECONOMY

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

Mr. SMITH of Washington. Mr. Speaker, I rise today to talk a little bit about our new economy, the information-based economy, and all the transitions that have been happening during this decade and really since about the mid-1970s and into the 1980s.

It has been a dramatic change, one of the largest changes arguably in human history in terms of the direction of our country; and it has been shifted towards a new economy, based primarily on technology and information. And one of the most important challenges that we in this body will face in the years ahead is adjusting to that, is figuring out how to understand how our economy has changed and, as a consequence, how we need to change to embrace that.

One of the biggest arguments that I want to make off the start is this is not an option. The new economy is not something that we can choose to opt in or opt out of. It is a fact of life, and we need to be prepared to adjust to it. And there are some policies that we can adopt.

But, more than anything, right up front we need to increase our knowledge as policymakers, I urge all Members of Congress to do this, of the changes that have occurred in our economy that have moved it more toward a high-tech economy, and what changes do we need to make as policymakers to address that.

I would like to lay out five broad categories today and just say that, as a member of the New Democratic Coalition on the Democratic side of the House, we are working very closely on these issues, working with leaders in the technology field, leaders in the education field to try to make the policy changes that are necessary because I think it is critical that we address those.

The biggest one, of course, is education. We need to shift our education systems from K–12 to beyond to embrace the idea of life-long learning and the importance of technology. The three R's are still absolutely necessary. But if they do not have some knowledge in there about computers as well, they are going to be left behind in the new economy, and we need to make sure that that is included.

We need to make sure that people understand that the world has changed, they are not simply going to be able to get through high school and then move into a job and never have to update their skills. They are going to have to be willing to constantly update their skills, and we in government are going to have to provide the access to the updating of those skills, whether it is Voc, higher education of any kind, retraining on the job. We need to create those incentives.

But at the beginning, at the front, before we get to that, we need to change our K–12 system to make it more aware of the needs of technology and of the need of teaching kids how to learn and how to learn for life.

Secondly, we have to invest in research and we have to give our companies in this country the incentive to make those investments.

An important issue is going to come through Congress at some point this session that would permanently extend the R&D tax credit. That will have a critical impact on our economy. Research and development is absolutely necessary to keep up with the breakthrough technologies that seem to be happening on a daily basis. We need to give our companies the incentives to make those investments.

Currently, we only offer the R&D tax credit for one year and then we play this game of roulette in the next year

as to whether or not we are going to let it go on from there. Companies cannot plan in that sort of an environment. They do not know whether or not they are going to have the money to do the research over the long haul. We need to make that permanent.

Third, we need to build the technology structure. This is about broadband communication, giving people access to the Internet. The Internet has the ability to be the greatest equalizer of all time in terms of knowledge. It is not going to divide us. It is going to give anybody with a PC and a link to their phone line to get to the Internet the ability to gather knowledge which they never would have had access to before. But we have got to give companies the incentive to build that infrastructure so that people will get that access.

This means deregulation and allowing that competition to flow so that we will build the infrastructure and get access to the Internet beyond just the urban areas which have it now and out into the rural and suburban areas where it is desperately needed.

Fourth, we need to leave the Internet alone. Overregulating the Internet can potentially strangle its ability to get that information out there and help companies grow. Too much regulation would be a very bad thing, and we need to leave the Internet alone and not overregulate it.

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Lastly, we need to increase exports. We need to get access to more markets. Ninety-six percent of the people in the world live someplace other than the United States. If we are going to increase markets for all goods, we are going to have to do it overseas.

I want to emphasize that this is not limited to certain technology areas, the Silicon Valley or Seattle or the research triangle or Boston. Any company one can think of is affected by technology.

We just heard today that we had another 4 percent increase in productivity this last quarter. That is driven almost exclusively by advances in technology and helps grow the economy everywhere. Regardless of what business you are in, technology can help make that business more productive, help make our economy stronger and, most importantly, help people get and keep good jobs that will enable them to raise their family and take care of their bills and obligations. We must embrace the new economy and the high-tech economy so that we can prepare for the future.

THE BOMBING OF YUGOSLAVIA

The SPEAKER pro tempore (Mr. BRADY of Texas). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, many people have felt right from the start that the President and Secretary of State made a horrible mistake in starting the bombing of Yugoslavia. The President and Secretary Albright have made this horrible mistake even worse by escalating the bombing so much. Now Yugoslavia has been bombed far more than in World War II when it was bombed by both sides.

This war has been and is so unpopular that I read last week that the main White House spin doctor had gone over to try to help improve NATO's public relations. We certainly did not have to have White House spin doctors to convince us to go to war after Pearl Harbor. At that time, only one Member of Congress voted against the U.S. entering World War II, but at that time the people were solidly behind the war effort because we and our allies had been attacked.

In Yugoslavia, for the first time ever, the U.S. has become an aggressor nation. Our foreign policy has been turned upside down.

Tony Snow, the columnist-commentator, wrote last Friday: ''Three features distinguish the war in Kosovo from every other in American history. This is the first in which we have been the unambiguous aggressor; the first in which we've had no discernible national interest at stake; and the first in which we have let others act as our sovereign.''

Paul Harvey, in his Friday newscast, said someday this will be called ''Monica's War,'' meaning many people believe the President was in part attempting to improve his image as a world statesman after the embarrassment of the impeachment scandal.

Now the party line coming out of the White House is simply to label anyone who opposes the war as doing so because of hatred for the President.

Well, while I strongly disagree with the President over all these bombings, I do not hate him or even feel any personal animosity toward him. But anyone who uses this hatred argument is simply trying to avoid discussing the case on its merits or lack thereof. They are appealing to emotion and prejudice and resorting to name calling when they accuse people of opposing the war simply because of hatred for the President. It is so obvious that an argumentative ploy like that is simply an attempt to avoid discussing the merits of the war.

We bombed Afghanistan and the Sudan just 3 days after the President's apology about the Lewinsky scandal was such a flop.

We started bombing Iraq on the afternoon before the House was scheduled to begin impeachment proceedings.

When bad publicity started coming out about the Chinese espionage, on the eve of the Chinese Premier's visit, we started bombing Yugoslavia.

We should not be so eager to bomb people. We should only go to war when absolutely forced to and when our national security is threatened or our very vital national interest is at stake. Neither is present in Yugoslavia.

The U.S., using NATO for a political cover, has now done over $50 billion worth of damage to Yugoslavia, a very small country with less than 4 percent of our population.

It is obvious that Milosevic cannot hold out much longer, but we have already spent billions which we are taking from Social Security, and we will have to spend many billions more on this stupid war before it is all through, all to make a bad situation much worse than it was before we started. We are creating enemies all over the world, giving up our reputation as a peace-loving nation by attacking a country that had not attacked us nor had even threatened to do so. And apparently this was done mainly to help improve the President's legacy and because NATO was desperately seeking a new mission.

Very soon this war will be settled, I hope, and then the President and his spin doctors will declare a great victory. But, in reality, it will take us many years to recover from the damage that we are doing to ourselves and our country, both financially and diplomatically.

Don Feder, the nationally syndicated columnist of the Boston Harold, summed it up this way:

> President Clinton and Secretary of State Madeleine Albright set the stage for the catastrophe in Kosovo. If there were a Nobel Prize for ineptitude in diplomacy, they would be its joint recipients.

He continued:

> The military will be so exhausted by doing social work with bombs and troops that resources won't be there to defend the United States when our vital interests are at stake. When China confronts us in Asia, we can tell our allies there that we have spent all of our missiles in the Balkans.

He wrote this before we bombed the Chinese embassy in Belgrade.

Finally, Mr. Feder, wrote this:

> Kosovo was an avoidable tragedy. Clinton and Albright should toast marshmallows over the flames of Kosovo. They lit the fire.

TCSP GRANTS AWARDED AS PART OF ADMINISTRATION'S LIVABILITY AGENDA

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

Mr. HOEFFEL. Mr. Speaker, I am very pleased to join a number of my colleagues this evening in reporting on the benefits to our congressional districts of the TCSP grants that were awarded last week by the Secretary of Transportation and by the Administrator of the Federal Transit Administration.

The TCSP grants stand for Transportation, Community and System Preservation grants. These are a vital part of the transportation program as part of the administration's livability agenda.

Montgomery County, Pennsylvania, the 13th District of Pennsylvania, received a grant of $665,000 to promote a transit-oriented development along a proposed rail line.

I would like to talk about that in some detail, but first it is clear to me in my travels around the district, in my town meetings and meetings at supermarkets, that the questions of suburban sprawl, of gridlocked traffic, of overdevelopment are the very highest issues facing the suburbs throughout this country and certainly the suburbs of Philadelphia. We need to do a better job in managing our growth, in fighting traffic gridlock, in fighting sprawl, in making sure we plan for the orderly growth and development in our suburban communities. These transportation grants are a very important way of doing that.

We are trying to restore train service that was stopped 15 years ago from the City of Philadelphia through Montgomery County, my district, out to Reading, Pennsylvania. This train service, if restored, would allow for both commuting into the city and reverse commuting from the city every day.

It would take shoppers to the largest mall on the East Coast. It would take shoppers to the Reading discount markets. It would allow access to cultural and historical benefits and assets, such as Valley Forge National Park. It would do a number of very beneficial things in my area.

The question is, why did passenger service end on this train route 15 years ago? Why was ridership so low? It is because we were not doing a very good job in promoting that service or making it attractive to people.

The Transportation Department, through its transit-oriented development grant, is trying to promote the expansion of this commuter service along what will be called the Schuylkill Valley Metro by urging municipalities to plan for adequate parking at train stations to allow dense development so that there can be residential opportunities and retail and commercial opportunities surrounding the proposed train stations. We need to make commuting by rail not only attractive to those who would drive to a station and park their car but to create an area where people would be attracted to come and live, to rent an apartment or buy a condo around a train station with all of the commercial amenities and recreational amenities that a small town can offer, so that people would be attracted to live there and drive their cars there as well, to use the transit program.

This is an exciting opportunity and one that we have to aggressively market if we are going to help reduce the traffic gridlock around Philadelphia and make people come back to trains and come back to a place of living and working, where they can walk to their train station from their apartment, they can walk to commercial and retail opportunities. If they are driving to the train station from a more remote area, they can do shopping, they can drop off their dry cleaning or get their hair cut when they come back from work, whatever it takes to make life more manageable and more livable and improve the quality of life while, at the same time, getting people off of highways.

This is the goal. This sort of transit-oriented development encouraged by the Secretary of Transportation will help to fight sprawl in the suburbs. It will encourage smart growth strategies so that we can have a more livable community. It will ease traffic congestion and help to end some of the traffic gridlock that make our suburban areas so difficult.

And it would also encourage what is called location-efficient mortgages. This is an exciting aspect of this program that will encourage lenders to lend more money to folks that live in these transit areas because they will not need to have the high expense of owning a car that many Americans have to face. So if they can live in an area where they can walk to a train station and take the train to work, a lender will be encouraged to give more money in terms of a loan to that prospective homebuyer or condominium buyer so that he or she can buy more house for the same income than they would if they had to factor into their expenses the cost of owning two or three cars and living in a remote suburban community.

Fundamentally, this will reduce pressure on green space. It will allow us to save open space, preserve farmland and make all of the suburbs a more livable area for all of us.

So the transit-oriented development to be encouraged by this transportation grant is exactly the right sort of thing that we should be promoting to improve livability throughout the suburbs and throughout this country.

GENERAL LEAVE

Mr. HOEFFEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

NATIONAL TAX FREEDOM DAY

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

Mr. THUNE. Mr. Speaker, today is national Tax Freedom Day. That means that if you are an American taxpayer, every penny you have earned from January 1 through the end of your workday yesterday has gone to pay the cost of government. Today is the first day that the American taxpayer starts working for him or herself. Today is Tax Freedom Day.

Now, that is the good news. The bad news is that Tax Freedom Day falls later and later every year. This year Tax Freedom Day falls one day later than it did last year, which means the government has grown fast enough over the last year alone to take in one more 8-hour day of the American taxpayer's paycheck. That is wrong.

Now, a lot of people in this country do not think they need tax relief. They think, I do okay. I pay my bills. I take care of my family. They have most of the things they need. Well, I am here to tell you today that if you do not think your taxes are too high, you do not know how many times you have been paying your taxes.

I would like to walk you through the average American taxpayer's average American day just so that people in this country realize how much they are actually paying in the form of taxes.

It starts when the alarm goes off in the morning. You hit the alarm clock. You paid a sales tax on the alarm clock. As soon as you turn on the light, you are paying a utility tax. You walk in the bathroom, turn on the faucet to brush your teeth, or at least your coworkers hope you will, you pay a utility tax on the water. You go in to get ready to go to work. You put on your suit or your work clothes on which you paid a sales tax.

You drive to work. You grab your car keys. You probably paid some form of sales tax or excise tax on the car and on the tags and on the license that you need to drive it. You stop at the gas station to put gas in your car. You pay the gas tax every time you fill up at the pump.

You probably stop along the way somewhere to have a nutritious breakfast, maybe coffee and a doughnut, on which again you likely paid the sales tax.

You finally get to work. Here is where it really starts adding up. Because from the moment you walk in the door, every second of that 8-hour day is subject to the income tax. In fact, you will spend the next 2 hours and 51 minutes of your day working to pay taxes. That is more time than you spend working to pay for food, clothing and shelter combined.

But maybe it is your lucky day. Today could be payday. So you look at your pay stub and you see that Social Security, which you may never see depending on how old you are, and FICA and everything else is taken out. If you have enough left over you may go out pay your bills and buy your lunch somewhere, maybe at McDonald's again, on which you pay sales tax. You stop at the bank at the end of the day to deposit what is left of your paycheck in a savings account on which you will pay income tax on the interest.

Finally, you get home, your castle, on which you pay property tax. You say hello to your spouse and discover, of course, that even love is not free because when you got married you paid a hefty marriage penalty tax.

You decide to call your mother after dinner and find out how she might be doing. You pay a utility tax when you use the phone.

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Finally it is your time. It is time to relax, sit down. So you kick up, turn on Sportscenter to see how your favorite team might be doing.

In our case in South Dakota it happens to be the Minnesota Twins. Mr. Speaker, they are in last place. If that were not bad enough, you had to pay a cable tax to find out that information.

Finally, the day ends back where it began, as you lay down on your bed, close your eyes and go to sleep. And guess what? Just on the chance that you do not wake up before the morning you get hit one last time by the government; yes, with the death tax.

Now this is sort of a humorous way of looking at this issue, but there is a very serious message here, and that is the tax burden on the average American has grown every year, and Tax Freedom Day now falls 11 days later than it did back in 1993. In South Dakota we do a little bit better. Our Tax Freedom Day comes on May 2, which is about a week earlier than the Nation Tax Freedom Day, but it still is not right to spend more than 4 months of every year working for someone other than yourself.

South Dakotans know how to spend their money, they know what their family and their community needs, and they ought to be allowed to keep more of the income that they earn to spend it on the things that they need most. Maybe that is the children's education, maybe it is to make a down payment on a house, a farm or a ranch, or maybe it is time to trade in the old car and get a new one. Maybe it is time to invest in a favorite charity or perhaps church, and maybe it is time for you or your spouse just to cut down on some of the hours or quit working altogether and spend more time at home with the children.

The point is, Mr. Speaker, that it is the American people's money, and they should be spending it according to what is in their best interests.

We cut taxes in 1997 for the first time since 1981. We need to do it again. People of this country work hard, they need to keep more of what they earn, and every time they send money to Washington they are giving up power and control. Mr. Speaker, we want to see that the power and control stays at home with the American family, with the individual and with the community.

Mr. Speaker, I hope that we can work in a very deliberate way to bring about additional tax relief for hard-working Americans.

LIVABILITY

The SPEAKER pro tempore (Mr. REYNOLDS). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, since World War II, the American dream has been a house in the suburbs. But in many places in our country, that dream is turning into a nightmare—traffic, air pollution, lost farms and parks and higher taxes.

Suburban sprawl is one of the fastest growing threats to America's environment as prime farmland is replaced with malls, parking lots and housing developments.

Unplanned suburban growth means increased traffic jams, costlier public services, wasted tax revenue and increased pollution.

Most importantly, it means a deteriorating quality of life for ourselves and our neighbors.

How do we explain to our children that their neighborhood wasn't always housing developments and shopping malls? And how many hours with family have been lost in traffic? How far do we have to drive to see and enjoy open, naturally preserved acres?

We need to change the way cities think about growth and plan their development.

It is for those reasons that I support the Transportation and Community and System Preservation Pilot program, otherwise known as TCSP. The TCSP program was created by the Transportation Equity Act for the 21st Century. It is an initiative consisting of research and grants that to communities as they work to solve interrelated problems involving transportation, land development, environmental protection, public safety, and economic development.

Of the 35 projects selected from an initial pool of 524 applications, two grants were awarded to New Jersey. One project in Northern New Jersey will prepare modern intermodal freight infrastructure to support brownfield economic redevelopment. The completed plan will address needed transportation access to brownfield sites and effectively market the sites for freight related activities. In addition, it will provide new employment opportunities for residents, reduce the volume of trucks on regional roads, and safeguard the environment.

The second project, Transit-friendly Communities for New Jersey, will work with diverse community partners to develop specific ways that New Jersey towns can become more ''transit friendly.'' By building on both New Jersey Transit's initiatives to make train stations themselves ''passenger friendly'' and on statewide ''smart growth'' initiatives to reduce sprawl, we can encourage new development within walking distance of transit stations. It also allows New Jersey Transit leverage the resources of its non-profit and government partners to shape the future of communities around transit stations well into the future.

The results will be models for other New Jersey communities to follow in future projects. In addition, the project will ensure that communities understand how transportation investments can enhance the environment, create strong downtown centers, and improve quality of life. Moreover, New Jersey Transit is committed to using the process developed under this program as a way to change innovative efforts from ''pilot projects'' to ''the way we always do business.'' With its diversity of station types and communities, this program will be a model for the nation.

By funding innovative activities at the neighborhood, local, metropolitan, state, and regional level, the TCSP program will increase our knowledge of the costs and benefits of different approaches to integrating transportation investments with community preservation efforts, land development patterns, and environmental protection.

These strategies will help New Jersey grow according to their best values by: improving the efficiency of the transportation system; reducing environmental impacts of transportation; reducing the need for costly future public infrastructure investments; ensuring efficient access to jobs, services, and centers of trade; and examining private sector developmental patterns and investments that support these goals.

The reason for this initiative is clear.

Across America, we are discovering that livable communities—places with a high quality of life—are more economically competitive communities.

The way we build and develop determines whether economic growth comes at the expense of community and family life, or enhances it.

By helping communities pursue smart growth through initiatives such as the TCSP program, we can build a better America for our children.

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

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CLEVELAND AREA PROGRAMS AND PROJECTS THAT DEAL WITH MAKING OUR COMMUNITIES LIVEABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to join my colleagues in speaking in support of livable community initiatives.

I represent Ohio's 11th Congressional District that consists of both urban and suburban areas. Creating areas all citizens can enjoy is important. I believe we must not sacrifice our environment for expansion or destroy that which is already in place when we can utilize our spaces better.

I would like to discuss several programs and projects in my district that deal with making our communities livable:

The first program is in a small suburb of Cleveland called Woodmere Village. Woodmere is a small, predominantly African American community. Today the main thoroughfare in the village is Chagrin Boulevard, a busy two-lane road. Chagrin Boulevard, or Kinsman Road, as it was originally known, has long been a center for commerce with restaurants and stores, places like Gino's Jewelry and Trophy and Tuscany Gourmet Foods are examples of businesses that draw people from all over the greater Cleveland area.

It is really wonderful for the Cleveland area to have such a vital route in

it, but a blessing can also create a burden. Chagrin Boulevard daily has traffic of nearly 26,000 vehicles. There are countless turnoffs from the street into private parking lots that cause traffic delays. The lanes of traffic are wide, often meaning that two-lane road turns into a four-lane highway with drivers exceeding the posted 25 miles per hour limit. People regularly drive simply to cross the street.

This traffic problem resulted in Woodmere Village applying for a grant from the Transportation and Community and System Preservation Pilot Program. This grant will provide money for studies to be done to best create livable solutions for Chagrin Boulevard. I am happy to say that Woodmere received a grant of $195,000 for the Chagrin Boulevard project.

The Transportation and Community Systems Preservation Act was a provision in our TEA–21 legislation, the Surface Transportation Act of last year. This program provides areas like Woodmere funds to improve by considering alternative transportation projects rather than simply constructing a traditional bypass to look at what would happen if more time, thought and resources were available to make a more comprehensive approach to the situation. The plan in Woodmere is not simply to create more lanes and widen the roadway, as was originally recommended. Rather, with some ingenuity the village is planning to create a true small-town thoroughfare. There will be tree-lined medians flanking the boulevard on both sides creating more pedestrian-friendly frontage roads. New sidewalks, crosswalks and traffic signals will be installed.

Mr. Speaker, we must give people the option to leave their cars and walk to shops and restaurants. Chagrin Boulevard would be safer for drivers, accessible to people walking or wanting to ride a bike and better for those businesses along its routes should this proposed plan be accepted. This is a perfect example of creating a livable space with what is already available.

I look forward to using the new Chagrin Boulevard because I travel it regularly.

As the gentleman from Oregon (Mr. BLUMENAUER), the driving force behind many livable initiatives such as this, said on the floor a week ago, it is not about Federal interference but partnership. It is about giving people more choices rather than fewer, and that will end up costing people less money rather than more.

I would also like to highlight ParkWorks. This is a program working to reclaim urban parks. In Cleveland, Forest Hills Park, a large park bordered by three municipalities, one such area was rehabilitated by ParkWorks. It is now a thriving area for children and families. ParkWorks plans outdoor activities in these parks, encouraging those of us living in cities to enjoy available natural resources. ParkWorks has also worked with schools and churches in Cleveland funding things like a new running track for a local high school and has planted 50,000 trees and created gardens for neighborhoods. The money for improvements is donated from the Lila Wallace Reader's Digest Fund for the parks and through public-private partnerships for other projects. I would like to commend the involvement of ParkWorks in making urban areas more livable. By increasing green space and making that space available to the greater community they encourage a sense of partnership and camaraderie.

Finally, I would like to commend an organization in my district working for affordable housing. The Affordable Housing Tax Credit Coalition is awarding the Cleveland housing network $5,000 for winning the Tax Credit Excellence Award in metropolitan urban category. The Cleveland Housing Network develops affordable housing in Cleveland's neighborhoods on a lease-purchase basis. These affordable options serve families in poverty by providing home ownership opportunities. Participants in the program of the Cleveland Housing Network will own their own homes within 15 years. By promoting home ownership organizations like the Cleveland Housing Network give poor citizens the ability to have a stake in the overall community. This sort of program is also important to livable communities.

Mr. Speaker, I commend the Cleveland Housing Network.

Without adequate housing we ostracize capable and interested citizens and deny them the ability to enjoy the true feeling of community. I commend the work of the Cleveland Housing Network and congratulate them on their receipt of this award. Specifically I would like to commend and recognize both Rob curry, the Executive Director, and Andrew Clark, the Chairman of the Board for the Cleveland Housing Network.

PEACE OFFICERS MEMORIAL WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to fallen peace officers in California and all across this Nation. This week is Peace Officers Memorial Week, when Congress and the American people will honor our fallen officers. Law enforcement officers will come from all over the country to pay their respects at the National Law Enforcements Officer's Memorial. The memorial honors all of America's Federal, State and local law enforcers. Inscribed on its marble walls are the names of more than 14,000 officers who have been killed in the line of adult. Tragically, this week more names will be added to that list.

Mr. Speaker, each day our Nation's officers are faced with rigors and risks that most of us could never even imagine. Sometimes these risks result in tragedy. We must provide law enforcement with our strongest level of support.

Sadly, this year the State of California lost 17 brave law enforcement officers. These officers died while serving the people of my State. I would like to extend my deepest condolences to their families and to their loved ones. In particular, I want to single out two brave officers from the central coast of California, Britt Irvine and Rick Stovall. These two California Highway Patrol officers made the ultimate sacrifice in the pursuit of public safety. They gave their lives while responding to an emergency call to assist a stranded truck driver on a local road during El Nino storms. They leave behind loving families, friends and coworkers. Officers Stovall and Irvine are our heroes as are all the fallen police officers in California and all across this Nation. We are forever indebted to them.

Inscribed on the National Law Enforcement Memorial are these words that give us comfort at this solemn time:

In valor there is hope.

WE CANNOT HAVE DEMOCRACY IN SERBIA IF WE BLOW UP THE CIVILIAN INFRASTRUCTURE

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

Mr. KUCINICH. Mr. Speaker, the impersonality of the Balkan War and of the NATO bombing deprives all of us of a necessary deeper understanding of the powerful human dimension of the conflict of people on both sides whose fragile lives are ripped apart. A month ago I wrote an opinion piece in the New York Times editorial pages challenging the logic of the bombing, its impact on civilians, their lives, their communities. Tonight I have two reports to submit to this House. The first report comes from a pro-democracy group in the Federal Republic of Yugoslavia, and it is an appeal in the form of a letter to Albanian friends from nongovernmental organizations, and I would like to read from it:

''Dear Friends: We are writing to you in these difficult moments of our shared suffering. Convoys of Albanians and other citizens of Kosovo, among whom many of you were forced to leave their homes, the killings and expulsions, homes destroyed and burnt, bridges, roads and industrial buildings demolished paint a somber and painful picture of Kosovo, Serbia and Montenegro as indicating that life together is no longer possible. We, however, believe it is necessary and possible. The better future of citizens of Kosovo, Serbia and Montenegro, of Serbs and Albanians, as citizens of one state or closest neighbors will not arrive by itself or over night, but it is something we can and must work on together as we have many times in the past not so long ago.

We know that it will now be very difficult and sometimes very painful. The example of the German-French postwar reconciliation and cooperation could serve as a model and stimulus. In the sake of future life together the pain of crime has to be revealed so that it is with forgiveness remembered. This tragedy, yours and ours, personal and collective, is a result of a long series of erroneous policies of the most radical forces among us and in the international community. The continuation of these policies will take both Serbs and Albanians into abyss. Also, the road of collective guilt is a road of frustration, continuation of hatred and endless vengeance. That is why this road has to be abandoned. Our first step of distancing from hatred, ethnic conflict and bloody retaliations is a public expression of our deepest compassion and sincere condemnation of everything that you and your fellow citizens are experiencing,'' and keep in mind, Mr. Speaker, this is a letter from members of a Serbian nongovernmental organization pro-democracy group.

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They go on to say, and this is a letter to their Albanian brothers and sisters, ''As citizens of Serbia we today suffer destruction and casualties as a result of NATO bombing, armed conflict in Kosovo and long-lasting economic and social tumbles under the burden of the dictatorship's deadly policies. Ethnic cleansing, NATO bombing and armed conflict should stop because they are not contributing to the solution of the Kosovo crisis but only making it deepen. There should be no more casualties. All refugees should be allowed to return safely to their homes and live in the manner appropriate for free and proud people. We are convinced that together we will find strength and courage to step on the road of peace, democracy, respect of human rights, mutual reconciliation and respect. Dialogue, political negotiations and peace process have no alternative. For all of us, it is the only way out of the war conflict. It is the safest way to secure the return of refugees to their homes, to renew normal life and activities and find a solution to the status of Kosovo. In order to make this happen, we have to join our efforts to end the war conflict, revitalize the peace process and reconstruct, economically and democratically, the development of Kosovo, Serbia and the entire Balkan region. We are convinced that by joining forces we can contribute to the reaching of a just and rational political solution to the status of Kosovo and build confidence and cooperation between Serbs and Albanians.''

This heartfelt letter comes from the Alternative Academic Education Network; the Association of Citizens for Democracy, Social Justice and Support for Trade Unions; the Belgrade Circle; the Belgrade Women Studies Center; the Center for Policy Studies Center; Center for Policy Studies NEZAVISNOST; Center for Transition to Democracy; Civic Initiatives; District 0230 Kikinda; EKO Center; European Movement in Serbia; Forum for Ethnic Relations and Foundation for Peace and Crisis Management; Foundation for Peace and Crisis Management; Group 484; the Helsinki Committee for Human Rights in Serbia; Society for Peace and Tolerance (Backa Palanka); Sombor's Peace Group (Sombor); the Student Union of Yugoslavia; the Trade Union Confederation; the Union for Truth about Anti-Fascist Resistance; the Urban Inn (Novi Pazar); VIN Weekly Video News; Women in Black; YU Lawyersi Committee for Human Rights.

This comes from Belgrade, dated April 30, 1999.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

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

Mr. CAMPBELL. Mr. Speaker, I ask the indulgence of the House simply to put on record that the citizens of Ohio and the citizens of Cleveland in particular ought to recognize the courage and wisdom of their representative, the gentleman from Ohio (Mr. KUCINICH), that alone, in the midst of a lot of pressure, he stood up for the constitutional obligation that this body go on record before we commit our troops to war, and in a bipartisan way I wish to recognize that this evening during his special order.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) for those remarks.

WE CANNOT HAVE DEMOCRACY IN SERBIA IF WE BLOW UP THE CIVILIAN INFRASTRUCTURE

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

Mr. CAMPBELL. Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. Kucinich), to finish his remarks.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) for yielding his time.

Mr. Speaker, I read that letter from the pro democracy groups in Serbia because they are relating to the suffering of their Kosovo brothers and sisters.

At the same time, as this bombing continues, I just want to read briefly from a list of the damages that have been done already by NATO bombing. Over 190 schools, faculties and facilities for students and children have been damaged in the NATO bombing up to April 19, according to this report. Over 20 faculties, 6 colleges, 40 secondary and 80 elementary schools; 6 student dormitories, including elementary schools; 16 oktobar and Vladimir Rolovic in Belgrade; the day care center in the settlement of Petlovo Brdo in Belgrade; 2 secondary schools in the territory Nis; elementary schools Toza Markovic, Djordje Natosevic, Veljko Vlahovic, Sangaj, and Djuro Danicic and a day care center Duga.

Mr. Speaker, I have a list I would like to submit to the House of Representatives of all of the public facilities, the hospitals, the schools, the housing facilities, the infrastructure, telecommunications, cultural, religious shrines and cultural and historical monuments and museums that have been damaged in the NATO bombing.

4. HOSPITALS AND HEALTH CARE CENTRES (16):

Hospitals and health-care institutions, which have been damaged in bombing include:

Hospital and Medical Centre in the territory in Leskovac; Hospital and Poly-clinic in Nis; Geronotological Centre in Leskovac; General Hospital in Djakovica; City Hospital in Novi Sad; Gynaecological Hospital and Maternity Ward of the Clinical Centre in Belgrade; Neuropsychiatric Ward ''Dr. Laza Lazarevic'' and Central Pharmacy of the Emergency Centre in Belgrade; Army Medical Academy in Belgrade; Medical Centre and Ambulance Centre in Aleksinac; ''Sveti Sava'' hospital in Belgrade; Medical Centre in Kraljevo; Dispensary on Mount Zlatibor; Health Care Centre in Rakovica.

5. SCHOOLS (MORE THAN 190 FACILITIES)

Over 190 schools, faculties and facilities for students and children were damaged in NATO bombing (over 20 faculties, 6 collages, 40 secondary and 80 elementary schools, 6 student dormitories), including:

Elementary schools ''16. oktobar'' and ''Vladimir Rolovic'' in Belgrade; Day-care centre in settlement Petlovo Brdo in Belgrade; Two secondary schools in the territory of Nis; Elementary schools ''Toza Markovic'', ''Djordje Natosevic'', ''Veljko Vlahovic'', ''Sangaj'' and ''Djuro Danicic'' and a day-care centre ''Duga'' in Novi Sad and creches in Visarionova Street and in the neighborhood of Sangaj; Traffic School Centre, Faculty of Philosophy; Four elementary schools and a Medical high school in the territory of Leskovac.

Elementary school in Lucane, as well as a larger number of education facilities in the territory of Kosovo and Metohija; Faculties of Law and Economics and elementary school ''Radoje Domanovic'' in Nis; Elementary schools in Kraljevo and the villages of Cvetka, Aketa and Ladjevci; In Sombor: elementary schools ''Ivo Lola Ribar'', ''A Mrazovic'', ''N. Vukicevic'' and ''Nikola Tesla'' in Kljajicevo; School centre in Kula; Elementary school and Engineering secondary school centre in Rakovica.

6. PUBLIC AND HOUSING FACILITIES (TENS OF THOUSANDS)

Severe damage to the facilities of the Republican and Federal Ministry of the Interior in Belgrade (3 April 1999). Damage to the building of the Institute for Security of the Ministry of the Interior in Banjica (3 April 1999); Severe damage to the TV RTS studio in Pristina; Heavy damage to Hydro-Meteorological Station (Bukulja, near Arandjelovac); Post Office in Pristina destroyed (7 April 1999); Refugee centre in Pristina destroyed (7 April 1999); ''Tornik'' ski resort on Mount Zlatibor (on 8 April 1999); ''Divcibare'' mountain resort (on 11 April 1999); ''Baciste'' Hotel on Mount Kopaonik (on 12 April 1999); City power plant in the town of Krusevac (12–13 April 1999); Meteorolocial Station on Mount Kopaonik damaged (on 13 April 1999).

Four libraries in Rakovica sustained heavy damage: ''Radoje Dakic'', ''Isidora Sekulic'',

''Milos Crnjanski'' and ''Dusan Matic''; Refugee camp ''7 juli'' in Paracin has sustained heavy damage; Office building of the Provincial Executive Council of Vojvodina, Novi Sad; Several thousand housing facilities damaged or destroyed, privately or State owned, across Yugoslavia—most striking examples being housing blocks in downtown Aleksinac and those near Post Office in Pristina.

7. INFRASTRUCTURE

Electrical Power Supply in Batajnica (26 March 1999); Damage to water supply system in Zemun (5 April 1999); Damage to a power station in Bogutovac (10 April 1999); Telephone lines cut off in Bogutovac (10 April 1999); Damage to a power station in Pristina (12 April 1999); Damage to Bistrica hydroelectric power station in Polinje (13 April 1999);

TELECOMMUNICATIONS

TV TRANSMITTERS (17):

Jastrebac (Prokuplje), Gucevo (Loznical), Cot (Fruska Gora), Grmija (Pristina), Bogutovac (Pristina), TV transmitter on Mt Goles (Pristina), Mokra Gora (Pristina), Kutlovac (Stari Trg), ''Cigota'' (Uzice), ''Tornik'' (Uzice), Transmitter on Crni Vrh (Jagodina), Satellite station (In Prilike near Ivanjica), TV masts and transmitters (Novi Sad), TV transmitter on Mt Ovcara (Cacak), TV transmitter on Kijevo (Belgrade), TV transmitter on Mt Cer, Communications relay on Mt Jagodnji (Jrupanj).

CULTURAL-HISTORICAL MONUMENTS AND RELIGIOUS SHRINES

MEDIEVAL MONASTERIES AND RELIGIOUS SHRINES (16):

Monastery Gracanica from 14th century (24 March—6 April 1999); Monastery Rekovica from 17th century (29 March 1999); Patriarchate of Pec (1 April 1999); Church in Jelasnica near Surdulica (4 April 1999); Monastery of the Church of St. Juraj (built in 1714) in Petrovaradin (1 April 1999); Monastery of Holy Mother (12th century) at the estuary of the Kosanica in the Toplica—territory of municipality of Kursumlija (4 April 1999); Monastery of St. Nicholas (12th century) in the territory of the municipality of Kursumlija (4 April 1999); Monastery of St. Archangel Gabriel in Zemun (5 April 1999); Roman Catholic Church St. Antonio in Djakovica (29 March 1999); Orthodox cemetery in Gnjilane (30 March 1999); Monuments destroyed in Bogutovac (8 April 1999); ''Kadinjaca'' memorial complex (8 April 1999); Vojlovica monastery near Pancevo (12 April 1999); Hopovo monastery, iconostasis damaged (12 April 1999); Orthodox Christian cemetery in Pristina (12 April 1999); Monastery church St. Archangel Michael in Rakovica (16 April 1999).

CULTURAL-HISTORICAL MONUMENTS AND MUSEUMS (8):

Severe damage to the roof structure of the Fortress of Petrovaradin (1 April 1999); Heavy damage to ''Tabacki bridge'', four centuries old, in Djakovica (5 April 1999); Substantial damage to the building in Stara Carsija (Old street) in Djakovica (5 April 1999); Destroyed archives housed in one of the Government buildings in Belgrade (3 April 1999); Memorial complex in Gucevo (Loznica); Memorial complex ''Sumarice'' in Kragujevac; Vojvodina Museum in Novi Sad; Old Military Barracks in Kragujevac—under the protection of the state (16 April 1999).

Mr. Speaker, we cannot have democracy in Serbia if we blow up the civilian infrastructure, which is a precondition for ever having a democratic movement in that country.

I am so grateful to my colleague, the gentleman from California (Mr. CAMPBELL), for his leadership, his willingness to stand up and speak out and challenge this illegal and immoral war.

Mr. CAMPBELL. Mr. Speaker, reclaiming my time, I want to thank my colleague and applaud his courage and farsightedness.

LIVABILITY

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

Mr. LARSON. Mr. Speaker, today I rise to support a program that is helping cities and towns across the country find ways to build safer, stronger, and more economically viable communities. It is called the Transportation and Community and System Preservation Pilot program. While many of our state and local governments are struggling to deal with the problems relating to urban sprawl and how to create livable communities, this is one program that focuses on finding solution to these difficult problems.

Funds from this pilot program are provided to eligible state and local governments and municipal planning organizations to help them accomplish goals such as improving the efficiency of their transportation system and ensuring access to jobs, services, and centers of trade.

Just how necessary is this pilot program to cities and towns? Let's look at the numbers: This year 324 applications were received from communities across the country, all vieing to be one of the 35 that were finally selected.

Fortunately for the First District of Connecticut, one of the those 35 final selections was a joint application filed by the city of Hartford, the town of Suffield, and the town of West Hartford. After reading this unique and resourceful proposal, I was pleased to write a letter of support to Secretary Slater on behalf of the three communities. The driving force behind their project is quite simple: teamwork.

Their proposal, which has received a $480,000 grant through the pilot project, acknowledges the tension that often exists between grassroots, neighborhood efforts and more top-down regional planning. Therefore, it proposes to use this tension for its creative potential. They will work from both a regional and a neighborhood level to develop intermodel design standards that address walking, biking, parking, transit, trucking and easing traffic congestion.

I urge my colleagues to continue to support this innovative program so that our cities and towns can be better prepared to meet the challenge of the 21st century. They can only succeed if we provide the financial framework, but let their vision create the communities of tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE TECHNOLOGY EDUCATION CAPITAL INVESTMENT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to address one of our Nation's fastest-growing industries, the high-tech industry. In 1998 alone, the information technology industry accounted for 15 percent of our Nation's economic growth, and there is no indication that this trend will slow in the future.

Our high-technology economy creates better-paying jobs, increases productivity in all sectors of the economy and relies on a knowledgeable workforce. Further, high-tech companies currently employ 4.8 million people.

But, Mr. Speaker, we have a problem. Recent studies have shown a significant shortage of qualified workers in high-tech industries nationwide. Today, there are about 190,000 unfilled information technology jobs in the United States, and nearly half of the CEOs of these companies report having inadequate numbers of workers to staff their companies.

This personnel shortage is expected to grow rapidly over the next decade. If we fail to give this issue the appropriate attention today, we may send many of these well-paying, high-paying jobs overseas.

In order to address this shortage, I have introduced H.R. 709, the Technology Education Capital Investment Act. This legislation would help to stimulate technology education and increase the number of graduates of engineering and technology workers from our universities and community colleges.

The act addresses the issue of worker shortage in high-technology industry by making science and technology a priority for elementary schools, higher education and businesses alike. My bill would provide money to the National Science Foundation to provide elementary school children with programs that encourage math and science.

H.R. 709 also creates scholarships for students entering math, science and engineering degree programs and develops partnerships between high-technology firms and institutions of higher education by providing hands-on internships for college students.

Finally, this legislation extends tax exemption for employer-provided education assistance and establishes a Technology Workforce Commission that would report back to Congress on what to do about this issue.

I have introduced this bill not only because I am deeply concerned with the shortage of well-trained high-tech workers but also out of concern that our children are falling behind their peers in what is already a worldwide marketplace.

We must make education and learning a priority. This bill, in fact, will reduce the current shortage of qualified

high-tech workers and provide our Nation's next generation of leaders with the resources they need to succeed.

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

(Mr. ROEMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. WOOLSEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. WOOLSEY. Mr. Speaker, we are going to speak today in our special order about managed care reform. To get started, I yield to my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me this time; and I thank her for arranging this special order on the Patients' Bill of Rights. I also thank her for her leadership in this area.

Mr. Speaker, there is a young woman in my district who attends East Carolina University. She is a student in the Allied Health Department. This young woman is no different than any other student at ECU. She has hopes, dreams, goals and ambitions. However, her hopes and dreams, her goals and ambitions are inhibited.

She is a quadriplegic. The story of this young person, disadvantaged due to a disability, is not a new story, but this is a story that is distinct from others. This story is distinct because it could have been different. It could have been very different because if she had received the treatment she required she may have been able to avoid the complete paralysis that she must live with for the rest of her life. If she had received the treatment required, she may not have been a quadriplegic, which she is now.

Why then, one may ask, did she not receive the proper treatment? The reason is that her neurologist, under pressure from her insurance provider, did not render the treatment.

Mr. Speaker, let me share the words of this student. She states, ''Eventually, I had the surgery, and they told me that if I had the MRI that my radiologist recommended, I would not be in the condition I am today.''

She goes on to say, ''I feel that managed care, along with my neurologist, made a decision that changed my whole life.''

Life-changing decisions are being made every day by those who count numbers and do not count individuals.

Life-changing decisions are being made every day by those who put profit before people and the bottom line before the end result.

Witness, for example, the father of another student in my district. This father, a veteran, faced terminal illness. While hospitalized, his family was informed that his HMO had instructed that he be removed to a nursing home within 24 hours. The family was out of town, and while grappling with the pain of a father's illness, they had to endure the pressure from the HMO.

This father had defended the country when he had good health but now that he was down he could not defend himself. Worse, under current conditions, the country could not or would not defend him.

Mr. Speaker, there are countless horrible stories like these. Perhaps that is why 22,000 citizens nationwide now have signed a petition demanding a change. Almost 2,000 of those persons came from the State of North Carolina. These persons recognize that it is fundamental that every citizen have access to doctors of their own choice.

It is fundamental that every citizen have access to needed prescription drugs. It is fundamental that every citizen can appeal poor medical decisions, can hold health care providers accountable when they are wrongfully denied care and can get emergency care when necessary. The Patients' Bill of Rights Act, H.R. 358, provides these fundamental rights.

A bill reported from the Senate, which is S. 326, does not provide these fundamental rights. Health care should be about curing diseases, not counting dollars and dimes. Medical treatment should be about finding remedies, not a rigid routine that puts saving money over sparing pain and suffering of human beings.

Patients deserve service from trained, caring individuals; not narrow-thinking persons more interested in crunching numbers than saving lives.

The Patients' Bill of Rights Act effectively provides a panoply of basic and fundamental rights to patients.

The other managed care reform bill, passed by the Senate, does not.

The Patients' Bill of Rights Act provides real choice. The other bill does not.

The Patients' Bill of Rights provides access. The other bill does not provide comparable access.

The Patients' Bill of Rights Act provides open communication. The Senate committee-passed bill does not.

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Mr. Speaker, these are not radical rights, these rights are very basic and fundamental. Legislation of this type is needed and necessary because 60 percent of the American people living in this country do not have protection that will give them patient protection regulations.

The Patients' Bill of Rights Act simply provides minimum standards for the protection of patients in managed care. I am proud to be a cosponsor of the Patients' Bill of Rights Act. I am proud to join my colleague today in this special order, and I urge and encourage all the citizens to continue to sign onto the Internet, but more importantly, I urge my colleagues to make sure they support the Patients' Bill of Rights Act. We must change the way we provide health care, and we must respect the Patients' Bill of Rights Act.

Again, I thank my colleague for providing me the opportunity and arranging this special order.

Ms. WOOLSEY. I thank the gentlewoman for being here. I would like to point something out that the gentlewoman will find sad and yet interesting.

As far back as 1997, the Henry J. Kaiser Foundation and Harvard University School of Public Health had a study. One of their questions asked was, in the past few years, did they or someone they know have an HMO or managed care plan deny treatment or payment for something a doctor recommended.

Like the young woman the gentlewoman referred to earlier, the answer from 48 percent of the participants was, yes, denied care that was necessary from an HMO or a managed care plan. That 48 percent represents 96 million people who have had problems with health care, or know of someone who has. That is why we are here tonight. I thank the gentlewoman very much for coming and being part of this.

Mr. Speaker, 5 years ago the Republicans defeated President Clinton's health care reform bill. They claimed it would allow the Federal Government to interfere with doctor-patient relationships. Yet, when that same relationship between a doctor and a patient was threatened by a corporate bureaucracy, the managed health care industry, Republicans last year offered legislation that did absolutely nothing to protect the sanctity of choices made by doctors and their patients.

It is the same story in the 106th Congress. Democrats have been waiting for 2 years to pass the Patients' Bill of Rights Act, the bill that is outlined here on this board. Right now we are ready to work to improve Americans' access to quality health care. There must be enforceable rights to make consumer protections real and meaningful for all Americans.

Many States have passed legislation making a patchwork of protections. This patchwork does not provide a good fix for over 175 million Americans who need the Patients' Bill of Rights Act to be passed. We must remember, when we are talking about the Patients' Bill of Rights Act and managed care, that three of four people are in the managed care system.

While there are many top notch managed care organizations, particularly in my own district, I represent Marin and Sonoma Counties, just north of the Golden Gate Bridge in California, there are good managed care systems in that part of this country, but we hear too many horror stories across the rest of this country.

Doctors tell us the real life horror stories. They tell us about how they are gagged by insurance companies that dictate what they can tell their patients about their treatment options. They tell us that a patient's treatment decisions are often overruled by an insurance clerk, and that often patients are denied a specialist's care, or patients are shuttled out of a hospital before they are fully or adequately recovered and ready to go home.

Americans are demanding that the Republican leadership take real action and take it now, but instead, today, the Republican leadership has legislation that does not provide better patient access to quality care, nor does the Republican bill provide an independent external appeals process to review complaints when a patient's life or health is jeopardized.

Further, the Republican legislation does not ensure that patients have the right to see a specialist, nor does it prevent insurance companies from continuing to send women home after a mastectomy early, against the advice of their doctors and their health care providers. As important as all the rest, lastly, under the Republican bill, patients do not have the right to sue for damages.

In the final analysis, the Republican bill will do little to prevent medical decisions from being made by insurance companies instead of by doctors. What our country needs is the Patients' Bill of Rights Act. This legislation will make certain that doctors and patients are free to make decisions about health.

The Patients' Bill of Rights Act will ensure that patients have the right to openly discuss all of their treatment options with their doctors. The Patients' Bill of Rights Act provides patients access to important health care specialists, and allows specialists to be primary care providers.

Under the Patients' Bill of Rights Act, patients have the right to receive uniform information about their health plan, go to the emergency room when the need arises, provide continued care to patients when a doctor leaves a plan, and seek remedy from the courts when claims have been unfairly denied.

It is time to put doctors and patients back in charge of our health care system, and it is time for Congress to get out of the pocket of the managed care industry. The Republicans have the managed care industry on their side. They know it. But the Democrats have the support of the American people, and that is what counts.

I urge the Speaker, I urge all of my colleagues, to listen to what the people in this Nation are saying. They want a Patients' Bill of Rights Act, and they want it now.

Mr. Speaker, I yield to my colleague, the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding to me.

Mr. Speaker, I rise today to express my strong support for H.R. 358, the Patients' Bill of Rights Act of 1999. Last year we came within 5 votes of adopting this strong, meaningful patients' protection legislation, legislation that would have assured access to medically necessary care for patients, that would have prevented inappropriate interference in the doctor-patient relationship, and guaranteed timely, independent external appeals when plans inappropriately deny care.

Unfortunately, our efforts to reestablish patient health as the primary focus of health plans were blocked by the partisan leadership opposed to reform. Their alternative bill, which was denounced by the American Medical Association as a sham, barely squeaked through this House, and was not even brought up for debate in the other body.

The partisan obstructionists had hoped that this issue would go away, but the real problems besetting patient care by HMOs still exist, and momentum for real change continues to build.

Although many States, including my home State of Connecticut, have enacted reforms to provide basic protections to patients, the Federal ERISA law exempts a significant segment of the insured population from the reach of those State laws.

About 40 percent of the total American population is left unprotected. Consequently, millions of Americans are covered by managed care plans who do not have to meet any quality standards whatsoever. Indeed, 122 million Americans are not guaranteed any enforceable patient protections.

In Connecticut alone, more than 1.7 million people are relegated to second-class medical care citizenship by the ERISA law and the failure of the Congress to enact meaningful reform. Each day that reform efforts are delayed, more patients will unjustly suffer from adverse decisions about their coverage.

It is time to enact a comprehensive set of strong, enforceable patient protections that will guarantee quality health care for all Americans. The Patients' Bill of Rights Act of 1999 would do just that. I am proud to be a cosponsor of this critical managed care reform legislation.

Let me stress five key provisions.

First, among other things, the bill would guarantee that if a patient has an emergency, hospital services would be covered by their plan. The bill says that individuals must have access to emergency care without prior authorization in any situation that a prudent layperson would regard as an emergency.

Second, patients with special conditions must have access to specialists who have the requisite expertise to treat their problem. The Patients' Bill of Rights Act allows for referrals for patients to go outside of their plan's network for specialty care at no extra cost to the patient if there is no appropriate provider inside the plan.

Third, the Patients' Bill of Rights Act provides important protections specific to women in managed care: Direct access to OB-GYN care and the ability to designate an OB-GYN physician as a primary care provider. The proposal also provides protection regarding mastectomy length of stay.

Fourth, prescription medications must be reasonably available. For plans that use a formulary, a standard list of prescription drugs, our legislation says beneficiaries must be able to access medications that are not on the formulary when the prescribing physician dictates those medicines for sound medical reasons.

Fifth and finally, individuals must have access to an external independent body with the capability and authority to resolve disputes for cases involving a denial of service which the patient's doctor determines is medically necessary, or for other cases where a patient's life or health is put in jeopardy.

In the Patients' Bill of Rights Act, States and the Department of Labor must establish an independent external appeals process for the plans under their respective jurisdictions. The plan pays the cost of the process, and any decision is binding on the plan.

Americans need and deserve these protections, protections which have been endorsed by the American Medical Association and the American Nurses Association, and 168 other major health and business organizations.

I urge my colleagues to support and pass the Patients' Bill of Rights Act of 1999, the real Patients' Bill of Rights Act.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for coming. I was wondering if the gentleman would like to consider with me the importance of this bill, H.R. 358, based on some data that we have.

We all know that the way that most Americans obtain and paid for health care has drastically altered in the last few years, because a decade ago fewer than three out of ten health insurance companies were in managed care, three out of ten. Today more than three out of four people are in managed care plans.

So while managed care has been successful, it has slowed down the increase of health costs temporarily, at least, this change has been quite unsettling, and therefore, that is why consumers are clamoring for a Patients' Bill of Rights Act that will control managed care providers.

Mr. MALONEY of Connecticut. They are indeed clamoring for action by the Congress. I regularly hold what we call

neighborhood office hours on Saturdays outside of a shopping center, and not a Saturday goes by when I hold those office hours but one or more people in a short period of time, an hour or an hour and a half, will come up and tell me one more horror story about problems that they have had.

It is clear that managed care has had some benefits in controlling costs. The problem is that there are no rules for managed care. There are rules for how lawyers practice law, there are rules for how security agents practice security transactions, there are rules for real estate agents, there are rules for our local plumber, but there are no rules for managed care, and in fairness to the American public, there need to be a set of minimum guarantees, rules, for managed care.

Ms. WOOLSEY. And without those rules, the good managed care providers are having to slip and slide to the bottom of the rung of the ladder with the poorer providers, because they cannot compete in the marketplace. That is why we are here, and that is why we so support the Democrats' Patients' Bill of Rights Act, H.R. 358.

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One of the other reasons we support it so strongly is that, as of last summer, 1998, not one State had passed a comprehensive set of protection consumer laws. So leaving it up to each State will not make the grade. It will not help consumers.

As a matter of fact, Vermont has enacted the greatest number of protections, 11; and South Dakota, the fewest, none. Sixteen States have enacted between five and 16 protections. The State I live in, California, makes the mark on six patient protections and misses the mark on seven of the key protection areas. Thirty-three States have enacted between one and four of these protections.

About 30 percent of Americans with employer-provided plans, which is about 51 million people, are in self-insured plans. Self-insured plans are preempted from patient protections established by State laws. So what does that tell us? We are not protecting people under the managed care plans.

Americans who have health insurance provided by their employers, of those Americans, 83 percent or 124 million Americans cannot seek remedies for wrongful denials of health care.

So I want to make it clear that all of these individuals who are not able to seek remedy would benefit from meaningful Federal remedies and a good health care safety plan and one that would protect American citizens. By the way, when the gentleman from Connecticut (Mr. MALONEY) was talking about what was going on, it is clear to me that if we do not do something very soon, the public, even those of how many millions that are covered, 124 million Americans who are covered by their company's health care plan, they, too, are worried about what health care means to them and where is it going to go when they pay more and get less.

I think we are getting ever so much closer to a national health care system because we are being ever so irresponsible in providing good health care to the people of this Nation. A good health care reform plan like the Patients' Bill of Rights can protect them and may make that difference.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of placing the reigns of health and well-being back where they belong—in the hands of the patient.

Sadly, over 50% of Americans believe that with the advent of managed care, the quality of health care has declined. The root of this dissatisfaction is the fear that they are powerless and unprotected in the face of possible violations of their rights.

The solution: A bill of rights.

When drafting our nation's Constitution, our forefathers were concerned about protecting individual rights. As such, they had the insight to enact a Bill of Rights, guaranteeing freedom of religion and speech, protection against unreasonable search and seizure, and subsequently outlawing slavery and providing people of color and women the right to vote. These built-in Constitutional checks and balances were included to keep the government from becoming too powerful and unresponsive to the will of the people.

Well, we are currently witnessing a period in which managed care has become unresponsive to the will of the people. To date, over 22,000 persons have signed a petition calling for patients' rights. And as lawmakers, we have a duty to provide checks and balances to guarantee our nation's patients the right to quality health care.

A Patients' Bill of Rights should include: Access to specialists, emergency care, and reproductive services; the right to appeal or seek legal redress on HMO decisions; guaranteed transitional care; physicians and patients determining what care is medically necessary; and expanded access to prescription drugs and clinical trials.

Enactment of these provisions is a critical and essential step towards fulfilling our duty to our citizens and creating the health care safety net that they deserve.

Let's adopt the insight of our forefathers who believed that all citizens had the right to life, liberty and the pursuit of happiness.

Let's enhance these rights by renewing our citizens' sense of empowerment in their own health and welfare.

Pass H.R. 358, the Patient's Bill of Rights.

Mr. VENTO. Mr. Speaker, I rise today in support of H.R. 358, the Patients' Bill of Rights. I'm pleased to have joined as a cosponsor of this measure. This important legislation reaffirms Congress' commitment to address the fundamental health insurance concerns of America's workers. More importantly, it recognizes that quality, access and protection should be the basic cornerstones of our health care system.

As possibilities of higher costs or burgeoning numbers of uninsured workers arise, there is too often a reluctance to enact important changes in our national health care policy. However, without managed care reform, we will see a continued decline in the scope and effectiveness of health care coverage for millions of Americans.

Since a growing number of Americans get their health insurance through managed care plans, and since managed care is premised on the ability to contain costs, an important impetus for the Patient's Bill of Rights has been the prevalence of underinsurance. Americans are underinsured when they are denied medically necessary treatment, and have no form of recourse. Americans are also underinsured if they are unable to see necessary providers or have insufficient coverage options.

The patient's health care bill of rights establishes a framework of appeals to encourage fairness and expeditious review, while acknowledging that women, children and patients with special needs should have common sense access to specialty care. Furthermore, it seeks to prevent the interference of managed care in medical decisions, which adversely impacts the quality of care and helps destabilize the doctor-patient relationship.

Mr. Speaker, managed care has been an important innovation attempting to stretch the health care funding to cover more needs, but managed care policy needs balance, a voice for the patient and medical personnel. Furthermore, states cannot affect many interstate insurance programs under the authority of ERISA. Only national policy can address the deficiencies of such multi-state insurance programs.

It is unfortunate that we continue to subordinate significant reform to uncertain financial consequences. It is unfortunate that we continue to allow a slow erosion of health care coverage at the expense of some of our most vulnerable workers and their families. As the world's wealthiest nation, equity and quality should be the unquestioned foundation of our health care system. I urge my colleagues to support a sound Patients' Bill of Rights this session.

Mr. VISCLOSKY. Mr. Speaker, as my colleagues have pointed out, access to emergency care is one of the most important issues in the managed care debate. Protection during medical catastrophes—the confidence lent by knowing that we have a doctor, and have access to quality medical care—is one of the primary reasons we buy health insurance. We want to make sure that if someething happens to us or our family, we will be covered. It is an unjust shock to insurance-holders when their time of need comes, and they rush themselves or their loved ones to an emergency room, only to have their insurance company tell them that because they did not have the medical knowledge to foretell the true extent of the emergency, their medical care will not be covered.

It is clear why insurance companies have these policies; emergency care is the most expensive type of medical attention available. It requires 24-hour staffing and resources that must be instantaneously available for any incident. But the fact is that people buy health insurance because they know they could not afford to pay for medical care out of pocket if they needed extensive treatment. Emergency care is one of those treatments that is just too expensive to pay for up front. However, if multi-million dollar corporations cannot afford this care, surely private individuals who are also paying their monthly health insurance premiums cannot either.

Managed care companies' continuing denials of emergency care are changing the face

of health care in a very broad way. What happens when insurance companies refuse to pay for treatment is that, often, it just doesn't get paid. The debate over instituting a prudent layperson standard for emergency care does not just involve patients and insurance companies, it inolves hospitals, as well. Hospitals are already required to treat uninsured patients out of their emergency rooms, and lost millions of dollars doing so. When we let insurance companies impose arbitrary limits on the type of emergency care they will cover, we essentially increase the population of uninsured that hospitals are required to serve. The number of uninsured individuals in this country is already a problem; we surely do not need to allow insurance companies to create another population of ''pseudo-insured,'' whose insurance premiums are never passed on to the health care providers.

In addition to this overarching change in the relationship between patients, hosptials and insurance companies, denials of emergency claims are also changing health care in a more personal way. Emergency rooms, aware of the unfunded liability posed by the pseudo-insured, are treting patients differently.

For example, I was contacted by one woman in Northwest Indiana, whom I shall refer to as Louise. She is not a member of a health maintenance organization (HMO). However, when she rushed her seven-year-old som to the emergency room with a broken arm, she was not able to stop home first and pick up her insurance card. The hospital, again aware that if it did not follow protocol it could be left with the bill, protected itself by acting on the assumption that she was in an HMO. The Emergency Room doctor tried to get prior authorization to run several diagnostic tests on the boy, who had fallen from a slide and was having abdominal pain in addition to the pain in his arm. He could not. But the denial did not come about becasue it was immediately obvious that there was a confusion about the insurance. Louise's participation in the HMO was not questioned. Rather authorization was denied and Louise was instead told to drive her son to a clinic thirty miles away. When the doctor attending to the boy at the emergency room objected, he was told that, because the bone was not sticking out of the skin, Louise was expected to sign a form assuming all responsibility for the boy's condition and drive him to the clinic. Instead, Louise agreed to pay for the tests out of pocket, thinking that the insurance company would surely pay for treatment if the tests proved it was necessary. She was wrong. By the time the emergency room physician reviewed the x-rays and tests and found that the boy's arm was broken at a greater than 45-degree angle, the clinic to which he had been referred had closed. When the emergency room physician again asked for permission to set the arm, Louise was told to go home and bring the boy to an orthopedic physician's office at the clinic in the morning, fourteen and one-half hours later. She was encouraged to carefully monitor her son's finger circulation and sensation, because if there was further loss of circulation or it the bone broke through the skin she would have to take him back to the emergency room. Louise could not believe the treatment her son was receiving. At this point, when her son had been lying on his back with a broked arm for five hours, the confusion over Louise's, insurance was cleared up, and her son's arm was finally treated.

Managed care organizations' unfairly limiting patients' access to emergency care is having a ripple effect on our health care system, and it has to stop. Reasonableness must be introduced into the health insurance system. It is reasonable for an insurance-holder to go to the emergency room, the emergy care must be covered. If the treatment prescribed by a licensed medical practitioner is reasonable, that must be covered as well. Letting profit-seeking obscure the basis understanding in health insurance—that you buy health insurance to pay for your health care—is wrong. The Patients' Bill of Rights, which would institute a ''prudent layperson'' standard for emergency care, will go a long way toward making it right.

Mr. FILNER. Mr. Speaker, here we go again! Once again, we hear that the Republican party wants real managed care reform, but what we see coming to us in legislation from your party is just a shell offering few real patient protections.

The bill Republicans tout as their solution to the pleas we hear from our constituents—many of whom have been the victims of harmful decisions meted out by managed care administrators—makes its mark by its failings.

Rather than protect patients, the Republican bill should be more correctly titled the ''Insurance Industry Protection Act.'' The bill leaves medical decisions in the hands of insurance company accountants and clerks, instead of doctors; fails to provide access to care from specialists; fails to provide continuity in the doctor-patient relationship; fails to provide an effective mechanism to hold plans accountable when a plan's actions or lack of action injures or kills someone; fails to respect doctors' decisions to prescribe the drugs they believe would provide the best treatment; fails to prevent plans from giving doctors financial incentives to deny care; and allows health maintenance organizations to continue to penalize patients for seeking emergency care when they belief they are in danger.

Most importantly, the Republicans' bill will not even provide its ''shell'' protection to more than 100 million of the American people—it fails to cover two-thirds of all privately insured people in the United States.

As you can see, the Republicans' bill has many failings! On the other hand, Senate Bill 6 and H.R. 358, part of the 1999 Families First (Democratic) Agenda, will deliver real protections to millions of American families. These bills, which have the backing of dozens of consumer groups, include these vital protections—and more. They provide a vital mechanism for a timely internal and independent external appeals process—an essential tool when someone's life is in the balance! But the Republicans' bill is deliberately deceiving—it was introduced in the Senate after the Democratic-sponsored bill that contains real safeguards (and is also co-sponsored by Senate Republicans,) yet those promoting this ''protection-in-name-only'' bill gave it the same name, ''The Patients' Bill of Rights.''

The Republicans and the high-powered health insurance industry are trying to scare everyday working Americans, telling them if Congress mandated the protections that the Republicans left out—and which are contained in the Democrats' bill—then health care premiums would increase. The non-partisan Congressional Budget Office, however, estimates that each person would only pay $2 a month more for the protections in the Democrats' bill.

The reality is that the cost of the Republican bill is too high.

It would continue the present system of administrators making health care decisions, exposing countless more people to inadequate care that could injure or kill them; it would force Americans to pay their own emergency room bills unless a doctor or nurse first told them to go there; and it would fail to allow doctors to freely practice medicine without the constraints of gag rules or limitations on prescription drugs.

Two dollars a month for these important patient protections is a reasonable cost for access to quality care!

Let us stop this destructive game of trying to convince people that they are better off with a reform bill that is ''reform'' in name only—that lacks the substance and real protections! To offer so-called ''protections'' with few safeguards to back them up is a deadly game we should not be playing!

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

ISSUES OF CONCERN IN THE COUNTRY TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, during this special order hour, I have secured this hour on behalf of the Republican majority and would invite all those Members who are monitoring tonight's proceedings and who would like to participate in this hour to join me on the floor here tonight, again those Members from the majority party who would wish to be present.

There are several issues that I want to discuss tonight: taxes, education, Social Security, and of course the President's war in Kosovo.

I want to engage in that discussion by reading into the RECORD a letter that many of us here received last week from the American Legion. The American Legion, of course, is one of the Nation's leading organizations representing veterans throughout the country.

They sent to Members of Congress copies of a letter that was written by the national commander of the American Legion. The letter was sent to the President of the United States.

That letter, again, also copied and sent to Members of Congress read as follows: ''The American Legion, a wartime veterans organization of nearly three million members, urges the immediate withdrawal of American

troops participating in 'Operation Allied Force.'

''The National Executive Committee of the American Legion, meeting in Indianapolis today, adopted Resolution 44, titled 'The American Legion's Statement on Yugoslavia.' This resolution was debated and adopted unanimously.

''Mr. President, the United States Armed Forces should never be committed to wartime operations unless the following conditions are fulfilled:

Number one, ''That there be clear statement by the President of why it is in our vital national interest to be engaged in hostilities;''

Two, ''Guidelines be established for the mission, including a clear exit strategy;''

Three, ''That there be support of the mission by the U.S. Congress and the American people; and''

Four, ''That it be made clear that U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders.

''It is the opinion of the American Legion, which I am sure is shared by the majority of Americans, that three of the above listed conditions have not been met in the current joint operation with NATO ('Operation Allied Forces').

''In no case should America commit its Armed Forces in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I, Section 8, of the Constitution of the United States.''

It is signed again by the national commander of the American Legion. Copies of this letter were sent to several individuals in the administration, the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff chairmen, the Speaker of the House, the majority leader in the Senate, the minority leader in the House and several others, members on the Committee on Armed Services, and so on.

This resolution was adopted, again, in Indianapolis, as I mentioned earlier, on May 5, just last week. It is again referred to as Resolution Number 44 by the American Legion. It is their statement on Yugoslavia.

This is a sentiment certainly expressed by members of the veterans throughout the country. It is indicative, I think, of several other veterans organizations. Of course they are capable and prepared to speak for themselves, as many of them have.

But I can say, Mr. Speaker, that over the last weekend, as I returned home to Colorado, I had an opportunity to receive opinions and comments from several individuals throughout the district on this matter. I would say that the voice of veterans as expressed by the American Legion rings in a consonant cord with those sentiments expressed by my constituents.

Several other letters have been sent and forwarded to my office by constituents. One of the things I enjoy doing at these special orders is relaying the concerns of my constituents as expressed in writing to my office and through E-mails and telephone calls and so on.

I use this opportunity to encourage constituents to write and to call, not just my constituents, but all those from throughout the country who are concerned about the affairs of our great Nation. It is worthwhile to write letters to Members of Congress. It is a proper role in the course of active citizenship to demand accountability from our elected officials, to let them know what is on the minds of those who constitute the citizenry of our great country.

Here is one letter I received last week as well. It starts out, Dear Congressman Schaffer, ''This is a belated thank you for your vote to impeach'' the occupant of the White House; we have to maintain our House rules I understand so I will have to edit the letter a little bit, ''and your stand, unfortunately useless, against the current action in Kosovo.

''We've heard that the CIA, NATO, military advisors, and our own military recommended against the bombing in Kosovo but that'' the President, ''with the great military astuteness he's shown since Somalia, decided to go ahead. Is there any way, in this life, to hold this man accountable for the damage he's done to this country over the years?

''Just a side note, I'm opposed to paying the U.N. this so-called debt we are claimed to owe. I'd love to see us disengage from that organization in all ways.

''Thanks for your dedication and service.'' This is a woman from Fort Collins, Colorado who sent this letter in.

This is another letter from a constituent of mine: ''The mood of the country over the recent past is that the United States is not at war unless we say that we are at war.'' In the first portion, Mr. Speaker, of this letter he writes a little bit tongue in cheek. ''And the way we say that we ARE at war is to have Congress declare war. In other words, even if we are ACTUALLY at war it is not a war until we call it a war.''

That sounds a bit bizarre, but in fact the writer accurately characterizes the current disposition of the Congress and certainly the Presidency. There has been no declaration of war in this war, and there are many people running around here in Washington claiming that we are somehow not at war.

It certainly was something to explain when the three members of the United States Army who were held as prisoners by the Yugoslavian forces, upon their release, received the Prisoner of War Medal. I would love to hear someone over at the White House try to explain that, prisoners of a war that does not exist. Nonetheless, they were pinned with a medal, which I think they deserve.

I do believe we are clearly engaged in an act of war and outside the parameters of Article I, Section 8 of the Constitution, that which gives the authority to this Congress to declare a war, and that is our responsibility.

This writer from Fort Collins, Colorado goes on. He says, ''The recent presidents and Congresses have moved toward erasing the separation of powers called for by the Constitution. Congress is to decide if we are going to go to war and when, and declares war when it is ready. The President executes the war as commander and chief. It is about time we called for a halt in this tendency toward an imperial presidency.''

He goes on: ''The country seems to think that the NATO treaty supersedes the U.S. Constitution where war is involved. Well, that is a very serious matter indeed, to say that a bunch of bureaucrats in Brussels can say that the U.S. has to go to war. But the matter is not that complicated. We can still have the treaty but should place in it that the U.S. will not go into any war unless and until Congress declares war.''

Again, this is from a constituent in Fort Collins, Colorado.

There is another writer from Johnstown, Colorado. He says: ''I believe that our American National Security interests are adversely affected by the NATO-USA involvement in Yugoslavia.

''Our national defense/military preparedness is already marginal from years of downsizing in defense capabilities. Further USA military expenditures for the Kosovo cause are not warranted and our military shows'', it is very difficult to read; this is handwritten, and our military has shown to protect our country. ''I support increased spending in missile defense systems, advanced aircraft and substantial size/numbers increases in our land, sea, and air forces.

''I applaud your votes of'' April 28 ''concerning withholding of ground forces and not supporting the air strikes.

''Please continue your efforts to extricate our country from a colossal mistake by'' our Commander in Chief ''and the Secretary of State Albright.''

Again a letter from Johnstown, Colorado.

Another letter that I would like to share with our Members from Greeley, Colorado: ''I would like to express some concern for the path we seem to be taking in Kosovo. As I recall, we were only assigning troops to Bosnia for a short time and they are still there. Our recent history in being the 'world's' peacekeeper is not outstanding. We continually 'draw lines in the sand' and then say, well not this time but next time. I wish I had confidence this was not a political ploy but a legitimate diplomatic endeavor—but I do not.''

This is a student, it seems, from the University of Northern Colorado who wrote just last week. He put a postscript on his letter. It says: ''It takes humility to seek feedback. It takes wisdom to understand it, analyze it, and appropriately act on it.'' Keep ''First Things First Every Day''.

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A letter from Aurora, Colorado, also within my district: ''As a conservative Republican and as a Vietnam veteran, I appreciate your opposition to the U.S. Attack on Serbia. The Clinton policy is misguided. The commander seems only interested in his place in history. If he had wanted historic recognition for foreign adventures, he should have gotten some experience in 1968, when he had the chance.

''It is the wrong leadership with the wrong policy taking the wrong action. I urge you to do whatever you can to end this adventure as quickly as possible by sponsoring or supporting legislation to end funding for this hopeless intervention in another civil war.''

Again, this is letter from a constituent of mine in Aurora, Colorado.

Here is another one. ''Dear Congressman Schaffer:'' This is from Wellington, Colorado. ''The best idea I have heard yet is Senator SMITH's bill to stop any funding of the Kosovo bombing. I fully support it. It should prove difficult to fly a bomber with no MasterCard for the fuel. Sincerely, Ben.'' From Wellington, Colorado.

Here is another letter I received from a gentleman from Bellvue. He said that he recently met a woman from Yugoslavia, a graduate student from Colorado State University in the 1980s. She continued her studies there and got her Ph.D. in the 1990s. The writer says, ''She is a beautiful lady, and I have enjoyed many hours in friendship with her. Her mother came to her graduation party, and I had a chance to meet her. Our common language was Italian, and she said that I was the only person in America, except for her daughter, that understood her. She is a lovely lady in her 80s and lives in peace in Yugoslavia. This week American bombs, rockets and missiles were exploded in anger over her homeland. For the sake of all that is right and in the name of humanity, please don't kill this lady. She is a friend. We are not at war with anybody.'' He is reminding us that this Congress has not declared war under Article I, Section 8.

''If we are a member of some club,'' again referring to the U.N. or NATO, or perhaps both, ''that says we have to bomb other countries, perhaps we should get out of it. As a taxpayer, I cannot afford to spend millions of dollars for cruise missiles that might land on my friend's mother. Please tell the President to stop bombing other countries. I repeat, we are not at war with anybody. Thank you.''

I have received several letters on that order; and, Mr. Speaker, I include for the RECORD those letters I have referred to.

THE AMERICAN LEGION,
OFFICE OF THE NATIONAL COMMANDER,
Washington, DC, May 5, 1999.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The American Legion, a wartime veterans organization of nearly three-million members, urges the immediate withdrawal of American troops participating in ''Operation Allied Force.''

The National Executive Committee of the American Legion, meeting in Indianapolis today, adopted Resolution 44, titled ''The American Legion's Statement on Yugoslavia.'' This resolution was debated and adopted unanimously.

Mr. President, the United States Armed Forces should never be committed to wartime operations unless the following conditions are fulfilled:

That there be a clear statement by the President of why it is in our vital national interests to be engaged in hostilities;

Guidelines be established for the mission, including a clear exit strategy;

That there be support of the mission by the U.S. Congress and the American people; and

That it be made clear that U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders.

It is the opinion of The American Legion, which I am sure is shared by the majority of Americans, that three of the above listed conditions have not been met in the current joint operation with NATO (''Operation Allied Force'').

In no case should America commit its Armed Forces in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I, Section 8, of the Constitution of the United States.

Sincerely,

HAROLD L. ''BUTCH'' MILLER,
National Commander.

Enclosure.

NATIONAL EXECUTIVE COMMITTEE—THE AMERICAN LEGION

May 5, 1999

RESOLUTION NO. 44: THE AMERICAN LEGION STATEMENT ON YUGOSLAVIA

Whereas, The President has committed the Armed Forces of the United States, in a joint operation with NATO (''Operation Allied Force''), to engage in hostilities in the Federal Republic of Yugoslavia without clearly defining America's vital national interests; and

Whereas, Neither the President nor the Congress have defined America's objectives in what has become an open-ended conflict characterized by an ill-defined progressive escalation; and

Whereas, It is obvious that an ill-planned and massive commitment of U.S. resources could only lead to troops being killed, wounded or captured without advancing any clear purpose, mission or objective; and

Whereas, The American people rightfully support the ending of crimes and abuses by the Federal Republic of Yugoslavia, and the extending of humanitarian relief to the suffering people of the region; and

Whereas, America should not commit resources to the prosecution of hostilities in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I Section 8 of the Constitution of the United States; now, therefore, be it

Resolved, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, May 5–6, 1999, That The American Legion, which is composed of nearly 3 million veterans of war-time service, voices its grave concerns about the commitment of U.S. Armed Forces to Operation Allied Force, unless the following conditions are fulfilled:

That there be a clear statement by the President of why it is in our vital national interests to be engaged in Operation Allied Force;

Guidelines be established for the mission, including a clear exit strategy;

That there be support of the mission by the U.S. Congress and the American people; and

That it be made clear U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders; and, be it further

Resolved, That, if the aforementioned conditions are not met, The American Legion calls upon the President and the Congress to withdraw American forces immediately from Operation Allied Force; and, be it further

Resolved, That The American Legion calls upon the Congress and the international community to ease the suffering of the Kosovar refugees by providing necessary aid and assistance; and, be it finally

Resolved, That The American Legion reaffirms its unwavering admiration of, and support for, our American men and women serving in uniform throughout the world, and we reaffirm our efforts to provide sufficient national assets to ensure their well being.

DEAR REPRESENTATIVE SCHAFFER: This is a belated thank you for your vote to impeach Clinton and your stand, unfortunately useless, against the current action in Kosovo.

We've heard that the CIA, NATO military-advisors, and our own military, recommended against the bombing in Kosovo but that Clinton, with the great military astuteness he's shown since Somalia, decided to go ahead. Is there any way, in this life, to hold this man accountable for the damage he's done to this country over the years?

Just a side note. I'm opposed to paying the UN this so-called debt we are claimed to owe. I'd love to see us disengage from that organization in all ways.

Thank you for your dedication and service.

Sincerely,

MRS. C. LILE.

APRIL 17, 1999.

REP. BOB SCHAFFER,
Cannon House Office Building,
Washington, DC.

DEAR MR. SCHAFFER: How much longer will we have to sit and watch the genocide going on in Kosova? The United States failed to stop the genocide of Jews and Gypsies in World War II; we failed to stop the genocides in Laos and Rwanda. This is not a matter of foreign policy; this is not a matter of a Democratic President and a Republican Congress. This is a matter of morality, of humanity and human dignity. We have a moral imperative to do something.

We say: send in ground troops NOW, before it's too late.

Sincerely,

JONATHAN BELLMAN.
DEBORAH KAUFFMAN.

REPRESENTATIVE SCHAFFER: Best idea I've heard yet is Sen. SMITH's bill to stop any funding of the Kosovo bombing. I support it fully. It should prove difficult to fly a bomber with no Master Card for the fuel.

Sincerely,

BEN MAHRLE.

REPRESENTATIVE SCHAFFER: As a conservative Republican and as a Vietnam vet, I appreciate your opposition to the US attack on Serbia. The Clinton policy is misguided. Clinton is only interested in his place in history. If he had wanted historic recognition for foreign adventures, he should have gotten some experience in 1968 when he had the chance.

It is the wrong leadership with the wrong policy taking the wrong action. I urge you to do whatever you can to end this adventure as quickly as possible by sponsoring or supporting legislation to end funding for this hopeless intervention in another civil war.

Sincerely,

JAMES BEETEM.

DEAR MR. SCHAFFER, I would like to express some concern for the path we seem to be taking in Kosovo. As I recall we were only assigning troops to Bosnia for a short time and they are still there. Our recent history in being the ''world's'' peacekeeper is not outstanding. We continually ''draw lines in the sand'' and then say, well not this time but next time. I wish I had confidence this was not a political ploy but a legitimate diplomacy endeavor—but I don't.

Sincerely,

DR. DAVID CRABTREE,
DR. KAREN CRABTREE.

APRIL 29, 1999.

DEAR CONGRESSMAN SCHAFFER: I believe that our American National Security interests are adversely affected by the NATO/USA involvement in Yugoslavia.

Our national defense/military preparedness is already marginal from years of downsizing in defense capabilities. Further USA military expenditures for the Kosovo cause are not warranted and our military should exist to protect our country. I support increased spending in missile defense systems, advanced aircraft and substantial size/numbers increases in our land, sea, and air forces.

I applaud your votes of April 28, 1999 concerning withholding of ground forces and not supporting the air strikes.

Please continue your efforts to extricate our country from a colossal mistake by President Clinton and Secretary of State Albright.

Sincerely yours,

THOMAS H. STEELE.

MAY 2, 1999.

TO: REPRESENTATIVE SCHAFFER: The mood of the country over the recent past is that the United States is not at war unless we SAY that we are at war. And the way we say that we are at war is to have Congress declare war. In other words, even if we are ACTUALLY at war it is not a war until we call it a war.

If we are actually at war but do not want to call it a war we use a legal fiction, or an euphemism, to call being at war something else: a police action, attack, intervention etc.

The mood of the country is that declaring war is a BIG DEAL, and we do not want to do it unless we have to. But actually going to war without calling it a war is not so big a deal because we think we can pull out if we want, do not have to win, do not have to defeat, etc. We can simply play at war but without the commitment. But declaring war does not really have to be a big deal. There are big wars and little wars, costly wars and cheap wars, easy wars and hard wars.

The situation is similar to the act of recognizing the existence of a foreign regime. When we said that we did not recognize Communist China it did not exist as far as we were concerned, even though we all know that it did actually exist. Non recognition is not dangerous to the country. But actually going to war is a serious matter, at least in my view. Therefore I strenuously object to using euphemisms when engaging in it. And it seems to me that this was exactly what the founding fathers had in mind when they said that it was up to Congress to declare war. They did not want the president to just start wars any time he wanted to, especially since he is also the Commander in Chief. And that is what has been happening. But Congress has abnegated its responsibility by not calling him on it. Exactly what will, or would happen if they called him on it and he ignored them is a serious constitutional question. It seems to me that he could and should be impeached and removed from office.

The recent Presidents and Congresses have moved toward erasing the separation of powers called for by the Constitution. Congress is to decide if we are going to go to war and when, and declares war when it is ready. The President EXECUTES the war as commander in chief. It is about time we called for a halt in this tendency toward an imperial presidency.

This country seems to think that the NATO treaty supercedes the U.S. Constitution where war is involved. Well, that is a very serious matter indeed, to say that a bunch of bureaucrats in Brussels can say that the U.S. has to go to war. But the matter is not that complicated. We can still have the treaty but should place in it that the U.S. will not go into any war unless and until the Congress declares war.

MICHAEL MORAN.

MARCH 25, 1999.

DEAR CONGRESSMAN: Olga Radulaski is from Yugoslavia. She graduated from CSU in the 1980's. She continued her studies there and got her PhD in the 90's. She's a beautiful lady and I've enjoyed many hours in friendship with her. Olga's mother came to her graduation party and I got a chance to meet her. Our common language was Italian, and she said I was the only person in America, except for her daughter, that understood her. She's a lovely lady, in her eighties, and lives in peace in Yugoslavia.

This week American bombs, rockets and missiles were exploded in anger on her homeland. For the sake of all that is right in the name of humanity, please don't kill this lady. She's a friend.

We are not at war with anybody. If we're a member of some ''club'' that says we have to bomb other countries, perhaps we should not get out of it. As a taxpayer, I cannot afford to spend a million dollars for a cruise missile that might land on Olga's mother.

Please tell the President to stop bombing other countries. I repeat, we're not at war with anybody.

Thank you.

FRED COLLIER.

Mr. SCHAFFER. Mr. Speaker, I am joined tonight by one of the stellar Members of the class that was elected at the same time I was, in 1996, which constituted a very solid block of new Members in that year for the United States Congress, now in our sophomore year, and it is a great privilege to serve with the gentleman from Montana. I yield to him.

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Colorado; and I want to thank him for securing this time. I certainly want to echo the comments of the folks writing to the gentleman with regard to the activities in Kosovo.

I joined with the gentleman voting to withdraw our troops and to require the President to secure the approval of Congress before he puts in any ground troops.

If we look at the policy with respect to Kosovo, the objectives that were set out in the beginning of this adventure, I guess we would say, of course, that one of our goals was to prevent the ethnic cleansing. That is the effort on the part of the Serbs to drive the Kosovars out of Kosovo.

Of course, that aspect of the policy is an obvious failure. Every night our heart aches for those refugees we see in the neighboring provinces and in the neighboring countries.

The objective was, of course, to bring stability to the region. These refugees have brought greater instability to the region. Macedonia is a very unstable setting. The large number of refugees are being held in encampments because, if they were allowed out of those encampments, the concern would be that that would destabilize Macedonia.

What is really interesting is that this President, under the War Powers Act, is required to submit reports to the Congress whenever troops are put in harm's way. Of course, the War Powers Act was passed over President Nixon's veto, but, as I recall, President Ford made four reports under the War Powers Act, President Carter made one, President Reagan made 14, President Bush made 7, and President Clinton has made 46 reports under the War Powers Act. That means that he has put troops in harm's way on more than twice as many occasions as have all the previous presidents under the War Powers Act.

Interestingly, two of those reports were to deploy troops to Albania, where rioting Albanians were threatening our embassy in 1997 and in August of 1998. And of course the other objective of this activity has been to protect the prestige of NATO. In every one of those instances, I think the President's objectives of this war in Kosovo have not been fulfilled, and that is why I joined with my colleague in voting to bring our troops home. Unfortunately, we were not successful in getting that done.

But one of the things I wanted to visit a little bit tonight about, and I think this has kind of gone unnoticed, is the fact that those men and women over there fighting today are going to be our veterans of tomorrow.

Mr. SCHAFFER. That is right.

Mr. HILL of Montana. And we, as the gentleman knows, passed a budget here in the House of Representatives where we made a very strong commitment to veterans' health care. The President proposed a budget that basically flatlined it. There was no increase in veterans' health care. And Congress, recognizing the importance of living up to the commitments that we have made to our veterans, increased the funding by about $1.7 billion.

I have a few letters from folks in Montana. Veterans' health care is a pretty interesting issue in Montana. One of the interesting aspects of the Montana experience in World War II is that there is a larger proportion of Montana's population that served in World War II than any other State in the country. That had a lot to do with the census during the 1930s. Montana lost a lot of population, and the allocation of forces and the draft quotas were based upon population numbers that predated 1940. So Montanans sent more men and women to fight in World War II than other States did proportionately.

So, as a consequence of that, we have a larger proportion of veterans; and, of

course, we have a very large State also to deal with.

They just recently closed a veterans facility in Miles City, a veterans hospital in Miles City. In fact, one veteran wrote to me and said, ''I'm wondering what message you are trying to send to us. You expanded the veterans cemetery and you closed the Veterans Hospital. Does that tell us that you have something in mind for the World War II and Korean War veterans?''

In any event, this Congress has approved a budget that will increase spending to provide health care to veterans, and it is extremely important that we live up to the commitment that we made to these disabled veterans and other senior citizens who are veterans who need to secure their health care.

Budgets are about more than numbers. Budgets are about priorities. And the budget that we just passed, I think, is an important one because I think it tells the American people what our priorities are for the future of America. And I want to just outline again what those are.

I talked briefly for a few minutes about increasing spending for veterans' health care, but also we included in our budget a provision to set aside all of the Social Security taxes that are collected for Social Security, which is something that is unique. Congress has not done that. Over the last 20 years, the surpluses coming from Social Security, as I know most of my colleagues know, has been spent on other things. We established a milestone. We say from now forward all of the Social Security taxes, 100 percent, will be set aside to save Social Security.

We also want to strengthen our national defense. I think it is obvious to everyone who is paying attention to the situation in Kosovo, the war in Kosovo, it is obvious that our military is strapped to the absolute limit. We cannot fly many of our airplanes. We are running short of armaments. It is clear we have inadequate training or insufficient training in many cases, that our men and women are being stretched to the limit and perhaps beyond it. We need to put more resources to the national defense.

Also, as part of this budget, there is a plan to lower taxes on the American people. I think it is important for us to have some discussion about why it is important for us to lower taxes for the American people. The portion of our national income today that is going to taxes, to the burden of taxes of the Federal Government, is the third highest it has ever been in the national history. In fact, the only time the percentage of our national income was higher going to taxes was in World War II, in 1945 and 1946. So it is a simple matter of fairness, that the tax burden is too high and we need to lower the tax burden on American families.

I think it is really important that we talk about and have a clear debate about where we think we ought to reduce taxes. There are two areas I think that are particularly important.

One is eliminating the marriage penalty. I think it is grossly unfair that 70,000 of my constituents in Montana pay on average $1,400 more in taxes because they are married than if they were single.

I also believe that we need to do something about the estate tax. There is not a tax that is more unfair than the estate tax. The fact that we tax somebody simply because they die seems to me to be extraordinarily unfair. While it is often perceived as a tax on the rich, the very wealthy do not pay that tax. It is working men and women, small business owners and people who have saved and have been prudent with their money. Farmers and ranchers particularly are hard hit by the death tax.

We just passed on May 8, Tax Freedom Day. The American people have been working all year long, until May 8, to support government. Now they get to work for their families.

One of the ways we can help them live up to the responsibilities of their families, be able to provide for their families, is by reducing taxes. We did that in the last Congress. We passed the $400 per child tax credit. It will go to $500 this year. It is surprising how many Montanans have written to me thanking me for that $400 per child tax credit, saying that that is going to allow them to be able to spend more money on education for their children, or perhaps even clothing or food or the necessities of the family, or even maybe a family vacation. But Montanans are grateful for that.

Incidentally, that is $50 million more that will be made available to the citizens of Montana to spend in Montana, which will, of course, strengthen the economy of the State of Montana.

So many Montanans write to me and say that both the husband and the wife have to work in order to support their family, or a woman might even write and say that her husband has two jobs, a full-time job and a part-time job, just to support the family.

Forty percent of that income is going to the government. That is too high of a percentage. We ought to be 20 or 25 percent total going to government. And the best way to do that is a downpayment with the marriage penalty.

Mr. SCHAFFER. The gentleman is absolutely right. The tax burden on the American family is upwards of 40 percent. And that is just the tax burden. When we include the cost of Federal regulation and other compliance costs associated with just being an American citizen and doing business in the United States, the actual tax burden on the American family averages well over 50 percent today. It is one that we are constantly reminded of back home when we go back home to visit constituents.

I wanted to read a letter I received from a constituent in Loveland, Colorado, which reinforces what the gentleman just said. It is a letter from a small business owner, runs a sprinkler and landscape company, and he says, ''Dear Congressman Schaffer: I am your constituent from Loveland. As a business owner and a grandparent, I am very concerned about the serious economic problems facing our country. I feel our current income tax structure is having a very negative impact by taxing production, savings and investment, the very things which can make the economy strong.''

So these folks support a national consumption tax, as the letter goes on, and they want to see some answers. But this is pretty typical of what we are hearing more and more from a greater number of American citizens throughout the country that are realizing that this silly notion of punishing hard work and success cannot be a successful formula for the United States of America. They are asking us to look harder and work more vigorously toward wholesale tax reform and at the very least reducing the overall tax burden.

I ask constituents all the time, what would be a reasonable level of taxation? I ask, if they could pick a number, a fair number, as an American citizen, what their percentage of income should be to pay to live in the United States, and the answer is typically somewhere around 20 to 25 percent. Well, we are almost twice that. And, again, when we include the regulatory costs of State, local and Federal governments, the American taxpayers are crying out for relief.

And not just on the tax side, but they are demanding that we be a little more critical of the expenditures that take place here in Congress. There is extravagant spending on programs that constitute nothing more than grand waste. It is unfortunate that this city seems to have a sense of momentum about it.

We make progress in small increments every year, and we really have turned the corner over the last 6 years Republicans have had the majority in this Congress. We have made a remarkable difference and changed the overall trend line for everything from the national debt to eliminating deficit spending and now putting aside dollars over the next 10 years that can be used to achieve real priorities and objectives of the country such as saving Social Security, providing for a world-class education system, providing for a strong national defense and so on.

☐ 2030

So the point my colleague mentioned and the voices of Montana are remarkably similar to those of my home State of Colorado and I presume throughout the rest of the country, as well.

Mr. HILL of Montana. If the gentleman would continue to yield, why is it important for us to save Social Security?

First of all, we have to look at what the President's actuaries say. And they

say, if we do not do something now to address this, we are going to be faced with two choices. One is to cut benefits by as much as a third, or to increase taxes by as much as a third.

Neither of those options are acceptable to me. And one of the reasons is that most working families today pay more in Social Security taxes than they do any other form of taxes. That is the tax rate that has gone up the fastest. And the idea that people have been paying into this year after year after year and now we are being told that because Congresses in the past have not had the discipline to put that money aside that they are either going to have their benefits cut or the tax burden is going to go simply higher simply is wrong.

I think that people who pay into Social Security all of their lives have the right to expect that it is going to be there when their turn comes to be able to collect on it. But beyond that, I think it is really important for us to understand how important it is to us.

My mom is 80 years old, and I can tell my colleagues that I feel great knowing that she is going to have a Social Security check coming every month, that she is going to be able to take care of the needs that she has. And I am very grateful that she has Medicare so I do not have to worry about whether or not she is going to have quality or adequate health care.

That is why it is so essential that we exercise the discipline today so that those programs are going to be there for the next generation of people but they are also going to be there for this generation of retirees.

Frankly, when I first ran for Congress, I used to talk about my granddaughter Katie and I used to point out that she is going to pay $185,000 in taxes in her lifetime just to pay her share of interest on the national debt. But we cannot pass a bigger tax burden on to our children and grandchildren because the consequence of that is that they are not going to have their shot at owning their own business or pursuing their dream, the American dream, because the tax burden would have to go up.

So fairness dictates that we save Social Security, that we save Medicare, that we exercise the discipline today to make sure that those programs are going to be there and they are going to be sustained for my mother's generation, my generation, my children's generation, my grandchildren's generation, and even, hopefully, my great grandchildren's generation.

Mr. SCHAFFER. Mr. Speaker, all those concerned about saving Social Security, providing for a world-class education, providing for a national defense, and the other great priorities of our country are just grieving I think right now over the notion that we had to pony up $13.1 billion last week in the supplemental appropriations bill to support the President in his war and it is tremendous expense.

When the failure of diplomatic policy disintegrates to the extent that it has and is carried out by unskilled administrators at the other end of Pennsylvania Avenue, there is a huge expense that detracts and takes away not only from all of these priorities that we discussed but from these children.

At a $5.6 trillion national debt divided by all the men, women, and children in America, that comes out to about $20,000 per person. Now, a child born today has to pay that back over the course of his or her working life with interest, and it comes out to about 10 times that amount. A child born today literally owes on today's debt approximately $200,000.

So we just have to fight harder not only at being more fiscally frugal here in Congress but insisting that our international policy and the skill with which we carry out diplomacy is done properly and done in a way that is emblematic of the most free, most powerful country on the planet.

Mr. OSE. Mr. Speaker, will the gentleman yield?

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

Mr. OSE. Mr. Speaker, I thank the gentleman from Colorado for yielding.

The manner in which he has described the inner workings of the Federal Government is very accurate in that what we do in one arena does affect what we do in another, particularly with respect to our financial condition, which is why I came down to the floor tonight was to bring the attention of this chamber to the continuing disastrous foreign policy being pursued by the Clinton administration.

The activities being promulgated by the Clinton administration in Yugoslavia remain unauthorized by the Congress, unapproved by the Congress, and completely bewildering to the vast majority of the residents of the Third District of California.

What is the national security interest that the administration is seeking to protect by destroying the infrastructure of Yugoslavia? What is the standard by which the administration will judge their air campaign a success?

Going to the reference of my colleague, how much will this ill-founded campaign cost our country in blood, bombs, and bullion that has to be taken from Social Security if nowhere else?

It is inarguable that the administration's foreign policy in Yugoslavia is reducing our military readiness and preparedness. What will be the consequence to our national interest as a result of this stripping of our ability to conduct our military efforts elsewhere in the world, and for what purpose?

My friend from Ohio (Mr. KUCINICH) earlier shared with us the list of obviously non-military targets being destroyed or damaged in this air campaign. Those are my colleagues' and my tax dollars being used on, as the gentleman from Ohio (Mr. KUCINICH) said, day-care centers, schools, churches and the like. That is Social Security money being used to destroy day-care centers, schools, churches and the like.

Do my colleagues know what I find the most ironic? I go home on Friday of last week and I find it extremely ironic that all of America's foreign policy eggs now rest in a Russian basket.

Mr. Speaker, my colleagues, this must stop, not next month, not next week, not tomorrow, now.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, it is remarkable, just as my colleague says, about our reliance on a Russian partnership to try to resolve this matter and keep some peaceful solution.

I found it disturbing somewhat the level to which the communications and diplomacy with our Russian counterparts have disintegrated. Two weeks ago we had a Republican Conference meeting downstairs and the gentleman from Pennsylvania (Mr. WELDON) announced that he was at wit's end that we can no longer rely on communication between the President of the United States and the President of Russia.

The President of Russia, of course, is virtually incapacitated as a result of a medical condition and lacks the mental coherence to lead the country, and so there is a shell of a Government that operates around him. And our own President, of course, is typically preoccupied with other things and unable to devote the full attention that the American people deserve to the crisis.

And so Members of Congress, again, had proposed to meet with members of the Russian Duma in Vienna a week ago Friday; and it was the greatest hope for optimism that we had in resolving the crisis between the two countries. And I say remarkable because, as a Congress, we have no diplomatic leverage, we have no diplomatic authority, we cannot sign treaties, we cannot engage in the kind of discussions that the State Department can. Yet, absent the leadership from the White House, it has come to the legislative body of two countries to meet together to try to hammer out a compromise and a solution.

The fortunate outcome of that meeting was that there were some positive results that were reported back to this Congress just last week. Again, keeping in mind the limited authority that legislators have to engage in diplomacy, there were still pretty promising prospects for the Russian Government to use its considerable leverage over Milosevic to try to get him to cease the efforts toward ethnic cleansing; and that would, of course, have to correspond with an effort by the United States to withdraw from military activity and put in place an international coalition of peacekeepers.

Unfortunately, for a long period of time, that is an expensive proposition. Far cheaper, however, than even one week's worth of a full-scale war that is being undertaken today.

But I point that out to my colleagues and to the American people in general

just so that we all can keep in the proper perspective about the miserable failure in leadership that is occurring again at the White House, the lack of skill and expertise in carrying forward the position of leadership that the United States of America for 223 years has traditionally enjoyed.

Mr. OSE. Mr. Speaker, if the gentleman would continue to yield on that point. The gentleman's point is well made. And I do not think we need to go further than to examine simply our ability to communicate with the Russian Duma, for instance.

The administration did not approve of those trips, did not sanction them, did not disprove them, nor did they discourage that trip. Interestingly enough, Reverend Jackson, who went and met with Milosevic and obtained the release of those three gentlemen with one of our members, the gentleman from Illinois (Mr. BLAGOJEVICH), that was a remarkable event. That was leadership, taking on the burden, unsanctioned, unapproved, unencouraged. And yet he went forward. That is what leadership is all about. And he brought those three people home to the grateful arms of this country.

I really wish that that kind of leadership existed more in the administration. Because that was a great victory for just our ability in America to act in our best interest.

Mr. HILL of Montana. Mr. Speaker, if the gentleman would continue to yield, I know that before coming here to the House he was a businessman; and like me I think as a businessman, I think I used to always try to contemplate the consequences of the decisions that I made as a businessman and tried to anticipate them. And I keep trying to anticipate what the outcome will be of this war in Kosovo.

If, by chance, Milosevic agrees at some point to withdraw his troops and allows us to put peacekeeping occupying troops, in reality, into Kosovo, which the administration would consider a victory, the consequence of that is going to be that we will elevate the KLA, which our own State Department has identified as a terrorist organization. It obtains its funding by being a conduit for illicit drugs and drug trafficking. It is an organization that has its ties to Bin Laden, the terrorist group. It has as its objective the autonomy of Kosovo but probably the linking of Kosovo to Albania, which would create greater Albania, which would be a terrible destabilizing influence on that part of the world.

My point, simply, is that any definition of ''victory'' as it might be described by the White House leads to serious consequences that substantially complicate the proposition in the Balkans, increases the level of commitment that we are going to have to make in terms of personnel and troops and resources, all of which appear to be negative. And that is the question that I have with the policy from the beginning is I could not see any outcome from our decision to go to war and to bomb Kosovo that was a positive one other than the potential to stop the ethnic cleansing.

I mean, if it would have been possible through our actions to stop the Serbs from driving the Kosovars out of Kosovo, that is possible. But the fact is that the policy was an utter failure.

And interestingly, in all the briefings that I attended prior to our decision to go to war, I was told that that was the likely result, that the air strikes could not stop Milosevic, that it would not cause him to change his mind, and that it could not stop the Serbs from driving the Kosovars out of their country. So, from the beginning, where we are today was fully anticipated.

Now, the problem is that is there any outcome that would be a positive outcome for us and for that region of the country, and I am having difficulty in my own mind being able to draw that conclusion.

Mr. SCHAFFER. There are a few American people that are not able to, as well. I have another letter that I want to share with my colleagues. This woman is from Loveland, Colorado. I just received the letter last week. She wrote:

> DEAR CONGRESSMAN SCHAFFER, ''I am writing to voice my opposition to our bombing of Kosovo. It seems I am never called by the public opinion polls that seem so influential in Government policy-making. I hope that you, as my representative in Colorado, will vote against financing any further aggression against Kosovo.
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> I hope the War Powers Act will get serious reconsideration and be revoked. I feel this act tempts the President to use war as a tool of diplomacy. If a NATO member had been attacked, I would certainly be behind this bombing. It is not that I condone ethnic cleansing, but I do feel it should only be addressed by war when it crosses a country's border. Otherwise it falls to diplomatic or U.N. action, sanctions, in my humble opinion.
>
> It is very hard to pay your taxes April 15 and realize, less than a week later, $6 billion is being requested for actions in Kosovo. It is time Congress take back some control.

I just grabbed the sample of letters that happened to be sitting on the desk. I think out of 30 or 40 anti-Kosovo letters, there was one among them that is in favor of the action. I am curious as to whether the woman from Loveland, Colorado, echoes similar sentiments to those that my colleague hears among his constituency?

□ 2045

Mr. OSE. I thank the gentleman for yielding.

Are you sure of the postmark of that letter? That sounds like it came from Sacramento or Woodland or Yuba City.

My colleague earlier referred to the law of unintended consequences that we all deal with in business and having to ever so carefully calibrate what we are doing and the consequence thereof. I have to say, I have never seen a truer example of what happens under the law of unintended consequences than this fiasco we are involved in in Yugoslavia.

The President has no plan, the President has no means of measuring success, the President does not know what it is going to cost, and the President does not know when we are coming home.

Contrary to the depiction of this body last week where someone in the administration said we voted against coming home, against going forward and against supporting anything, in fact we did vote to keep our troops out of Yugoslavia, to not declare war in a situation that does not threaten our national security interest, and to require the President and the administration to comply with the constitutional requirement that Congress retains the sole authority to declare war. That was a strength of our system and a triumph for American democracy. I was pleased to be part of it.

Mr. HILL of Montana. I just want to make one comment.

We had the vote on the appropriations issue. I think a lot of folks out there are thinking, well, if Congress had not appropriated that money, that would have stopped the President from conducting the war. Of course, that is not true. The President is conducting this war, was conducting this war out of the normal defense budget. That will be tested under the War Powers Act, what the limits of his constitutional authority as Commander in Chief is. But the fact is that, had Congress not approved that appropriation, the President could have continued to wage this war.

This Congress, this House of Representatives, however, sent a strong message to the President that we do not believe that we should be at war with Yugoslavia and that we do not believe that he ought to send ground troops in, whether they are for peacekeeping purposes or whether they are for combat purposes or whether they are there for an occupying force.

At a recent meeting that we had with the Secretary of Defense, he made it clear that the level of commitment of ground forces if we win this war will be several times higher than the level of commitment that was being talked about before we started the air campaign. I do not think the American people are prepared for the size of the force that it is going to take to occupy that country. What we have to understand is that the President's current plan for rules of engagement if we do send those troops in there, which would be to further this disaster, would be to disarm the Kosovar Liberation Army, which is now doubled or tripled in size according to the latest reports, who are prepared to fight a war of attrition as they have fought for centuries for independence for that country.

The fact is we will be putting our troops into a very troubling, very harmful situation where the warring parties are still going to have conflicting interests.

It concerns me deeply, where the President is leading us. The best thing

for us to do is to find some peaceful solution that allows us to end our commitment to this fiasco, as my colleague from California calls it.

Mr. SCHAFFER. The confidence of the American people as well needs to be considered, also. We are not used to seeing wars carried out in the fashion that this President is carrying out this war. We are used to winning decisively. We are used to seeing U.S. leaders clear the way through securing the support of the global community to stand against world tyrants as Milosevic certainly represents.

I held a town meeting just yesterday morning, as I hold a town meeting every Monday morning, between Fort Collins and Loveland, Colorado, from 7 o'clock to 8:30. It is at that same place and same time. We open up the morning with a question of the day and see what is on the minds of the 60 or 70 people who routinely show up.

The sense of outrage over the mistaken bombing of the Chinese embassy was something that just had American citizens in my district shaking their heads in disbelief. It is certainly unfortunate. Apologies from our country have gone out to the Chinese. It was acknowledged that this was a mistake, that the CIA had been operating under, as I understand, 6-year-old maps in choosing this target.

The B–2 that flew the mission actually hit the target it was intending to hit. It is just that our government and the folks over in the White House had no idea that, over the 6 years since that map had been constructed, that the real estate had changed ownership and has come into the hands of the country led by the gentleman who was in the United States just 3 weeks ago where we rolled out the red carpet for the Premier of China and welcomed him with open arms.

Well, relationships are not all that favorable today, are quite strained and have set us back for a number of years.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague from Colorado as well as those from Montana and California for this very informative special order.

As my colleague raises the question of our relationship with China, I would invite my colleagues to rejoin me, Mr. Speaker, and those American citizens who watch these proceedings on the House floor in 1 hour's time, thereabouts, commensurate with the rules of the House in special orders, as we graciously provide time to our friends, the minority, and then return with majority viewpoint on what is transpiring in the world.

But I want to thank you for the letters, the points of reference and the fact that our national security is at risk and we have to take steps to provide for the common defense. I look forward to furthering that discussion in about 1 hour's time.

Mr. OSE. I would like to return, finally, to the point that the gentleman from Colorado was touching on just prior to my initial remarks, that being that following on the law of unintended consequences, the consequence to us in Congress is that we are forced to make choices. When one member of the government, that being the President, interjects our military forces into an arena where arguably we do not belong and have no national security interest at risk, it forces us to choose between standing behind the troops and making sure that they have the adequate munitions and materiel to conduct this campaign and defend themselves or the other choice being reducing our ability to fund domestic programs such as Social Security, Medicare, education and infrastructure.

I do not relish that choice. I want to take care of our military to the highest degree possible. We stand today in a position that is seriously degraded relative to our historical positions on a military sense. But we have responsibilities elsewhere in this country of a domestic nature. Having the administration conduct this affair, if you will, I use that word advisedly, forces us to take money from other programs that are desperately needed here, being Social Security and Medicare. It is, again, a prime example of the law of unintended consequences. We are engaged in something overseas that has no constitutional authority, for which there is no identified national security interest at stake, and are being forced to reduce our ability to deal with programs here at home that are vitally important to our seniors and our youth and the people throughout this country. It is a difficult choice that we are faced with.

I think last week Congress stepped up and sent a clear and unequivocal signal that there were people who disagreed with the administration. Again, I want to get back to my point, that is a triumph of our system.

Mr. HILL of Montana. The gentleman from Colorado I think drew some contrasts with regard to leadership. One I think can look at the Gulf War and the Kosovo War and see some differences in terms of leadership.

President George Bush and Colin Powell provided outstanding leadership in organizing our political interests, our military interests, identifying our vital national interests, getting the support of the American people and then using overwhelming military force to accomplish the mission. We have engaged in the war in Kosovo now longer than we were engaged in the Gulf War. A lot of folks I do not think realize that.

But my point simply is, is that the Powell doctrine grew out of that. I want to remind my colleagues what that is. First, our political and military interests have to be aligned. There has to be a vital national interest.

General Powell has pointed out that he sees no vital national interest. He sees, by the way, there it has no threat to NATO as well.

And then the American people have got to be brought on board. That takes leadership. It takes a President who is willing to go out and explain to the American people why this is important, it is important to our national interest, and why it is important for us to commit the resources and take the risks that are associated with it.

And then there has to be a plan for what victory is going to look like and then a full commitment of whatever it is going to take to accomplish that.

Look at this situation. Whereas we had, I do not recall how many, 40 nations or so, supporting us in the Gulf War, we really have 19, but they are not really fully committed. Our political and military interests are not aligned at all. Congress does not support the effort. There is no plan for victory. The commitment of force is insufficient to accomplish the mission. It was noted from the beginning. The difference in leadership is stark.

That is why we are in this terrible dilemma that we are in today. Congress is facing a difficult dilemma because we have a worn-out and hollowed-out military; and this adventure, this war in Kosovo, is making that situation worse and more complicated and weakening our ability to defend our true national interests in other parts of the world. And so it is a very difficult proposition for all of us, I know.

But if we had a leader who understood the principles that are associated with what we need in terms of foreign and military policy, I know a lot of us would feel a lot more comfortable going forward from here.

I thank the gentleman from Colorado for arranging the time.

Mr. SCHAFFER. The gentleman from Montana hit the nail on the head when it comes to this letter that I received from a constituent again last week from Brighton, Colorado. He writes:

DEAR CONGRESSMAN SCHAFFER: I am writing this letter in response to NATO's action in Kosovo. I do not agree with this action. Specifically, and he has a number of points here, six points:

NATO should not be involved in an offensive action. It is a defensive treaty organization.

Number two, I do not believe that the United States should be involved in this action because it is not in the national interest, and I believe the bombing of Kosovo has made the refugees worse off than if we had stayed out of it.

Number three, I view what is going on in Kosovo as an ageless civil war which we have no business getting into.

Number four, I do not agree with sending ground troops, either NATO's or the U.S.'s into Yugoslavia.

Number five, I will never agree to allowing the U.S. to spend untold billions of dollars to support the NATO effort in Kosovo or Yugoslavia.

Number six, I do not agree with favoring the selective aid to one country which is being subjected to, quote, ethnic cleansing over many others that have suffered the same fate in the near past and the present.

Again, this is from a constituent in Brighton.

In the closing minutes that we have, I would like to invite my colleagues to

comment on letters like this. We are receiving thousands and thousands of letters from constituents. I view these letters to be very, very important. They provide for me the encouragement and the direction from my constituency to help me be a more forceful leader on the House floor and to speak more clearly about the interests of my constituency that I propose to represent here and believe that I do.

I think it is a healthy thing for all Americans right now, if they have ever considered writing a letter, showing up at a town meeting, calling a Member of Congress, submitting a letter to the President, this is the time to do it. We have not had a crisis of this proportion in a long, long time. This is not a time for inaction among the constituents.

I would like to hear in the minute or two that we have left from the others their opinions on the value of constituent input.

Mr. OSE. I thank the gentleman from Colorado.

I, too, had town hall meetings this weekend. In fact, I had one last night in a community called Carmichael. It was probably a 95 percent opposition to what we are doing in Yugoslavia.

The characterization that you lent to your constituent I think is extremely accurate. The American people have a very clear understanding of what America is all about. America is not about being undefined, ill-equipped and undirected towards an objective. America is about figuring out what we want to do and then doing it.

We are not in that situation today by virtue of a lack of leadership from the administration. The voters of this country understand how America works, and they are looking to us to conduct our affairs in accordance with that clear thing. That is, identify the objective and then go do it.

I thank the gentleman for including me in this hour tonight. I am pleased to reinforce the sentiments that he has seen in his constituents.

Mr. SCHAFFER. Let me just ask one more question. How important are letters like this in your office and among your constituency? What happens to these letters when they get to your desk?

Mr. OSE. The gentleman from Colorado brings up an interesting point. We probably receive upwards of 5 to 700 letters a week, some by e-mail, some by Postal Service. We respond to every one. The subject matter is all over the map, depending on what happens.

We find that an absolutely credible means of identifying things that are affecting our constituents directly. It is an immediate thing. It is like squeezing a water balloon in my district. If something happens, bam, I have got a letter. Something happens, bam, I have got an e-mail.

I want to encourage everybody, as we have for 220 years, to stay in touch with their representatives and continue to write. In fact, now would be a very timely period to write because of our difficulty with the administration in Yugoslavia.

I thank the gentleman for that point.

Mr. HILL of Montana. As the gentleman knows, certainly there are well-informed Members of Congress on most every issue, but I find that there is greater wisdom in my district than there is wisdom here in this Capitol. Very often, my constituents write to me and give me special insights into how an issue or how a matter would impact them.

□ 2100

Certainly people have, I think, a personal view of the situation in Kosovo. They have sons and daughters who may be called upon to fight, or they have neighbors who will or friends.

But also I think that there is an issue here about who we are as a country and how we are governed as a country. I do not think that the American people are comfortable with the idea that one person can make a decision to put this Nation at war, put our men and women at risk and the treasury of the country at risk without the consent of the American people and their Congress.

The letters that I have received are overwhelming in opposition to this war, but I have found some of them very insightful. Even had one member of the Armed Services send me a letter resigning his commission as a consequence of this.

But the fact is, is that I find that extraordinarily valuable. Like my colleagues, I think we received 40,000 or more letters a year. We respond to them all. It is a challenge for us to get that job done. But the value to me, of course, is hearing from my constituents, having their input, having their ideas and their views. I always learn from them, and I appreciate it very much.

Mr. SCHAFFER. We are all part of the Republican majority here in Congress, and many people wonder how it is that we have two divergent viewpoints in Washington about how to lead the country, that which is represented by the President and that which is represented by the majority here in Congress, and I think tonight's special order by Republicans, Members of the majority party, is one indication of how it is we come to differences of opinions on such important matters of public policy.

I am proud to be a part of the party that takes its direction from the people of the country, that reads the mail, that listens to the phone calls, that responds to the opinions that come to us at town meetings, and, as we all know, there are legions of special interests whose lobbyists parade through the halls of Congress trying to leverage every bit of influence that they can on politicians, but it is the voice of real people, ordinary Americans who will commit to 10, 15, 20 minutes to sit down and put their thoughts in writing and communicate to their Congressman that, if they continue to do so in great numbers and reach out and realize the tremendous difference that a Republican majority has made in this Congress for the American people, it is not only possible but, I believe, imminent that the voice of the people will rise up over and above those of the special interests that have so much influence at the other end of Pennsylvania Avenue.

So I am very, very proud to be associated with the colleagues that have joined me here tonight, Mr. Speaker, in this special order. I am grateful for the indulgence in yielding to us an hour for the majority party, and for those members of the majority party we try to reserve this hour every Wednesday night, and we will be back next week.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). The Chair is concerned about a couple of remarks made by previous speakers earlier this evening and will remind all Members that the rules of decorum in the debate prohibit the attribution of unworthy motives to the President. That standard applies both to debate and to extraneous material read into the RECORD.

A NECESSARY EVIL?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I want to follow up on the previous set of speakers and talk about the Kosovo burden, the Kosovo burden and decision-making in the 106th Congress, how it impacts and will impact on everything we do in the rest of this Congress.

I might begin by stating that I previously stated already that Kosovo is, in my opinion, a campaign of compassion. I think that it was important to confront Slobodan Milosevic. He gave the civilized nations no choice. I think this war is a necessary evil.

All wars are evil, necessary evils, but the word ''necessary'' becomes very important. ''Necessary'' is a vital word that many of my constituents are questioning, and like the gentlemen before me, I have gotten many letters and many comments, and I welcome those comments and those letters, both those that agree with me and those that do not agree with me. It is important that we discuss and have a dialogue about whether or not this war, like all other wars, it is an evil, but is it a necessary evil?

I think it very important to note that I, too, have had a series of town meetings, and in three or four town meetings, the first three, unanimous agreement when I asked do they support the present actions in Kosovo. Ninety-five percent of the people in the audience raised their hands. One meeting I had 200 people. I was shocked to

see that kind of percentage. When I got to the fourth meeting already, less than half of the people raised their hands. That was on April 27. So it is obvious that the conduct of the war, the implementation of the war, has a great deal to do with the opinions that people now have of the action, and I would like to separate the blundering conduct of the war from the cause, the fact that we are confronting what I call a sovereign predator.

Slobodan Milosevic is a sovereign predator who has given us no choice, if you want to accept a new kind of morality in the world. The old morality was you never, you never interfered with the internal affairs of a country. If they want to do things within their boundaries, then you do not get involved. You let them destroy their people if they want to. I suppose, as my colleagues know, following that reasoning, Adolf Hitler, as long as he was murdering Jews in Germany, the world had no basis for condemning him or no basis for challenging him. As my colleagues know, as long as you do things within your borders, the sovereign Nation can do whatever it wants to do. That is the old morality, international morality.

I like to believe that in the Kosovo action that is now underway we have challenged that old morality and said you cannot do whatever you want to do to people within your borders and not have the condemnation of the international community, and beyond the condemnation they may take some action in some cases and have taken action in this case. So I welcome and applaud the actions of my colleagues who are questioning how we can get out of this mess.

I support what the President is doing. I support the initial action. I certainly do not support all the blunders that have taken place. But despite my support for the action, I also welcome and applaud the actions of many of my colleagues in Congress, those who have taken upon themselves to initiate their own kinds of diplomatic initiatives. This is an unprecedented action, and so I think the dialogue and the debate and the methods ought to also be unprecedented.

I think that the journey that the Members of Congress took to Vienna was a remarkable initiative, especially since it was led by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Hawaii (Mr. ABERCROMBIE). As my colleagues know, they are two Members of Congress which everybody generally would acknowledge are different ends of the spectrum with respect to ideology, if you can still put old labels on people in terms of who is conservative, who is liberal, who is progressive, and who is militaristic, and who is a dove and who is a hawk. The joint delegation led by Mr. ABERCROMBIE and Mr. WELDON certainly defy all of those descriptions.

I think it was a great initiative. I do not know the details of it. I have heard the reports that were made on the floor, and I applaud what they did.

I think we should always bear in mind what Robert McNamara has been saying for the last decade. Robert McNamara was the Secretary of Defense under President Johnson during most of the time of the Vietnam War, and McNamara has come out with some revelations and confessions that are really astounding. We ought to pay close attention to the unfortunate experience and the grieving of Mr. McNamara, who has now spent a lot of time in Vietnam, of all places, talking to the Vietnamese who were in charge of the war in Vietnam and, through that dialogue, trying to leave a legacy for mankind so that we will not make the same kinds of mistakes in the future.

In this particular war, in this particular situation involving Kosovo, it would be good if we were to take many of those things into consideration. One of the things Mr. McNamara said was that both sides greatly misjudged the intensity of the others in terms of their conviction and what they were willing to do in order to prevail, and I think that it is important, if we are going to get out of this present situation, that that be remembered by both sides. We should not have any more slaughter, any more deaths than are necessary, and maybe we have already had too many and more than are necessary, but we still have a situation that there is a basic moral problem here, and, unlike the behavior of nations in the past, the NATO nations have chosen to take a moral action.

Agreement with the basic moral thrust does not mandate that we blindly obey the total policy, although we blindly submit to the total policy or to the implementation and execution of a policy, but I think it is important to discuss thoroughly the basic moral thrust of what we are doing in Kosovo.

All the NATO nations, and, as my colleagues know, we are talking about very mature nations who have citizens who have elected their leadership in a democracy, and, as my colleagues know, they are not taking reckless actions, they are not the kind of nation that would trivialize what they are doing; as my colleagues know France, Britain, Germany, the Netherlands, you know the NATO nations, are civilized nations with histories of seeking justice, they are democracies, and they have to answer to their people. So, if they are taking an action with these dimensions, then we ought to stop and seriously consider what they are doing, why they are doing it before we proceed any further and discuss the unfortunate execution of the war, establish whether or not we really think it is necessary.

I have been disappointed by the fact that certain kinds of things, actions that I assumed would take place or had taken place have not, did not take place before the bombing began. I was shocked to learn that economic sanctions and the oil embargo were not thoroughly considered before we started the bombing, that that came after the bombing. As my colleagues know, I would expect that that would be the kind of actions that would have been put in place and we would have tested whether that would have an impact on the actions of Mr. Milosevic and his warlords or not.

I had the experience of being the chairman of the Congressional Black Caucus Task Force on Haiti during the time when we were trying to return the democratically-elected President of Haiti to Haiti, and you had at the head of the Haitian government two sovereign predators of the type of Milosevic, as my colleagues know, and they were not budging at all. These were Army men who had taken over the government with tanks and guns after Mr. Aristide, Bertram Aristide, won by an overwhelming landslide in a democratic election. They took over the government, and with guns and tanks they were intending to stay there forever.

Now we did try sanctions, we tried an oil embargo, we tried a number of things. Over a 3-year period we tried a number of things that did not work because these sovereign predators did not understand anything except the language of force, and only when the troops were in the airplanes and on the way to Haiti did they agree to sign an agreement to step down and return Haiti to democratic rule. But we had tried every possible diplomatic maneuver. They had agreed several times to do things and then reneged on those agreements.

I assumed when we started the bombing in Yugoslavia that all diplomatic maneuvers had been exhausted. It is unfortunate that that was not the case, and I felt a bit betrayed to find that only afterwards did they consider an oil embargo and economic sanctions.

□ 2115

I thought we had done that already.

I am also baffled by the failure of the NATO powers and the U.S. to charge Mr. Milosevic as a war criminal. Why are we going to war, taking such extraordinary measures, bombing a nation, running the risk of killing large numbers of civilians, as we are doing, a very serious matter? War is hell.

There is no way to avoid the hell of war. Once one gets into it, things go wrong. Most modern wars have found that it is the civilians, innocent civilians, who die in the largest numbers. In most modern wars, the innocent civilians die in the largest numbers, and it is the most unfortunate. It is one of the other reasons why we should at all cost try to avoid war.

Here we are, in a war action, and the head of the nation, Mr. Slobodan Milosevic, who was there 10 years ago when the breakup of Yugoslavia started, the ethnic cleansing started, the massacres started, the rape, the pillage, all of the things that they are doing in Kosovo they have done it before already in Bosnia.

Sarajevo, one of the great metropolitan cities of the world, was almost destroyed. We saw on television the bombardments. Then after we finally got some kind of peace agreement and outside forces went into the territory, all of the charges that had been made before about massacres and rapes and so forth was confirmed. It happened. We were not the victims of propaganda, as Mr. Milosevic would have us believe now that it is really not his forces that are driving the people of Kosovo out of the country but it is our bombing that is doing that; that they were quite content to stay before.

All of it is a little ridiculous, but a lot of people are believing it, so we must address it. We have already heard from this same man and his regime in Yugoslavia the same tales which he tried to paper over and camouflage barbarity on a mass scale, modern barbarity backed up by tanks and machine guns. Milosevic has done it already. Why did not we go ahead, as a nation, this Nation and the other members of NATO, and call him a war criminal, brand him as a war criminal and begin to move in the world as if, no matter what he does in the future, he will be punished in some way? Certainly, locked out of any kind of recognition and unable to travel in any other nation in the world and try it in The Hague.

Whether we are going to fight our way into Belgrade or not, certainly let the whole world know what we are dealing with.

I think it is unfortunate that NATO and the U.S. have sort of taken a fuzzy-minded approach to the menace of a sovereign predator. He is a sovereign predator, a killer, a murderer, with the authority of a nation behind him, and there ought to be a new way to deal with these people, at least label them clearly as to what they are. If we are going to take a drastic and extreme step like bombing the nation, then we ought to clearly let our people understand why we are doing it, and one of those ways to communicate the necessity of war is to clearly describe who the instigators are.

I think that there is room for creative intervention by the Members of Congress as a result of some of these unfortunate gaps and lapses in our own foreign policymaking and even though there are very experienced people involved in the diplomacy, there are the diplomats of France, the diplomats of Great Britain, the diplomats of all the European nations, as well as we have the diplomats here.

I do not think the kind of criticisms that have been leveled at Madeleine Albright are justified. They are right there in the middle of a very difficult situation. The question is, are we going to stand by and allow the massacres to take place so that in the future we can tell our children, well, it did happen, it was most unfortunate but never again? Do we want to be able to boast never again when now we have the opportunity to make certain that it does not happen right now? The challenges, why do we not make certain that it does not happen now? Let us not be in a position of repeating the slogan, never again.

We sat by and allowed 6 million or more Jews and other people to be massacred by the Nazi powers and now we say that is most unfortunate. We build museums, we have films made, and we write books, and we look at the horror that was perpetuated while civilized nations stood by. Some of it could have been prevented. Finally, the civilized nations, of course, united; and the Hitler regime was defeated in order to stop what was going on.

Even then, it took some actions which if we had CNN on the scene, if we had the kind of press coverage now that we have of wars, where the enemy, that is propaganda-wise, allows one behind the scenes, I do not know whether we would have prosecuted the war that defeated Hitler in Germany the same way and it would have come to the same conclusion. We might have negotiated a peace with Hitler and he might still be around if we had CNN filming the cities of Hamburg and Cologne and a number of other places in Germany that were bombed to rubble because Hitler refused to surrender. The bombing of Germany was one of the ways that was undertaken to break the back of the resistance of the people who followed Hitler. That was most unfortunate.

War is barbaric, but if we had been able to see the large numbers of civilians die then, would we have decided, no, let us make peace with Hitler at any price to end the carnage?

There is room for creative intervention here, and I think we ought to understand that the intervention ought to be creative, that when we interject ourselves and try to influence the foreign policy of our Nation we ought to be thorough about it, we ought to think deeply about what we are doing.

The gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Hawaii (Mr. ABERCROMBIE) were very serious, the discussions that they had with the Russians in Vienna. I hope the White House takes it into consideration. I think that perhaps some things behind the scene are moving now, and the diplomatic initiatives that are going on now with the Russians certainly may be helped by what our Members of Congress have done.

We should not stop, but we should reflect deeply on what we are doing. We should remember that it is up to us to try to interpret to our constituents whether or not this war is necessary. When is it necessary? What kind of new morality are we willing to undertake in the definition of necessary?

I welcome the initiative of Jessie Jackson; and I think it is great that three men, three soldiers who were captured illegally to begin with, are now back home. No amount of technicalities and diplomatic protocol violations should be accepted as an excuse for not doing everything possible to get those soldiers back. We got them back, and I congratulate Jessie Jackson and that initiative, the ministers who went with him and the whole delegation.

I do not think that we should allow that kind of action to let us minimize or trivialize the evil of the Milosevic regime. I do not think we should let Milosevic score a propaganda victory because he releases three soldiers who should not have been kidnapped in the first place. I do not think we should let Milosevic appear to be a reasonable, peaceful guy, willing to talk, when he has been on the rampage for all of this time and continues to be the guiding force behind a brutal war machine, killing and pillaging and destroying whole villages and driving people out of cities.

Ethnic cleansing is not exactly as bad perhaps as the gas chambers of Hitler. Many people are allowed to get out with their lives in the case of ethnic cleansing. They are not systematically destroyed, but large numbers are destroyed, and it is systematic, and it has the authority of the government behind it, and Milosevic is the government.

In other words, what I am saying is that diplomacy should not be business as usual. This is a situation which is very difficult. It is like a snake pit in the midst of quicksand in a mine field. Everything complicated and dangerous that one can imagine is involved in this situation.

The fact that the implementation of the war has gone so badly certainly has destroyed a lot of support for it in areas where there should be support.

I do not want to be in a position of making excuses for the blunders of the military. I do not think we should drop bombs in areas where there is a danger that there is going to be a tremendous amount of civilian collateral. I do not think we should take those chances.

I certainly do not think we should trust the CIA to do our targeting for us if they do not have maps and cannot discern an embassy building that has been there for some time. They say they had people on the ground who double-checked that site as well as whatever we are using in terms of satellite guidance of our bombing attacks. There is no excuse for that.

I have been on this floor many times during the reauthorization and the appropriations process for the CIA, and I have criticized the CIA for its waste of a $30 billion budget. They have Aldrich Ames who was in charge of the counteroffensive against the Russian spy agency, and we found that Aldrich Ames was on the payroll of the Russians, and at least 10 of our agents were executed as a result of Aldrich Ames sitting there as the head of the CIA counterspy operation against Russia.

We had other people who defected from various positions who showed

that the CIA is quite a shabby organization. Why the President has not dismantled the present CIA and reorganized it totally, I do not know. There is certainly a good basis for it, even before the bombing of the Chinese embassy by using the wrong maps.

It is a ridiculous explanation to have to offer to the world. The CIA is a multibillion dollar agency. Their budget is probably more than $30 billion. Surely they can find a building on the map and pinpoint it properly if they had any kind of integrity.

The CIA in Haiti was my first close-up experience with the CIA and why I moved from the position of questioning the CIA's existence on the basis of the fact that it could not tell that the Soviet Union was collapsing.

Senator MOYNIHAN once made a speech and I thought it was very interesting because he was on the Intelligence Committee, and he should know. He said that the CIA never informed them. They had no idea that the economy of the Soviet Union was collapsing. With all of the agents, the money and analysis, et cetera, the CIA was caught by surprise when the economy of the Soviet Union collapsed. The whole government of the Soviet Union sort of collapsed, and we were caught by surprise. I thought that was startling.

Then up close, as the chairman of the task force, Congressional Black Caucus Task Force on Haiti, I saw how the CIA worked against the policy of its own government. During the course of our negotiations with Haiti, we reached the point where we thought we had an agreement where the military junta in charge of Haiti would allow us to begin to take some steps toward normalizing the situation by allowing the delegation to come into Haiti. One part of the delegation would be a group of Canadian policemen who would help work with the law enforcement agency in Haiti and some other people who were going to do some other things, and they were all on a ship going to dock in Haiti.

□ 2130

And on the day they were supposed to disembark from the ship, there was a huge demonstration on the dock in Haiti, and guns were fired. The American embassy personnel were threatened, and a number of things happened that caught us by surprise. It made the President withdraw the people who were supposed to be part of that contingent.

It turned out later that the people who organized that demonstration against the delegation sent by the President of the United States to begin to normalize the situation in Haiti, those people were on the payroll of the CIA.

Emanuel Constant was the head of the organization funded by the CIA. He was on the payroll of the CIA. We do not know the full story yet because they refuse to release all the documents and papers connected with Emanuel Constant. They refused to allow him to be tried by the present government of Haiti.

So the CIA is an animal that we ought to take a close look at. It may be obsolete, extinct, and begging for retirement. It ought to be done away with and something new should be organized using somebody different, because the blunders continue. They become more and more dangerous.

I think that our government and the NATO alliance is now in an almost untenable position, having bombed the Chinese embassy and giving the Chinese, who opposed the action in Yugoslavia all along, giving them an excellent excuse to take us to the United Nations and to raise the actions of NATO up for the whole world and indignantly protest the fact that they were victimized. It is totally unnecessary. A CIA that would do that needs to be certainly examined closely. Some heads ought to roll. I agree with the Chinese, somebody ought to be severely punished for what has happened.

But the CIA, of course, is a very political animal. It is an agency of government which professes it has nothing to do with politics, of course. They are there for the national security. They report to the President. But during my sojourn on the task force for Haiti, I learned different.

There are people in Washington who belong to something called the intelligence community. The intelligence community protects the CIA. There are a number of characters in the CIA who can almost do anything they want. We saw some of them do almost anything they wanted to do in Haiti, and there was no accountability.

There were CIA reports that were total lies. They had the duly elected president of Haiti, Mr. Aristide, almost a drug addict, a psychopath. All kind of things were charged. When we examined the basis for their charges, there was nothing there. He was placed in hospitals for psychiatric treatment that did not even exist, and all kinds of fabrications we found that had been accepted by the CIA.

The prosecution of this war just brings to light the fact that we have some serious problems in a very expensive governmental operation. The gentleman who preceded me was talking about waste in government and the expenditures, and how so much of our tax money goes into wasteful government. I assure Members, there are many places where there is waste, but I never hear the majority party talking about the real waste.

In fact, we saw last week that when we had a bill on the floor presented by the President calling for $6 billion to conduct the activities related to the war in Kosovo, the majority party added to that and the $6 billion price tag was raised to $13 billion.

We saw before our very eyes in bold relief an example of how the waste gets accumulated. Most of what they were doing was going to go into weapons systems and activities that are not related to the Kosovo war, but they do make for very high profits in terms of the productions of certain weapons systems, some of which are questionable.

One of the things that the Kosovo war maybe brings into bold relief, again, is the fact that our high-tech weaponry has a lot of shortcomings. The precision bombing, precision bombing turns out not to be so precise.

Strange things are happening with our helicopters. The Apache helicopters were coming, and the way the press played up the helicopters, they did them a great injustice, because they kept hyping, the Apaches are coming, the Apaches are coming.

One got the impression from hearing over the news day after day that the Apaches are coming that the Apaches were going to turn the situation around and win the war. I do not think that the Army had asked for that kind of publicity, but for some reason, there it was. Even Ted Koppel on several shows had people dealing with the way the Apache functions and how the pilots think. It was all this hype about the Apaches, the Apaches.

Now two Apaches have crashed in training sessions. It is just one more reason why the public, the voters, the American citizens have real doubts about this war, when we have blunders of that kind which are placed under a magnifying glass and raised to a level of visibility that destroys the effectiveness of whatever we are going to do afterwards.

The Apaches are there now. It looks as if the Apaches are going to work no miracles and make no great differences, but they are high-tech weapons. We have learned these high-tech weapons are so loaded down that they cannot fly over the mountains. They have so much on them until they have difficulty flying over the mountain ranges, and Yugoslavia has mountain ranges. Every night that I listened to the discussion of the Apaches I was appalled at the kind of facts we pick up in terms of why our high-tech weaponry fails.

Now is the time for every Member of Congress, and indeed, every American citizen, to think seriously and deeply and thoroughly about the activities that are going on. Kosovo and the burden of the war in Kosovo will impact on all the decisions we make in Congress for this 106th session of Congress.

We are going to be saddled with discussions about the fact that $13 billion was appropriated when only $6 billion was requested by the President, and many of the same people on the majority side who advocated and voted for those appropriations are going to tell us now that we have no money for education, we have no money to deal with prescription drug benefits for people on Medicare. They are going to tell us we have to have tremendous across-the-board cuts in any program that is a domestic program that is nondefense.

We should expect all of this and get ready for it because of Kosovo becoming an excuse for certain people who have always wanted to cut back drastically on the spending by the Federal Government to help the people in America who need help the most.

Mr. Speaker, I have tried to think deeply and thoroughly about all of it. I greatly regret that now, in my pursuit of greater funding for education, of greater funding for school construction, that I am going to have to deal with the Kosovo burden. I deeply regret that. I think all American citizens regret that, in a situation where we have a tight budget already, we have to also now deal with additional expenditures for Kosovo.

I have thought deeply about this. I understand all the implications. I would like to invite my constituents who disagree with me about why, despite all this, I still support the actions of the President and the NATO alliance, I would like for them to follow my thought processes for a moment, those among my constituents who disagree.

The first consideration is my experience with Haiti, the experience with Haiti. At least 3 years of negotiations brought me face-to-face with an example of a sovereign predator. There were two of them, Raoul Cedras and Michel Francoise.

We looked at their faces in negotiation after negotiation and they seemed like rational, reasonable people at the time, when you were negotiating, but they went back on agreement after agreement. They broke agreements. They were determined to squeeze from their country as much as they could for themselves.

Haiti had a thriving drug-running business. Drug transshipments were feeding the coffers of the same men we were negotiating with. They did not mind the deteriorating conditions of the economy, the misery. They did not mind that. They added to the misery by killing large numbers of people every night. The total went up to about 5,000 people killed during that 3-year period.

Negotiations, discussions, diplomacy, sanctions, embargo of oil, none of it worked. It was not until a determination was made to pursue a course of military intervention in Haiti that we got some real action.

As we know, we did not have to fire a shot. There was just the threat of the troops, the understanding that they were on the way, that led Raoul Cedras to step down. Force, however, had to be the threat to do that. We had to be willing to do it.

In the case of Saddam Hussein, I was against the Gulf War, I was against bombing, I was against the ground war, and I watched as Saddam Hussein allowed his own people to be pulverized, his own armies to be destroyed, and he stubbornly held on.

The bombing did have a great effect in the desert. It was a place where you could impact greatly upon the armed forces. His forces were ravished. They were destroyed long before the ground war began, but he was a sovereign predator who did not care about his own people, and not until the ground war started and the tanks were rolling did we see Saddam Hussein willing to yield.

He played some tricks, and at one point there was an announcement that he was trying to seek asylum in another Nation. For that reason I think the calculations of the Bush administration were thrown off and they did not pursue Saddam Hussein's army to the point of destroying the army. That is most unfortunate. This sovereign predator still sits there, like the sovereign predator in Yugoslavia.

We had an encounter with him, but we did not go any further. We did not go far enough to destroy him and his powers; not the Nation, but a single person surrounded by his own cronies, who becomes the perpetrator of large-scale dislocation and death in the world.

Stop to think of it for a moment. When we add up all the people in the last 50 years, and let us take the last 100 years, because World War I was in the last 100 years, World War II, all the hurricanes, tornadoes, the earthquakes, if we add up all the people who have died in all the natural disasters in the last 100 years, yet it will come nowhere close to the people who have died in wars perpetrated by the Adolph Hitlers and Saddam Husseins of the world.

Millions died in World War II as a result of Adolph Hitler and his Nazi regime, millions died. The authoritarian totalitarian regime in Tokyo, millions died; in China, millions died. They were ready for more millions to die if we had to invade Japan. They were going to hold on at all costs. Too many died in Okinawa, too many died in Iwo Jima.

The sovereign predators do not yield, and they are the cause of more death than nature or God has ever caused. It is a serious consideration. It is a serious thing to think about. Should they be allowed to wreak havoc?

In Rwanda, the Hutus who were in charge of government went on the radio and used all the methods of communication to raise their own population, the Hutus, who were the vast majority of the population, to a high level of anger, and they went out and savagely slaughtered at least a half a million people. Some say it approaches a million. We saw the bodies on television. We saw the churches full of people hacked to death. We saw the people, bodies floating in the river.

The sovereign predators of Rwanda were demagogues who wanted power. It is all about a demagogue who wants power, becomes a sovereign predator, because the best way to achieve that power is to use the tribal, ethnic, or racial card against his own people to throw them into turmoil.

Maybe there are some ancient instincts that make us all distrustful of each other, but people do not attack each other in large groups. We do not have ethnic wars, tribal wars, automatically. They are instigated by somebody. The demagogues instigate the wars for the purpose of their own power.

Netanyahu, Benjamin Netanyahu is the prime minister or president, I am sorry, of Israel right now. His father wrote a book about anti-Semitism and the ancient origins of anti-Semitism, the history of anti-Semitism. And in the discussion of anti-Semitism in Egypt, he talked about the fact that for so long there was a peaceful existence there. Jews existed along with everybody else, and there was no problem.

□ 2145

Antisemitism arose. And studying the origins of that antisemitism and using his ancient sources and analyzing it, he came to the conclusion that that antisemitism that arose out of Egypt and led to the Exodus and the kinds of cruel things that preceded the Exodus is similar to a pattern that takes place in the world whenever these things happen. That is that a minority is always at risk because a minority by simply being a minority is in a position to be victimized if a demagogue finds it convenient to use the fact that that minority is there to incite the majority and get the majority into a mode of thinking which supports the demagogue.

So demagoguery by sovereign predators has caused more death and destruction of the world than any natural calamities, all the natural calamities put together. Think about it.

Here we have a demagogue, Slobodan Milosovic, like the demagogues in Haiti, the sovereign predators, demagogues that become sovereign predators. They become sovereign predators because they have the authority of the government and they can command the guns and the tanks. Although the majority of the people may be against them, they have no way to counterattack against modern weapons so the demagogues prevail.

It may be that sometimes they have the majority of people on their side after they have captured all of the propaganda machinery and they are in the control of the mass communications. They brainwash people to the point where they do sometimes, maybe many times, command the majority. But the sovereign predators are in charge, and something has to be done to counteract them.

My framework for thinking was shaped by this development that I saw up close in Haiti. When one is dealing with a sovereign predator, force is the only thing that they understand. War, force becomes the necessary evil. It is necessary. I want to get back to the point. It is a necessary evil. The burdens we bear as a result of the war in Kosovo are a necessary evil.

The framework for thinking of all of us are also being influenced by giving

due recognition to World War II and the phenomena of World War II. One man was the driving force behind World War II; Adolf Hitler and his ambitions. Of course he had a German war machine that he made good use of, and it bowed to his will.

It is a complicated situation. People who argue that one man did it all are in danger of oversimplifying, but if Hitler had not been there, you know, like Alexander the Great, would Alexander the Great have died as generals began to fight among themselves. The great war machine that Alexander the Great had created fell apart.

Without Hitler I imagine the great war machine and all that went with that war machine, the propaganda machine, the organization of the whole nation, it would not have been the same without Adolf Hitler.

So the sovereign predator of Hitler and I think that the Hitler syndrome we can see in Slobodan Milosovic, like we can see the Hitler syndrome in Saddam Hussein, as I saw the Hitler syndrome in Raoul Cedras and Michel Francois in Haiti.

There is a Hitler syndrome where they do not care, they reach the point where they have some kind of sense where they are the most important creatures in the world, and they have the power to make the world bow to their desires and their will, and nothing can stop them but force.

So in World War II, we saw it happen right before our very eyes. We later on got a lot of documentation. It was not propaganda that millions of Jews were being put to death. We now have the documentation. We saw the bodies. We saw the gas chambers. We have the files. We have a museum here in Washington which if one does not believe it, one can go look at the documentation and the evidence with one's own eyes. It all happened. It all happened.

Do we respond to that lesson in history by saying that Yugoslavia is a sovereign nation and therefore we should not meddle? Do we respond to that by saying we should not break international law and international tradition by intervening in Yugoslavia. We did that.

In the case of Hitler, of course, he was challenged when he went across borders and started war. When he attacked the nations in Europe surrounding him, he had already annexed a couple of nations before that and some territory. We took it as long as we could, and finally Hitler was challenged.

Slobodan Milosovic does not represent a threat to the United States as Hitler did. He had world ambitions. He moved in a way where, as he destroyed the nations of Europe and brought them under subjugation, he was building a foundation which certainly could have been the basis for challenging any part of the world.

He had his counterpart in Japan. For a while, he had his allies in Italy. It was a movement that threatened all parts of the world. Certainly it was a situation different from the one we see now.

We are not threatened by Yugoslavia in that same way. They will never attack America. They will not send missiles here. We are not in a situation where our national interests are at stake. I think that previous speakers who made that point over and over again were correct. I agree. Our national interests are not at stake in Yugoslavia. We are in no way threatened by Slobodan Milosovic in terms of our own national security. There will be no military threats, no military problems as far as this Nation is concerned.

That makes it even more important, even more noble the fact that we have gone into a conflict where we do not have a vital interest, we do not have our national interest threatened. This is a moral crusade. This is raising morality to a new level, as I said before, a new level of morality when one engages one's troops, one's resources, one's political destiny. Because anybody who starts a war in America runs a risk of paying a high price politically. Any party that is a part of starting and executing a war will pay a high price, will teeter on a precipice.

The politically expedient thing to do in the case of Kosovo would be to stay away from any conflict that might place the Democrats in a difficult position in the year 2000 as we go into those elections. The politically expedient thing to do would be to negotiate forever, even negotiate away principles, but do not do anything which jeopardizes one's power.

Criticism I hear of the President, criticisms of this administration, but the gamble they are taking is a noble gamble. The risks being taken here are noble risks for noble reasons.

The fact is that our interests are not being threatened. There is no oil. We went to war in the Gulf. The Gulf War, I think there was some principles were involved. One nation was invaded by another, but I do not think that is why we went to war in the desert. We went to war in the desert because the price of gasoline was threatened. The supplies of oil in the whole world were threatened. There was a clear vital national interest.

Is that the only reason we should ever go to war? I think this action taken by this administration by the NATO alliance is saying there ought to be another reason to go to war, especially in a situation where one has been dealing for 8 years, one has been negotiating for 8 years with the sovereign predator, one has been trying to resolve the situation for 8 years, especially a situation where the European nations all agree. They reached agreement about the horrors of what is happening in Yugoslavia. Is it not time to take some action?

My framework of thinking is shaped by what I understand of what happened in World War II with Hitler. My framework of thinking is shaped also by my experiences with Haiti up close. My framework of understanding of what is going on here is shaped also by my preoccupation and concern and understanding of the war to end slavery in America, the Civil War, the War Between the States, whatever you might want to call it.

If ever there was a war that was fought as a moral crusade, then that was a moral crusade war. The war to end slavery was a campaign of compassion. The large numbers of men who fought and died in that war, and more Americans died in that war than have died in all the wars combined. Certainly I speak for the Union soldiers who fought to end slavery.

Some people say it was not a war about slavery. But if ever there was a war that had a clear purpose, then this war had a clear purpose. The war to end slavery was a war for a high moral principle.

If Abraham Lincoln had been a better politician, he would have done what James Buchanan did in his latter part of administration, avoided a confrontation at all cost with his confederates. The war to end slavery would not have taken place if there had not been a principled politician who was willing to take risks in support of that principle.

Yes, there were abolitionist forces in the North who had a great role, and I do not like to see the abolitionists portrayed as fanatics. The abolitionists were people who wanted to end slavery. The abolitionists were people who thought slavery was unjust and that one had to take steps to rid the Nation of that great abominable crime.

There were forces at work that certainly wanted to confront the people who were trying to extend slavery forever. The Confederates wanted to create two Americas. If they had succeeded, we would have had two Americas; one built on slave labor, probably a formidable economic power.

When one has free labor, certainly during that period where the agriculture needed free labor, but when the first industries were formed, if free labor had been available for industries on one-half of the North American continent, and the other half did not have free labor, probably the part of the continent that had free labor would have become the economic power over the part of the continent that did not have free labor through slaves.

So I mean there were many, many possible ramifications of a situation where slavery was allowed to continue because the political powers in charge chose to negotiate and to compromise.

Many of my close, young friends who talk about slavery and the state of African Americans now in America are often unaware of how close we came to a situation where there were two Americas instead of one. The entire strategy at one point of the Confederacy was to prolong the war in order to force a compromise, a negotiated settlement.

The pursuit of the war, the Civil War, required a great deal of serious consideration of the cost. The cost in lives, as I said before, was tremendous. More Americans died in the Civil War than all the wars together. General Ulysses Grant was called a butcher because of his tactics and the number of men that he delivered up in order to win.

If we had CNN covering the Civil War, they would have filmed the burning of Atlanta and some of the other things that were done by General Sherman as he marched across the South and called it barbarity and maybe label Sherman as a war criminal. But, again, it was similar to what happened in Germany. They had to bomb the cities of Germany in order to break the back of the Hitler war machine and the people's resistance, their support for a demagogue who refused to surrender.

□ 2200

In the case of the South, the prolonging of the war was the strategy. And the terrible things that happened as a result of that, the large numbers of civilians, who, if they did not die in those days from the firepower of modern weapons, they died from hunger, deprivation, et cetera. It was a nasty war, a war for a moral purpose.

There would have been no Emancipation Proclamation. There would have been no 13th amendment, no 14th amendment, or no 15th amendment if the bloody war had not been won.

So I say to my constituents who insist that this is a terrible thing we are doing because civilians are dying, it is a terrible thing when we have to bomb cities, it is a terrible thing that we are using our military might to try to get a solution to a problem, but the choice is not ours. The demagogue who is a sovereign predator has determined what the situation should be.

We have been given no choice in the matter, if we care about moral principles, if we are going to lay aside the conventional morality which says that whatever a nation does within its borders, it is their business; that whatever a nation does, no matter how horrible it may be, it is not the concern of the rest of the world. We broke that tradition when we went into Yugoslavia in the first place.

We have been in Yugoslavia a number of years. More than $7 billion have been spent there by this country alone in helping to maintain a peacekeeping force. We are involved. So, therefore, the moral crusade that we are mounting in Kosovo is a continuation of a new kind of morality that we have established. We are saying that never again will the civilized world stand by and allow people to be destroyed by sovereign predators without intervention.

Sometimes that intervention, most of the time, it will be diplomatic condemnation. Diplomatic condemnation of genocide will always be a certainty, I hope, from now on when that happens. But sometimes military confrontation will also be possible, and it will happen in protection of a principle.

I hope that all the other sovereign predators of the world will take heed that they will not be allowed to exist without being labeled war criminals. General Pinochet, who is now sort of trapped in England, I hope we have seen the last of those people who think they can kill and maim and destroy people and then rise up and travel around the world as ordinary citizens and enjoy their old age. There ought to be a condemnation of the sovereign predators, if we cannot go to war with them, do whatever is necessary to make certain they never live among men again as normal people.

So I appeal to my constituents, I appeal to people everywhere to do a thorough analysis and remember the Hitler syndrome. Never again, the phrase we used in connection with the millions of Jews who died, must not be an abstract slogan. It must not be a slogan that our generation uses in the future because we sat by and let things happen and we feel bad about it and say we will not let it happen next time. This is the time. This is the time to stop it.

Each one of us has a duty to take a forceful position, to be thorough in our thinking and to support the most intelligent effort possible to end this war as fast as possible. But we should, in the meantime, be proud of the fact that this indispensable Nation of ours has both the will and the power to reinforce the foundations of a compassionate civilization.

The Roman Empire only dispatched their allegiance to achieve greater conquests and to bring home the booty. This American indispensable Nation has deployed its armies in an unprecedented campaign of compassion.

A CRISIS WE MUST NOT SHRINK FROM

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes.

Mr. HAYWORTH. Mr. Speaker, oftimes I have the privilege of visiting elementary schools in the 6th Congressional District of Arizona, the folks whom I represent, and enjoy reading to elementary schoolchildren a book entitled ''House Mouse, Senate Mouse'', and it tells the story in bipartisan, or nonpartisan, fashion of the legislative process. It is written in verse, and it follows a letter sent to Capitol Hill by a group of schoolchildren. And as I point out to the students, if they ever want to receive a lot of mail, they need only be elected to the Congress of the United States, and they will receive mail on a daily basis.

Mr. Speaker, this time of year, I am sure my colleagues would concur, among the pieces of mail we get are a variety of commencement announcements and graduation invitations, and I received one such invitation today from one of this Nation's foremost institutions, the United States Military Academy at West Point. The announcement reads as follows:

''Congressman Hayworth, after 4 years, I wanted to write and thank you for the appointment to the United States Military Academy you obtained for me in 1995. I am graduating and will be a commissioned armor officer stationed in Germany. I look forward to this exciting challenge. Thank you for giving me this opportunity to serve my country and fulfill a childhood dream.''

And the young man about to be commissioned as Second Lieutenant in the United States Army sent his graduation picture along.

And, indeed, as a previous Member of this Chamber long ago reflected upon this job, indeed one man in American history, the only man thus far to serve as President following the service in that same job of his own father, John Quincy Adams, who, following his service as President, was asked by the people of Massachusetts to return to government service in this role, as a Member of Congress, said, ''There is no greater honor than serving in the people's House.''

And I would only add to that, Mr. Speaker, by saying one of the great honors of service in this House is the opportunity to appoint outstanding young men and women to our military academies because their sense of duty, honor and country serves as an example to us all.

I have also had an occasion to travel around the width and breadth of the district I represent here, a district in square mileage that is almost the size of the Commonwealth of Pennsylvania. Across the width and breadth of eastern Arizona, from the small hamlet of Franklin in southern Greenlee County, north to Four Corners on the sovereign Navajo Nation, west to Flagstaff, and south again to Florence, including portions of metropolitan Phoenix, North Scottsdale, Central Mesa, and what we call the East Valley, a district of incredible contrasts and diversity. And yet the stories remain the same, stories of proud service to our country.

In Pinal County last month I had occasion to speak at the dedication of a new city hall in Casa Grande, Arizona. And that city hall is a unique design for it is a renovation of the historic Casa Grande High School, and the city hall dedication almost served as a mini reunion for the proud alumni of Casa Grande High.

One of those who joined us that day was a member of the class of 1941, and he brought his school photograph, not unlike the West Point cadet who I mentioned earlier. This year, this alumnus of Casa Grande High School, brought his high school yearbook picture; and he related to me the story of how his dreams were deferred because of his sense of duty and the ominous and momentous acts, acts that have

been recorded in history by our late President Franklin Roosevelt, who stood not far from this spot and proclaimed December 7, 1941, as a day which would live in infamy.

That proud member of the class of 1941 at Casa Grande High School spoke of his commitment to our Nation and his realization that the freedom we enjoy is never free. It comes at great cost.

And I mention my two constituents this evening, Mr. Speaker, one preparing to graduate, to become a commissioned officer in the United States Army; the other, now an honored senior citizen who gave the flower of his youth, the prime of his life, indeed, as one Hollywood motion picture of the 1940s was entitled ''The Best Years Of Their Lives'', to preserving the freedom of our constitutional republic.

And I am reminded of Mark Twain's observation, which I have shared with the Speaker many times on the floor of this House, that history does not repeat itself, but it rhymes. Challenges remain, but we should thank our Heavenly Father that there are those who are willing to step forward to meet those challenges.

And a recurring theme throughout the history of this constitutional republic is the resiliency and the resolve of the American people. When confronted with a crisis, when put in harm's way, when our very national survival is threatened, the American people instinctively understand that to have economic security, that to have security in one's home, in one's community, we must also have a strong sense of national security. We have been willing to step forward.

And, Mr. Speaker, it is in that spirit that I come to this floor tonight to relate and bring to the CONGRESSIONAL RECORD and highlight different articles that have appeared in prominent national newspapers reporting on a crisis that we face today, a crisis which we need not shrink from, which we dare not shrink from, which both history and duty compel us to confront.

Joyce Howard Price writes in yesterday's Washington Times, and I quote, ''Energy Secretary Bill Richardson admitted Sunday that the Chinese government has obtained nuclear secrets during the Clinton administration despite the President's claims to the contrary. There have been damaging security leaks. The Chinese have obtained damaging information during past administrations and the current administration,'' Mr. Richardson said on NBC's Meet the Press.

The Energy Secretary's comments contradict President Clinton's statement of March 19. Mr. Clinton was asked about a classified congressional report detailing leaks at the nuclear weapons laboratory in Los Alamos, New Mexico. The initial disclosure of the congressional report, published in The New York Times, said the spying began in the 1980s but was not discovered until 1995. ''To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the labs during my Presidency,'' the President said.

According to The New York Times, counter-intelligence experts told senior Clinton administration officials in November that China posed an acute intelligence threat to the weapons labs. The counterintelligence report, purportedly distributed to Mr. Richardson and others in the highest levels of the administration, and I would parenthetically add here that would include the President of the United States, warned that China was constantly penetrating computers at the nuclear weapons labs.

□ 2215

''The document revealed that the Energy Department, which has authority over nuclear weapons labs, recorded 324 attacks on its unclassified computer systems from outside the United States between October 1997 and June 1998. China was the worst offender. But there were others as well,'' the report said.

Mr. Speaker, from today's New York Times, William J. Broad writes:

''Secrets that China stole in 1997 about a space radar that can expose submerged submarines could aid it in finding subs from commercial satellites or airplanes and might also help it hide its own undersea weapons, intelligence experts say.

''For two decades, seeking to protect its submarine fleet from such surveillance, the Pentagon has tried to monopolize the radar. When it made its debut in 1978 with surprising powers of discernment, military powers blocked public release of satellite photos that showed deep, normally invisible wakes of speeding craft. Last year the military had the Federal Government set strict limits on the visual powers of proposed commercial radar satellites.

''Now it turns out, according to Pentagon officials, that an American scientist gave radar secrets to China in 1997, forcibly easing the Pentagon's grip. The implications of this disclosure are unclear because the size of the breach is unknown publicly and because the secret method is reportedly difficult to put into practice even after years of study. But at worst, experts say, American subs are now in danger of losing some of their cover. Among the vulnerable are missile subs, the most important part of the Nation's nuclear arsenal because of their stealthiness.

''Publicly, the unanswered questions include how deep submarines must go to elude radar prying, and sea currents and temperatures can help restore visibility, and how advances with submarines, satellites, and computers will most likely affect such probing in the future.

''Today the radar technique is believed to be able to uncloak submarines hundreds of feet beneath the waves but not thousands of feet. Experts say that recent trends have already hurt the Pentagon's game and the Chinese espionage, at least in theory, has made things worse.''

''As for China, it can use the stolen technology not only to hunt foreign subs but also to better cloak its own submarines finding ways to reduce the deep wakes that produce subtle clues of stealthy movement.''

Mr. Speaker, these two articles from two prominent national publications today and yesterday compel this House to again renew the call, Mr. Speaker, that the report of the bipartisan Select Committee on Unauthorized Transfers of Technology to China, informally known as the Cox committee, that the report of that Select Committee be released at once to the American people.

Mr. Speaker, it has been a long time, at least 4 months, indeed just after the convening of this 106th Congress the Cox committee, in a bipartisan fashion, completed its report. Its findings are available to Members of the House once Members of Congress are willing to submit to a classified briefing.

But, Mr. Speaker, I must again say that, with each passing day, the American people are deprived of the full knowledge they deserve of the extent to which China has penetrated our nuclear labs, stolen our nuclear secrets, and left this country with what euphemistically can be called a challenge with what, Mr. Speaker, must more realistically be called a clear, present threat.

Mr. Speaker, the articles appearing in our major newspapers have given way to opinion columns. William Safire, a syndicated columnist, in this morning's Mesa Arizona Tribune in a column entitled ''Connect the Dots on China,'' has this to say:

Mr. Safire relates that he called three friends in the Department of Energy, Defense, and Justice and asked them to turn on their office computers and read the first banner that came on their screens. ''Anyone using this system expressly consents to monitoring,'' is the message. ''Government employees using Government equipment on Government time thus waive privacy claims.

''Wen Ho Lee, the scientist who downloaded millions of lines of the nation's most secret codes to a computer easy to penetrate, also signed a waiver consenting to a search of his computer without his knowledge. And yet the Reno Justice Department denied the FBI's request for permission to search Lee's government computer.

''Eric Holder, Janet Reno's deputy, decided that a court search warrant was necessary but then refused to apply to the special foreign surveillance court to get it. Of more than 700 such FBI requests a year, a surveillance official admits that a flat turndown is extremely rare.''

''Why?'' Mr. Safire writes and asks, ''why this one?''

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I am very curious about this. I was participating in a debate earlier tonight where the director of the CIA, it was proposed, should resign because of the bombing in Belgrade of the Chinese Embassy, quickly looking for a scapegoat.

Now, I hope that we are not going to be quickly looking for a scapegoat and put somebody's head on the chopping block too hastily as respects that. But it is interesting that that rumor, which may or may not have come from the administration, about let us fire the head of the CIA, we do not ever hear that about let us talk about Janet Reno.

Because, as my colleague knows, the attorney general, Ms. Reno, did not go along with Louis Freeh's recommendation for a special prosecutor to look into the Chinese money laundering scandal and the things that Johnny Chung, the great Democrat donor, testified today for 5 hours before a committee on. And yet here we have the same attorney general who did not want to proceed with the investigation of Mr. Lee.

Now, that is very curious to me. Because bombing the Embassy was tragic and a huge international mistake. Yet, at the same time, giving away our nuclear arsenal, the so-called W–88, which is the nuclear technology that can arm a Trident nuclear submarine, that is a huge matter. And why this administration and this attorney general drug their heels on taking disciplinary action or even investigating is beyond me. And I cannot see that.

And we are already hearing from the folks up at the White House that, well, this started with the Reagan-Bush folks. Well, okay, everybody does it. We heard that before, ''everybody does it.'' And I am appalled. But I know this, that the Reagan-Bush team did not know of spying and did not have the reason to believe that apparently this administration did that this was going on and yet totally ignored it. Nothing was going on. And for months and months and months reports of what was going on in Los Alamos were apparently forwarded on or forwarded up the ladder and they were ignored time and time again.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Georgia for his remarks and his very salient observations.

I would also point out for the record, Mr. Speaker, that even while we have American fighting men and women placed in harm's way in an air campaign above Yugoslavia dealing with the challenges confronted by Kosovo, nonetheless, it is the Constitutional responsibility of this Congress to exercise oversight and to ask some important questions. And my colleague from Georgia outlines many.

I would offer another. It is worth noting that our national security advisor, one Mr. Sandy Berger, prior to his employ in this administration, was a paid lobbyist for the People's Republic of China. Indeed, according to Dick Morris, the political advisor who conducted the bulk of the 1996 reelection campaign for the President, he said in a publication here on the hill, fittingly titled ''The Hill,'' quoting now: ''Sandy Berger has about as much business being national security advisor as I do.''

My friend from Georgia brought up the curiosities of the conduct of our attorney general. And, Mr. Speaker, I would suggest that this House and our colleagues take a look at a commentary by this same Dick Morris appearing on the pages of the New York Post today where he outlines some very curious conduct and speculates on the reasons why the attorney general has been so reticent to take up these investigations and to exercise her constitutional authority to ensure that laws are being obeyed and, I might add, the same constitutional charge that we take on in an oath, that our friends in the executive branch take on, when we raise our right hand and swear to faithfully execute and protect and uphold and defend the Constitution of the United States. We have a very troublesome situation on our hands.

My colleague from Georgia also mentioned the testimony today of Johnny Chung. I must, Mr. Speaker, confess to this House and to the American people at large how dismayed I am with my former colleagues in broadcast journalism, even now with the advent of 24-hour news networks, how noticeably devoid the cable cast and the broadcast fair was of coverage of the testimony of Johnny Chung today before the Committee on Government Reform and Oversight.

Contrast that with the gavel-to-gavel coverage in 1987 of the Iran-Contra hearings during the Republican administration. And please do not misunderstand, because I know the temptation of some on the left is to engage in cat calls and to say this is simply whining. But when we have observers from partisan think tanks, both left and right, saying that the news judgment of the major networks and the cable networks is sadly askew when they refuse to offer gavel-to-gavel coverage I think again, in our free society, sadly, some purveyors of information choose not to highlight issues that go to the very core of our national survival and our national security.

Mr. KINGSTON. Mr. Speaker, if the gentleman would continue to yield, it is interesting that my colleague says that. Because we are both members of a communication team that looks at a lot of media numbers. The big three networks in percentage of news loss I think have gone from something like 60 percent of the market in 1990 to about 25 percent of the market now. Because Americans are turning on cable and they are watching Fox News, which did give gavel-to-gavel coverage of the 5-hour Johnny Chung, which this is an outrageous issue.

Here is a person who gets money filtered to him through General Ji of the People's Liberation Army of Communist China. He gives $360,000 to the Democrat National Committee, which they admitted to and they returned. He has pled guilty, I think, of $20,000 of it, which has been nailed on him pretty solid.

This is not casual stuff, and China is not some casual country out there. It is not like, they came from Luxembourg and we have got to watch those folks in luck Luxembourg. This is Communist China, not exactly strong American allies right now, particularly under this administration. But it is not covered.

But what is interesting is that each year the network news loses more and more of its market share, and I think one reason is people are tired of filtered news. They enjoy C–SPAN. And I am sure many of the people watching tonight are channel suffering. They may be here 10 seconds, they might be here 5 minutes, and they are going to move on. But that is what Americans want in choice of television and choice of coverage right now.

But this is a huge situation where we have an operative who visited the White House 50 different times and he was peddling influence. And not all the money that he got from Communist China went to the White House or the Democrat National Committee. I am not going to say that it did.

Just like when I was in college and my dad had a little checking account for me and he would give me money for gas, some of that money found its way to beer.

□ 2230

But I am saying it was the same account. The man had one account, and that money was dispersed to politicians. And 50 different visits to the White House. Let me ask you, you are on the Committee on Ways and Means, clearly one of the most powerful committees in the United States House of Representatives. How many times have you, as a member of that powerful committee, gone to the White House? Fifty, 60, 70 times? You have been up here 6 years. Eighty times? One hundred times? How many times have you been to the White House?

I am not talking about meeting with the President, but I am talking about meeting with the administration as a key committee member during the passage of welfare reform, tax reductions, balancing the budget. Surely you have been there at least as many times as Johnny Chung.

Mr. HAYWORTH. I have not been invited to the Oval Office nor to the White House to discuss policy with the President or any of his immediate advisers on a single occasion. The visits to the Oval Office I have made, Mr. Speaker, my colleague from Georgia, the old goose egg, zilch, zero, nada.

Mr. KINGSTON. Well, let me ask you this. So you are one of the 435 Members of Congress and you have never been invited to the White House for anything but a social occasion, but let me ask you this. Surely the Democrat members, let us get partisan here, the Democrat members have probably been there 50 or 60 times. You know a lot of your Democrat colleagues on the Committee on Ways and Means. Estimate how many times they have been over there.

Mr. HAYWORTH. I would not presume to speak for my friends on the other side of the aisle but, based on my own observations, I would think even with, pardon the pun, the most liberal interpretation, the ranking member and some of the leaders or my friends on the other side of the aisle on the Committee on Ways and Means have probably been there maybe a dozen times, two dozen if we want to be very charitable, but certainly not 50 occasions to my knowledge.

Mr. KINGSTON. So here is a man named Johnny Chung, gives generously to the Democrat National Committee, is partially funded through the Chinese Communists, and he goes to the White House 50 times. And during this period of time we transfer approval of nuclear technology sales to China, we transfer that from the Department of Defense, which is very, very protective of national security to the Department of Commerce which is very, very protrade, not worried about security. And during that period of time China is not only buying nuclear technology knowledge, but they are also stealing it at Los Alamos. Meanwhile, Mr. Chung is running around in the White House.

Mr. HAYWORTH. I would point out as Wesley Pruden, editor-in-chief of the Washington Times pointed out in a column about a month and a half ago, the same month when Vice President GORE had his self-described community outreach event at the Buddhist temple in Los Angeles, later proven to be a fundraising exercise again involving non-American citizens, that same month the aforementioned Mr. Berger, the National Security Adviser, we understand, was informed of the security breach at Los Alamos.

There are those in this city, in fact, Mr. Chung was part of the spin today, if you heard some of his comments, and I have heard them rebroadcast on some of the cable news outlets in the 30-some seconds they would devote to the story as opposed to gavel-to-gavel coverage, where he impugned the American political system in terms of fund raising. I must tell you, that tradition is in keeping with the curious reaction of many others in this city about financing campaigns and having people involved. In fact, to me the historical analogy would have been for Bonny and Clyde at the height of their crime spree to suddenly call a press conference to invite the leading newspapers and newsreels of their era and come out publicly for stiffer penalties against bank robbery.

It is asinine to see some of the spin going on here. Now you have the desperate attempt by Secretary Richardson, our former colleague, my neighbor from New Mexico, saying, ''Well, now we're going to get tough. Now we're going to appoint a security czar at Los Alamos.''

Friends, the nuclear genie is out of the bottle. The nuclear horse has left the barn. To continue to mix metaphors, the nuclear chickens are coming home to roost. And it is a little late, after the fact, for Mr. Berger, Secretary Richardson, Attorney General Reno or, as described in various accounts, the hustler named Johnny Chung to purport to lecture the American people about the conduct of campaigns, to attempt to lecture the American people about how now, once these ills have been exposed, ''Oh, now we're going to get tough.'' It leads to cynicism and distrust on the part of the body politic.

Mr. KINGSTON. Let me ask the gentleman something. You have been an active Member up here. Foreign nationalists, can they give to campaigns in the administration? I know they cannot give to Members of Congress. What is Mr. Chung saying is the problem with the law?

As I see it, laws were broken. We do not need to revamp the campaign finance law, although there are certain things we can do, but for this particular situation, we do not need to revamp campaign laws, we just need to follow them. Or am I missing something?

Mr. HAYWORTH. No, you are quite right. To offer another analogy, it would be like someone speeding and have an officer stop the speeder and the speeder say to the officer, oh, gee, I was going over 50 in that 35 miles per hour zone, but you know that is such a hazard at just 35 miles an hour, you ought to lower that speed limit to 25. And because I had the moral suasion to make that observation to you, officer, just let me go along on my way. Because, after all, I cared enough, officer, I cared enough, to tell you that the speed limit is excessive even though I broke it many times over.

This asinine reasoning and this cynical spin that permeates this town is both sickening and cynical and it needs to stop, Mr. Speaker, my colleague from Georgia. And to the American people, Mr. Speaker, who join us tonight, we need to move beyond spin for some straight talk with the American people. And whether it is campaign finance reform or these emerging scandals that threaten our very national security, Mr. Justice Brandeis was right, Mr. Speaker, when he said, sunshine is the best disinfectant.

That is why, Mr. Speaker and my colleagues, I renew my call for this House, if necessary, to go into closed session as soon as possible and to vote the release of the Cox committee report, because we know that our colleague from California has worked in a good-faith effort to negotiate with this White House.

We also know that the President of the United States has within his power under existing law the ability to release the select committee report today if he would take it up. I would, Mr. Speaker, invite our President to release the report forthwith, if he is to deal with us in candor and to serve effectively as our Commander in Chief as he sends American men and women into harm's way in the Balkan theater. He owes no less to the American public so that we understand what exactly is at stake across and around the world in terms of our defense capabilities.

Mr. KINGSTON. I want to clarify two things.

Number one, what the Cox report is; and the Cox report is the bipartisan commission report, special appointed committee by Congress, Democrats and Republicans, to look into this scandal of Chinese money influencing the American election system and taking nuclear secrets from America.

Now, that is point number one, that is what the Cox report is, but, number two, it was passed unanimously by the committee, Democrats and Republicans, 100 percent passed it. Now it is at the White House waiting to get their approval to declassify some of the information, and the White House is dragging. What you are saying is, if the White House persists on dragging, then it is likely the Democrats and Republicans at large in the House of Representatives will vote to get this thing out on the floor and so that we can address these problems.

That is where there is some real hypocrisy by this administration. They are saying, number one, well, all administrations have had spying at Los Alamos, in the nuclear labs. And then they are saying, but we are the only ones to deal with it. That is not quite true, but if you were dealing with it, you would put the Cox report out so we could all say, what is going on? Do we need more money here? Do we need more involvement here? Do we need this nuclear secrets czar which Energy Secretary Richardson has promoted now?

To me, I do not know if we do or we do not. If the Attorney General is not going to enforce the law, maybe we do need a nuke czar. I do not know. But let us put the Cox Commission report on the table and look at it, because we are united that the Communist Chinese were trying to influence the election. We are united in the knowledge that the Chinese communists were trying to get our nuclear secrets. We are not pointing fingers at 1600 Pennsylvania Avenue. We are pointing fingers at Beijing right now. I think that is a very significant and unifying factor.

Right now China is certainly unified against America. They are burning flags. They are rioting. They are protesting. They are doing everything they can. They are having bigger protests than Tiananmen Square. The Ambassador, Mr. Sasser, cannot even leave

the American embassy over in China right now. They are on the streets. They are demonstrating. As you know, it is morning there right now and the three journalists who were killed in the embassy, their bodies are returning to China today as we speak, and the Chinese people are all unified against America. What is worse than that, they are unified with Russia against America. China has become a player now in Kosovo. So our Chinese problems are just beginning. We need to go ahead and get beyond the Cox report and figure out what we should do.

Mr. HAYWORTH. As my colleague so capably points out, Mr. Speaker, it is time to address this, not as Republicans or as Democrats but as Americans. This is a situation which confronts us with reference to our national security and the safety of all our citizens, and the future of our country with reference to the rest of the world and most specifically to that giant nation in the East, Communist China. We must be resolute, rational, sober-minded about this, but it is very difficult, Mr. Speaker, and the frustration seeps over in the constant spinning and cajoling and cynical remarks that emerge in a very defensive fashion.

I believe my colleague from Georgia used that well-worn chorus, ''Everybody does it. Oh, people spy all the time. What's the big deal?'' Mr. Speaker, here is the big deal, as has been reported in the mainstream press. While many in this town very publicly search for what they call their legacy, the irony is that their legacy quite literally is our legacy, the legacy codes to America's nuclear arsenal that were transferred, downloaded into unsecure computers, where the Communist Chinese and others could have access to the width and breadth and majority of our technological know-how that American taxpayers subsidized in our national interest to protect this American Nation. That sadly is the legacy. Our national security has been squandered and jeopardized, and we must get to the root of that very vexing problem.

Mr. KINGSTON. One of the things I wanted to point out to you when you talk about a country of 1.2, 1.4 billion people, their army is 3 million strong right now. Now they are downsizing it to a skeletal 2 million people, but this is a huge army. They have just recently purchased 50 Russian SU–27 fighters and are building about 100 more. They have plans to install 650 short range missiles on China's coastline. This is an army that is being reorganized but it is on the move. But perhaps one of the best things they got in terms of stolen secrets were these so-called legacy codes.

I am going to read from a Wall Street Journal article today:

According to the U.S. Department of Energy, the most valuable data comes in the form of legacy codes. These are computer programs used by scientists at the two U.S. weapons labs to model how a newly configured weapon might work based on digital records of hundreds of U.S. tests that are built into the codes. It can take 5 years for a beginning U.S. weapons scientist to master the codes even with support from veteran bomber designers. Discovering just when China may have obtained these codes may be one of the keys to determine how fast it could develop its arsenal.

So it is these legacy codes that are just as important as the W–88. The W–88 as we have pointed out earlier, that is the nuclear design for the nuclear submarine stuff. They also got the W–56, W–57, and I think it was W–72 and W–78 and W–87. These are all our nuclear warhead secrets, the drafts and the designs and the plans. As one of the Pentagon officials said, ''They basically have all the secrets in our nuclear arsenal right now.''

□ 2245

The only question remains is how much, how far they are along in applying this information. It is scary.

Mr. HAYWORTH. Small wonder then that a long-time observer of our intelligence scene and apparatus described this breach, and it has been reported, again in the mainstream press, as the worst breach of national security since the Rosenbergs, and, Mr. Speaker, that is chilling. But the challenge for us is not to stand mortified or paralyzed or irresolute or intent on political gamesmanship. Mr. Speaker, the challenge for us is to remember what has worked through our history, to have a deep and abiding faith in the American people.

My colleague from Montana was here earlier tonight along with my colleague from Colorado and a colleague from California, and he made this point that I have seen time and again, and I am sure my friend from Georgia would echo this sentiment. When we return home to our districts, when we meet with our constituents, we are reassured and overwhelmed by the common sense of the American people who understand a clear and present danger and who do not shrink from a threat to their family's security and to the national security.

We have learned through our history, Mr. Speaker, and it appears as a paradox, but in fact it is the foundation of our successful policy around the world in what has been referred to as the American Century, and that is we find true peace through our military strength and we seek strength not to dominate or colonize the world, as our detractors would say, using the buzz phrase of imperialism. No, we only seek that power and advantage in our own national interest so that we may ensure the peace in our own legitimate national interests.

That is why I was pleased to vote one week ago to supplement our defense capabilities, to give our men and women in uniform a much needed pay raise for the work they do, to recognize their value and to refortify our Nation's Armed Forces because, Mr. Speaker, we have a situation fast developing that was reminiscent of what we saw 20 years ago, the erosion of our capabilities, our manpower, our munitions, our material, to the point where our capabilities were described as a hollow force.

Again we face those challenges because even as this administration has disagreed with the new majority in Congress while we have tried time and again to increase allocations to preserve our national security, and the administration said, no, we do not need to spend funds in that fashion and put our national security at risk, we have a situation where our Commander in Chief has deployed our Armed Forces into more than 30 locations, and now we are faced with the vexing dilemma of having an Armed Forces apparatus incapable of fighting a two-front war or dealing with two regional conflicts.

That exacerbates the problem today in the Balkans. Whatever one's opinion of the course of action that should be followed, and good Americans can disagree as to the intent and what should be done, and certainly the gentleman from Georgia (Mr. KINGSTON) and I have weighed in with our points of view on this in the past, but incumbent upon this Congress and our Commander in Chief is to act in the national interest to make sure that we have the manpower, the materiel, the munitions necessary to defend our constitutional republic.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, it was interesting. Yesterday I went to an Air Force base, and I am not sure if I should say the name so I will not, but they told me that last year they had 11 fighter jets that sat basically on the tarmac because they needed spare parts, and they sat there, and, as my colleague knows, it is a tragic waste of millions of dollars worth of equipment. They finally got the spare parts, and now they are up and running because last year, as my colleague knows and he supported some money for spare parts; very simple, you just have to do that in the world; but, as my colleagues know, the other bad part was the morale.

As my colleagues know, here we have these trained pilots who say, look, you know I work hard, it is very competitive to get where I am, and I got here, and now you will not let me fly these jets because you do not even spend the money on the spare parts. I am out of here. I can find a better job in the private sector. Will not be what I wanted, will not be the excitement and the thrill of flying a jet, but there is no reason.

And so also in the bill that my colleague supported last week was money for more spare parts for tanks and equipment, and, as my colleagues know, maybe it is a little mundane, a little boring, to have to spend money responsibly on things like spare parts, but we have to have it.

As my colleagues know, these planes go from Georgia to the Middle East. They get sand in the engine. They have

to be down for two or three days while they clean everything to make sure that the sand is out of there because it grinds it down. Then they go to another region that has completely different elements, and they have to keep up with their equipment. But when we are spending millions and millions of dollars on it, it is well worth it.

But the equipment is nothing compared to the soldiers and the soldiers. My colleague mentioned deployments. I believe the rough numbers are that from World War II until 1989 there were 11 United States deployments of Armed Services, 11 from World War II until 1989, and since 1989 there have been 33, and this administration with its very peculiar relationship with the military or its view of the military seems to deploy them at the drop of a hat, and, as my colleagues know, we have fought putting Americans under command of U.N. generals. We want our American soldiers under the commands of Americans. As we get more into this strange period of when we have a defensive coalition like NATO that is acting offensively, when we are involved in a civil war where there is no clarified American peril, and you know there is an American peril if you back into the argument of whether economic stability in Europe is at stake. I am not 100 percent sure that it is, but let us say you buy that. Then why out of 19 NATO countries is America picking up anywhere from 60 to 80 percent of the cost of this war?

Mr. HAYWORTH. Mr. Speaker, on that observation I thank the gentleman from Georgia for raising that because again one cannot help but note the contrasts with this latest campaign in Kosovo and the air campaign of the NATO forces, and yet the fact that our European allies are not paying their fair share of this military involvement, and it almost sounds, Mr. Speaker, like a test question for history: Compare and contrast the demands of President Bush on the allied nations in Desert Storm with the lack of demands President Clinton has placed upon our European NATO allies during the Kosovo campaign. Again, good people can disagree as to the advisability of having forces in the Balkans, but we should be united in the observation that our European allies, who have this action in just the fact of geography and of life that the Balkans theater is there closer to their homelands, literally in their own backyards. They should pick up their fair share of that burden if there is to be involvement at all.

Mr. KINGSTON. And if they decide that they cannot pick up their fair share of the military action, let them weigh in on the humanitarian assistance.

Can you imagine 750,000 refugees outside of the country, and tonight I saw statistics that said there are 600,000 inside the country.

Now, as my colleagues know, the numbers are fluid so we are never 100 percent sure, but these are people who have left their homes with nothing, no time to pack, no money, no food, no clothing, no transportation, and if they are lucky enough to return, then their house may be destroyed, the roads and transportation will be destroyed, the hospital will be destroyed, their food system, the distribution system, so we are going to need medicine, food, shelter. We are going to be committed to this humanitarian part of the war for a long, long time, and let us hope that our NATO allies, their European brothers and sisters, are going to be on the front line of that because that is going to cost us a lot of money for many, many years.

Can my colleague imagine the rebuilding that we will be involved in?

Mr. HAYWORTH. And it boggles the mind, Mr. Speaker, as my colleague from Georgia points this out, there is of course a larger context both to the Balkan theater that is transpiring in Kosovo and the other challenges we face around the world, and, Mr. Speaker, there is a legacy of modern conservatism and a common train of thought reflected in the notion of peace through strength, which President Reagan was so dogged and devout in pursuing, and indeed earlier this century by our former Supreme Allied Commander in Europe during World War II, later President of the United States, General Dwight David Eisenhower. In his book Eisenhower, The President, William Blake Eweld sets forward the components that Eisenhower used, the criteria upon which Eisenhower based any notion of military involvement by our Nation.

No. 1, said Ike, define the compelling national interest that would prompt us to act militarily. No. 2, Eisenhower said, let us have a clearly definable military objective. General Eisenhower, subsequently President Eisenhower, went on. No. 3, understand that there is no such thing as a little force. Once the decision to use force is made, force must be applied overwhelmingly and, yes, even brutally to achieve the desired ends. And, No, 4, once the objectives are achieved, there must be a clear exit strategy.

Mr. Speaker, I must lament the fact that whether it is in Kosovo or simply the notion of state craft and diplomacy confronting the challenges as we do today with Communist China how bereft and bankrupt and totally removed from the criteria Eisenhower outlined in what came to be known as the Eisenhower Doctrine, how far afield this administration is both in the conduct of our foreign policy and in the use of American fighting men and women around the world. Unapologetically we should stand for our national interests and our national security, and to those who come to this floor and offer what they believe to be a humanitarian argument, I notice very seldom do we hear about the almost 2 million people who have died in the Sudan, or the tribal warfare that has gone on in Rwanda, and that is not in any way to diminish the suffering in Kosovo, but let me suggest this, Mr. Speaker and my colleague from Georgia:

If we are to change and enlarge the definition of our national interest to include every atrocity that occurs somewhere around this world, we would be asking for the conscription of American men and women for almost a 10-year tour of duty, and this constitutional republic would look more like the ancient city state of Sparta in terms of our citizens under arms.

No, we must have a logical, sober, reasonable definition of our compelling national interest clearly and unapologetically, and that is the foundation upon which we must base all of our actions in the field of diplomacy and certainly in the introduction of our military forces.

Mr. KINGSTON. The gentleman has pointed out why America is now divided on this war effort. In Desert Storm, as my colleague knows, preceding the January bombing, we had a 6 month build-up of the military called Desert Shield, and we got our allies on board, and we got the American people on board, and that was not done in this case, and we went in there, as you and I have heard rumors from the Pentagon, expecting a two or three day campaign, and yet there was warning that it was going to be prolonged, that we could not achieve the objectives without ground forces, but we also understood that people within the White House thought it was going to be a two or three day campaign, and lo and behold, here we are now with 45th, 46th day; I am not certain.

But we have not clearly articulated to the American people and the administration has not what the peril is, and it is just this vague, well, humanitarian assistance and economic stability of Europe.

But the interesting thing I think right now is that there is this overture of if you quit bombing, we will have a peace talk, and I think most Americans right now are actually on the side of, okay, let us stop bombing and let us get talking again and see what happens.

Now there are critics who say once you stop bombing you cannot start again because the NATO alliance might not stick together. Well, I do not think that is that big of a deal based on what they have been contributing.

□ 2300

I think what we need to do is to get back to the peace table and start talking. Remember, we did not even start boycotting Yugoslavia for trade until 2 weeks ago. We should have done that a year ago, even earlier than that, because this has been going on since really 1989, 1990 and 1991 when the Republic of Yugoslavia started breaking out. Slovenia pulled out, and then Croatia and Bosnia.

None of this stuff has been surprising. Again, the bombing of the Chinese embassy, why did the most powerful military alliance in the world not

know that they were bombing an embassy?

Mistakes happen in war, and I am certainly not going to say that is the biggest problem we have right now but that one they should have known. Was it the fault of the CIA or is that just a neat little package that we are going to put a scapegoat on? Or is it just this chain of NATO command where we have too many cooks in the broth? Is this a war by committee? That is, I think, one of our big problems that we are not even discussing.

Mr. HAYWORTH. Mr. Speaker, my colleague from Georgia (Mr. KINGSTON) adds to the litany of compelling, provocative questions that confront us as we prepare to enter the next century.

I mentioned earlier in this special order that this has been referred to as the American century. Some around the world might claim that is a bit jingoistic, but it is a label that for better or worse has been given the 20th century.

History does not occur in a vacuum. All of the questions outlined by my colleague, the gentleman from Georgia, are undergirded again by this notion: To have security here at home, to have economic security, to have the security that promotes domestic tranquility, undergirding all of that is the notion of our national security.

In the beautiful preamble to our Constitution, those who gathered in Philadelphia for what Catherine Drinker Bowen called the miracle at Philadelphia wrote that it was their purpose, in ordaining and establishing a constitution for the United States, to provide for the common defense. That challenge continues even more in this world today.

Mr. Speaker, I began this hour speaking of an invitation I had received for commencement exercises at the United States Military Academy at West Point. I might also add, and I know my colleague, the gentleman from Georgia, shares this sentiment, there is no greater honor than calling a young man or woman to congratulate them upon their appointment to one of our fine military academies.

Just a few weeks ago, Mr. Speaker, I had occasion to do that for a young lady in one of the high schools in the northern part of our district, and a reporter from the White Mountain Independent was there, as the phone call was patched through on a speaker and this proud academy nominee and her family gathered along with her friends, and the reporter asked me, what does this mean to you to be able to nominate this young woman to the academy?

I said to him, you have to understand what this young person is doing. Yes, she is given a tremendous opportunity to receive an unparalleled education but it comes at a price because she and her family understand in no uncertain terms that quite literally her life will be on the line.

Those of us who are constitutional officers, whether in this legislative branch or at the other end of Pennsylvania Avenue in the executive branch, have first and foremost a duty to the men and women in uniform and the people they protect that we unapologetically pursue our own national interest and that through oversight we allow the sunshine to come in to expose unsavory relationships, to get to the bottom of espionage scandals and to preserve our constitutional republic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Mr. GEPHARDT) for today and May 12, on account of business in the district.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today, on account of family medical reasons.

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

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BLUMENHAUER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. LARSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes each day, today and on May 12.

Mr. PORTMAN, for 5 minutes, on May 13.

Mr. BURTON of Indiana, for 5 minutes, on May 18.

Mr. DREIER, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on May 12.

Mr. DUNCAN, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CAMPBELL, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 05 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1981. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Suspension of Collection of Recapture Amount for Borrowers with Certain Shared Appreciation Agreements (RIN: 0560–AF80) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1982. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Beauveria bassiana (ATCC #74040); Exemption from the Requirement of a Tolerance [OPP–300821;FRL–6068–7] (RIN: 2070–AB78) received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1983. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph, (E,Z) 4-[3-(4-chlorophenyl) -3-(3,4-dimethoxyphenyl) -1-oxo-2-propenyl]morpholine; Pesticide Tolerances [OPP–300857; FRL–6079–5] (RIN: 2070–AB78) received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1984. A communication from the President of the United States, transmitting his request for an emergency FY 1999 supplemental appropriation for the Fedeeral Emergency Management Agency to help the people and communities devastated by the terrible tornados that hit Oklahoma, Kansas, Texas, and Tennessee and provide for other disaster relief needs, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106–61); to the Committee on Appropriations and ordered to be printed.

1985. A letter from the Health Affairs, Assistant Secretary of Defense, transmitting a letter to advise that the Department has not yet completed its review and internal coordination for the report required by Section 715 of the FY 1999 National Defense Authorization Act.; to the Committee on Armed Services.

1986. A letter from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting a plan to redesign the military pharmacy system, pursuant to Public Law 105–261; to the Committee on Armed Services.

1987. A letter from the Acquisition and Technology, Under Secretary of Defense,

transmitting a report on the implementation of a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities, for the performance of research and development functions; to the Committee on Armed Services.

1988. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund for FY 1998, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking and Financial Services.

1989. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Withdrawal of Interim Rule on Builder Warranty for High Ratio FHA-Insured Single Family Mortgages for New Homes [Docket No. FR–4288–N–03] (RIN: 2502–AH08) received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1990. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans and Section 8 Certificate and Voucher Merger Announcement of Public Forums; Solicitation of Additional Public Comment on Relationship of PHA Plans to Consolidation Plan [Docket No. FR–4420–N–02] (RIN: 2577–AB89) received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1991. A letter from the President and Chairman, Export-Import Bank, transmitting statements with respect to transactions involving U.S. exports to Venezuela; to the Committee on Banking and Financial Services.

1992. A letter from the Managing Director, Federal Housing Finance Board, transmitting the 1999 base salary structures for Executive and Graded employees; to the Committee on Banking and Financial Services.

1993. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the final version of the Department of Energy Accounting Handbook; to the Committee on Commerce.

1994. 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 Tennessee: Approval of Revisions to the Memphis Ozone Maintenance Plan [TN–204–1–9913a; FRL–6326–9] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Withdrawal of Final Rule for Transportation Conformity [DE036–1018a; FRL–6325–2] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Maryland; Control of Emissions from Large Municipal Waste Combustors [MD056–3022a; FRL–6330–7] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1997. 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 Georgia: Approval of Revisions to the Georgia State Implementation Plan [GA–34–1–9805; FRL–6318–3] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1998. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Contractor Performance Evaluations [FRL–6319–3] received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1999. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting Revised Policy for Amending Form R and Form A Submissions; Toxic Chemical Release Inventory Reporting; Community Right-to-Know [OPPTS–400141; FRL–6075–3]; to the Committee on Commerce.

2000. 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 Implemenation Plan for Nevada State Clark County Pollution Control District [NV 030–0015; FRL–6336–6] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2001. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the withdrawal of a December 3rd submission ''Pesticide Worker Protection Standard; Respirator Designations''; to the Committee on Commerce.

2002. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting The Commission's final rule—Amendment of Part 87 of the Commission's Rules to Permit Automatic Operation of Aeronautical Advisory Stations (Unicoms) [WT Docket No. 96–1 RM–8495] Amendment of Part 87 to Permit the Use of 112–118 MHz for Differential Global Positioning System (GPS) Correction Data and the Use of Handheld Transmitters on Frequencies in the Aeronautical Enroute Service [WT Docket No. 96–211 RM–8607, 8687] Amendment of Part 17 Concerning Construction, Marking, and Lighting of Antenna Structures—Received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2003. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to New Zealand for defense articles and services (Transmittal No. 99–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds for assistance to Eastern Europe and the Baltic States, pursuant to 22 U.S.C. 2394–1(a); to the Committee on International Relations.

2005. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 20–99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2006. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles sold commercially under a contract to Turkey [Transmittal No. DTC 61–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 99–10, authorizing the use of up to $25,000,000 in assistance from the Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected needs of refugees, displaced persons, conflict victims, and other persons at risk due to the Kosovo crisis, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

2008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment sold under a contract to Turkey [Transmittal No. DTC 60–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2009. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislative initiatives to amend or create expanded authorities under the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act; to the Committee on International Relations.

2010. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the annual report on the Host Country Development and U.S. Effects of FY 1998 Projects and the Annual Report on Cooperation with Private Insurers, pursuant to 22 U.S.C. 2200a; to the Committee on International Relations.

2011. A letter from the Chairman, Council of the District of Columbia, transmitting A copy of D. C. Law 5–11 ''To adopt the form and content for personal financial disclosure statement for members of the District of Columbia Retirement Board, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2012. A letter from the Auditor, District of Columbia, transmitting a report entitled ''Evaluation of the Department of Public Works' Monitoring and Oversight of the Ticket Processing and Delinquent Ticket Debt Collection Contracts,'' pursuant to D.C. Code section 47–118(b)(3); to the Committee on Government Reform.

2013. A letter from the Associate Attorney General, Department of Justice, transmitting Activities under the Freedom of Information Act for calendar year 1998, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

2014. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2015. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the annual performance plan for fiscal year 2000; to the Committee on Government Reform.

2016. A letter from the Administrator, General Services Administration, transmitting a report of the results of the investigations of the cost of operating privately owned vehicles to Government employees while on official business, pursuant to 5 U.S.C. 5707(b)(1); to the Committee on Government Reform.

2017. A letter from the General Counsel, Office of Management and Budget, transmitting Notification of a vacancy in the Office of Management and Budget Office of Deputy Director of Management; to the Committee on Government Reform.

2018. A letter from the Secretary of Agriculture, transmitting the annual report for the year ending September 30, 1998, pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

2019. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification that a legally binding instrument establishing the International Dolphin Conservation Program has been adopted and is in force; to the Committee on Resources.

2020. A letter from the Director, Office of Protected Resources, National Marine Fisheries Service, transmitting the Service's final rule—Endangered and Threatened Species: Threatened Status for Ozette Lake Sockeye Salmon in Washington [Docket No. 980219043–9068–02; I.D. 011498A] (RIN: 0648–AK52) received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2021. A letter from the Director, Office of Protected Resources, National Marine Fisheries Service, transmitting the Service's ''Major'' final rule—Endangered and Threatened Species: Threatened Status for Two ESUs of Steelhead in Washington and Oregon [Docket No. 980225046–9070–03; I.D. 021098B] (RIN: 0648–AK54) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2022. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Fishery Cooperatives [I.D. 031599A] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2023. A letter from the Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's ''Major'' final rule—Endangered and Threatened Species; Threatened Status for Three Chinook Salmon Evolutionarily Significant Units (ESUs) in Washington and Oregon, and Endangered Status for One Chinook Salmon ESU in Washington [Docket No. 990303060–9071–02; I.D. 022398C] (RIN: 0648–AM54) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2024. A letter from the Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's ''Major'' final rule—Endangered and Threatened Species: Threatened Status for Two ESUs of Chum Salmon in Washington and Oregon [Docket No. 980219042–9069–02; I.D. 011498B] (RIN: 0648–AK53) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2025. A letter from the Acting Director, Office of Sustainable Fisheries, 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 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2026. A letter from the President, National Park Foundation, transmitting the Foundation's annual report of activity through June 30, 1998, pursuant to 16 U.S.C. 19n and 19dd(f); to the Committee on Resources.

2027. A letter from the Attorney General, transmitting the 1998 Annual Accountability Report of the Department of Justice; to the Committee on the Judiciary.

2028. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Housing Complaint Processing; Plain Language Revision and Reorganization [Docket No. FR–4433–I–01] (RIN: 2529–AA86) received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2029. A letter from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Anchorage Grounds; Atlantic Ocean off Miami and Miami Beach, Florida [CGD07–99–002] (RIN: 2115–AA98) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2030. A letter from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Empire State Regatta, Albany, New York [CGD01–98–162] (RIN: 2115–AE46) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2031. A letter from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Anchorage Grounds; Port Everglades, Florida [CGD07–99–003] (RIN: 2115–AA98) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2032. 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 230 Helicopters [Docket No. 98–SW–48–AD; Amendment 39–11137; AD 99–09–05] (RIN: 2120–AA64) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2033. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; British Aerospace Model H.P. 137 Jetstream Mk. 1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98–CE–70–AD; Amendment 39–10825; AD 98–21–16] (RIN: 2120–AA64) received April, 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2034. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Boeing Model 747–100, –200, –300, SP, and SR Series Airplanes [Docket No. 97–NM–272–AD; Amendment 39–10808; AD 98–20–40] (RIN: 2120–AA64) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2035. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment of Restricted Area R–5313C, Long Shoal Point, NC [Airspace Docket No. 98–ASO–13] (RIN: 2120–AA66) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2036. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Lake Charles, LA [Airspace Docket No. 99–ASW–04] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2037. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Port Heiden, AK [Airspace Docket No. 98–AAL–25] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2038. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class D Airspace; Fairbanks, Eielson Air Force Base(AFB), AK; Revision and Establishment of Class E Airspace, Fairbanks, Eielson AFB, AK [Airspace Docket No. 99–AAL–1] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2039. A letter from the Program Analyst, Office of the General Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Soldotna, AK [Airspace Docket No. 98–AAL–22] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2040. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Gambell, AK [Airspace Docket No. 98–AAL–20] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2041. A letter from the Program Analyst, Officeof the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Establishment of Class E Airspace; Barter Island, AK [Airspace Docket No. 98–AAL–21] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2042. 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; Clarinda, IA [Airspace Docket No. 99–ACE–17] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2043. 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; Macon, MO [Airspace Docket No. 99–ACE–20] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2044. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Service Contracts Subject to the Shipping Act of 1984 [Docket No 98–30] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2045. A letter from the Secretary of Transportation, transmitting a review of the recommendations of the National Academy of Sciences and other qualified organizations on methods for further increasing the environmental and operational safety of tank vessels; to the Committee on Transportation and Infrastructure.

2046. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 99–21] received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1999—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2048. A letter from the Administrator, Environmental Protection Agency, transmitting a report on implementation progress by the State of Louisiana on its federally approved Coastal Wetlands Conservation Plan; jointly to the Committees on Resources and Transportation and Infrastructure.

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. DREIER: Committee on rules. House Resolution 166. Resolution providing for consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes (Rept. 106–134). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 1745. A bill to amend the Immigration and Nationality Act to provide for the removal of aliens who associate with known terrorists; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. WELLER, Mr. FOSSELLA, Mr. SHIMKUS, Mr. WHITFIELD, Mr. SUNUNU, Mr. GARY MILLER of California, Mr. BOUCHER, Mr. GOSS, Mr. TANCREDO, and Mr. ROGAN):

H.R. 1746. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. SHAYS, Mr. MCHUGH, Mr. MICA, Mr. MCINTOSH, Mr. SOUDER, Mr. LATOURETTE, Mr. HUTCHINSON, Mr. TRAFICANT, Mr. HORN, Mr. GILMAN, Mr. BARR of Georgia, and Mr. RYAN of Wisconsin):

H.R. 1747. A bill to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements; to the Committee on House Administration.

By Mrs. MINK of Hawaii:

H.R. 1748. A bill to amend title 5, United States Code, to increase the mandatory retirement age for law enforcement officers from 57 to 60 years of age; to the Committee on Government Reform.

By Mr. BALLENGER:

H.R. 1749. A bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. TOWNS (for himself, Mr. BORSKI, Mr. GEPHARDT, Mr. DINGELL, Mr. OBERSTAR, Ms. DEGETTE, Mr. REYES, Mr. RANGEL, Mr. LAFALCE, Mr. BROWN of California, Mr. CLYBURN, Ms. ROYBAL-ALLARD, Mr. KLINK, Mr. MENENDEZ, Mr. BROWN of Ohio, Mr. RAHALL, Mr. PALLONE, Mr. BLUMENAUER, Mr. GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STRICKLAND, Ms. MILLENDER-MCDONALD, Ms. ESHOO, Mr. MASCARA, Mr. WAXMAN, Mr. CLEMENT, Mr. MARKEY, Mrs. TAUSCHER, Mr. RUSH, Mr. DEFAZIO, Mr. HALL of Texas, Ms. BROWN of Florida, Ms. MCCARTHY of Missouri, Mr. LIPINSKI, Mr. GORDON, Mr. PASCRELL, Mr. DEUTSCH, Mr. CUMMINGS, Mr. WYNN, Mr. SHOWS, Mr. ENGEL, Mr. HOLDEN, Mr. BOUCHER, Mr. COSTELLO, Mr. STUPAK, Mr. NADLER, Mr. BARRETT of Wisconsin, Mr. BARCIA, Mr. LUTHER, Mr. FILNER, Mrs. CAPPS, Mr. SANDLIN, Mr. SAWYER, Mr. MCGOVERN, Mr. LAMPSON, Mr. BALDACCI, Mr. BAIRD, Mr. WISE, Ms. NORTON, Mr. CROWLEY, Mr. CLAY, Mr. HINCHEY, Mr. OWENS, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. KILDEE, Ms. RIVERS, Ms. DELAURO, Mr. HILLIARD, Mr. JEFFERSON, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. OLVER, Mr. KANJORSKI, Ms. CARSON, Mr. ACKERMAN, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. COYNE, Mr. FATTAH, Mr. MATSUI, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. VENTO, Mrs. LOWEY, Mr. ANDREWS, Ms. PELOSI, Mr. CARDIN, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. HOEFFEL, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. MARTINEZ, Ms. STABENOW, Mr. MALONEY of Connecticut, Mr. STARK, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. MEEHAN, Ms. VELAZQUEZ, Ms. MCKINNEY, Mr. SISISKY, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. CAPUANO, Mr. EVANS, Ms. BERKLEY, Mr. LARSON, Ms. SANCHEZ, Mr. GONZALEZ, Mrs. THURMAN, Mr. FROST, Mr. ABERCROMBIE, Mr. ROTHman, Mr. UDALL of Colorado, Mr. LEVIN, Ms. DANNER, Mr. PASTOR, Mrs. NAPOLITANO, Mr. ROMERO-BARCELO, Mr. FARR of California, Mr. MORAN of Virginia, Mr. BOSWELL, Mr. ORTIZ, Mr. MOORE, Mr. VISCLOSKY, Mr. PAYNE, Mr. BECERRA, Mr. FORD, Mr. BERRY, Mr. BONIOR, Mr. BISHOP, Mr. HOLT, Mr. WEYGAND, Mrs. CLAYTON, Mr. HASTINGS of Florida, and Mr. HOYER):

H.R. 1750. A bill to assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. THOMAS, Mr. DOOLEY of California, Mr. LEWIS of California, Mr. FILNER, Ms. LOFGREN, and Mr. LANTOS):

H.R. 1751. A bill to establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes; to the Committee on Resources.

By Mr. COBLE (for himself and Mr. BERMAN) (both by request):

H.R. 1752. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. DOYLE (for himself, Mr. CALVERT, and Mr. COSTELLO):

H.R. 1753. A bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, 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. ETHERIDGE:

H.R. 1754. A bill to require the Administrator of the National Aeronautics and Space Administration to develop and provide for the distribution of an educational curriculum in recognition of the 100th anniversary of the first powered flight; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1755. A bill to provide for reimbursing the States for the cost incurred by the States in implementing the Border Smog Reduction Act of 1998; to the Committee on Commerce.

By Mr. FRANKS of New Jersey (for himself, Mr. MEEHAN, Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. MALONEY of Connecticut, and Mr. CAPUANO):

H.R. 1756. A bill to provide for comprehensive brownfields assessment, cleanup, and redevelopment; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Small Business, 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. GIBBONS (for himself and Mr. YOUNG of Alaska):

H.R. 1757. A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition by the Secretary of the Interior of environmentally sensitive lands in the State of Nevada; to the Committee on Resources.

By Mr. GUTKNECHT:

H.R. 1758. A bill to amend the Agricultural Market Transition Act to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture.

By Mr. HASTINGS of Washington (for himself, Mr. NETHERCUTT, and Ms. DUNN):

H.R. 1759. A bill to ensure the long-term protection of the resources of the portion of the Columbia River known as the Hanford Reach; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 1760. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction, repair, rehabilitation, and renovation of public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN (for himself and Mr. COBLE):

H.R. 1761. A bill to amend provisions of title 17, United States Code; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. BILIRAKIS, Mr. STEARNS, and Mr. SAXTON):

H.R. 1762. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to expand the scope of the respite care program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HEFLEY (for himself, Mr. SAXTON, Mr. MCHUGH, Mr. MORAN of Virginia, Mr. HOLDEN, Mr. REYES, Mr. CROWLEY, Mr. SHOWS, Mr. UNDERWOOD, Mr. TANCREDO, Mr. CLEMENT, Mr. SHERMAN, Mr. CRAMER, Mr. LATOURETTE, Mr. METCALF, Mr.

OXLEY, Mr. FROST, Mrs. KELLY, Mr. LUTHER, Mr. ENGLISH, Mrs. THURMAN, Mr. LUCAS of Oklahoma, Mr. BROWN of Ohio, Mr. YOUNG of Florida, Mr. MCNULTY, Mr. NEY, Mr. TAYLOR of Mississippi, Mr. RANGEL, Mr. SCHAFFER, Mr. CALVERT, Mr. FOLEY, Mr. GARY MILLER of California, Mr. GIBBONS, Mr. ARCHER, Mr. ETHERIDGE, Mr. EHRLICH, Ms. DEGETTE, Mr. MCINNIS, Mrs. JONES of Ohio, Mr. DEUTSCH, Mr. BALLENGER, Mr. FORBES, Ms. GRANGER, Mr. TIAHRT, Mr. GREEN of Texas, Mr. WALSH, Mr. WELLER, Mr. LAFALCE, Mr. PALLONE, Mr. LAMPSON, Mr. BONIOR, Mr. SABO, Ms. WATERS, Mr. WOLF, Mr. PETERSON of Pennsylvania, Mr. BARRETT of Nebraska, Mr. KENNEDY of Rhode Island, Mr. JENKINS, Mr. WATTS of Oklahoma, Mr. BARR of Georgia, Mr. MCGOVERN, Ms. MCKINNEY, Mr. EDWARDS, Mr. WATT of North Carolina, Mr. DEFAZIO, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. SUNUNU, Mr. RODRIGUEZ, Mr. RAMSTAD, Mr. PASTOR, Mr. WYNN, Mr. PASCRELL, Ms. JACKSON-LEE of Texas, Mr. ROYCE, Mr. BRADY of Pennsylvania, Mr. MARTINEZ, Mr. CUNNINGHAM, Mrs. LOWEY, Mr. WISE, Mr. GONZALEZ, Mr. TERRY, Mr. WHITFIELD, Mr. RAHALL, Ms. SANCHEZ, Ms. BERKLEY, Mr. SOUDER, Mr. MEEKS of New York, Mr. FRANKS of New Jersey, Mr. SPENCE, Mr. HAYES, Mr. POMBO, Ms. DANNER, Mr. WAXMAN, Mr. HORN, Mr. LAHOOD, Mr. BORSKI, Mr. ROMERO-BARCELO, Mr. WEINER, Mrs. BIGGERT, Mr. MOORE, Mr. INSLEE, Mr. COSTELLO, Mr. SANDLIN, Ms. SLAUGHTER, Mrs. MYRICK, Mr. UDALL of New Mexico, Mr. CAPUANO, Mr. TRAFICANT, Mr. SIMPSON, Mr. RYAN of Wisconsin, Ms. PRYCE of Ohio, Mr. ROHRABACHER, Mr. DELAY, Mr. DIXON, Mr. BASS, Mr. PETERSON of Minnesota, Mr. FARR of California, Mr. ROGAN, Mr. NETHERCUTT, Mr. CARDIN, Mr. STUPAK, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. HINCHEY, Mr. MCKEON, Mr. KUCINICH, Ms. NORTON, Mr. HOYER, Mr. GILMAN, and Mr. BERMAN):

H. Res. 165. A resolution acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

62. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution 241 encouraging the Congress of the United States to act swiftly to prevent the passage of any such legislation under the ''Know Your Customer'' designation; to the Committee on Banking and Financial Services.

63. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 487 memorializing the Congress of the United States to either enact meaningful patient protections at the federal level with respect to employer self-funded plans or, in the absence of such federal action, amend the Employment Retirement Income Security Act (ERISA) of 1974 to grant authority to all individual states to monitor and regulate self-funded, employer-based health plans; to the Committee on Education and the Workforce.

64. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 488 memorializing the Congress of the United States to enact laws to provide federal impact aid relief for Virginia public schools and public schools throughout the United States; to the Committee on Education and the Workforce.

65. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 407 memorializing Congress to enact legislation giving states and localities the power to control waste imports in their jurisdictions; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. JONES of North Carolina.

H.R. 65: Mr. HALL of Ohio and Mr. JONES of North Carolina.

H.R. 73: Mr. HORN, Mr. ROYCE, Mr. GOODE, Mr. DUNCAN, and Mr. NORWOOD.

H.R. 107: Mr. FOSSELLA and Mrs. EMERSON.

H.R. 165: Mr. WICKER and Mr. BERMAN.

H.R. 216: Mr. DAVIS of Illinois.

H.R. 218: Mr. GOSS, Mr. WELDON of Pennsylvania, and Mr. LAHOOD.

H.R. 303: Mr. BURTON of Indiana and Mr. JONES of North Carolina.

H.R. 315: Mr. NEAL of Massachusetts.

H.R. 323: Mr. CAMP and Mr. FRANK of Massachusetts.

H.R. 351: Mr. WELLER.

H.R. 355: Ms. WOOLSEY, Mr. DAVIS of Illinois, and Mr. HOBSON.

H.R. 357: Mr. PRICE of North Carolina.

H.R. 360: Mrs. EMERSON.

H.R. 363: Mr. REYES.

H.R. 369: Mr. NORWOOD.

H.R. 371: Mr. HAYWORTH.

H.R. 372: Mr. KILDEE and Mr. MOORE.

H.R. 385: Mr. DAVIS of Illinois.

H.R. 412: Mr. HOEFFEL.

H.R. 443: Mr. DICKS.

H.R. 486: Mr. MINGE, Mr. MORAN of Kansas, Mr. MASCARA, Mr. LARGENT, and Mr. HOUGHTON.

H.R. 515: Mrs. MINK of Hawaii, Ms. WATERS, Mr. WEINER, Mr. TOWNS, Ms. LEE, and Mr. MARKEY.

H.R. 531: Mr. BARTLETT of Maryland, Mr. BERMAN, Mr. SAXTON, and Ms. BERKLEY.

H.R. 534: Ms. KILPATRICK.

H.R. 541: Mr. UDALL of New Mexico.

H.R. 566: Mr. WEYGAND.

H.R. 568: Mr. RUSH.

H.R. 583: Mr. BOUCHER.

H.R. 611: Mr. LATOURETTE.

H.R. 612: Mrs. JOHNSON of Connecticut, Mr. LOBIONDO, Mr. STENHOLM, Mr. LIPINSKI, Ms. LEE, and Mr. BERMAN.

H.R. 623: Mr. MANZULLO.

H.R. 673: Mr. WEXLER.

H.R. 693: Mr. LEACH.

H.R. 716: Ms. WOOLSEY.

H.R. 732: Ms. ROYBAL-ALLARD and Mr. LAMPSON.

H.R. 750: Mr. PAYNE.

H.R. 775: Mr. SWEENEY, Mr. PITTS, and Mr. WALDEN of Oregon.

H.R. 783: Mr. VENTO.

H.R. 784: Mr. THOMAS and Mr. GOODLATTE.

H.R. 785: Mr. UPTON.

H.R. 792: Mr. COBLE, Mr. ARMEY, Mr. JONES of North Carolina, Mr. OSE, Mr. FLETCHER, Mr. SANFORD, Mr. SKEEN, Ms. PRYCE of Ohio, Mr. JENKINS, and Mr. TIAHRT.

H.R. 804: Mr. MORAN of Kansas.

H.R. 838: Mr. FROST.

H.R. 842: Mrs. JOHNSON of Connecticut, Mr. MCCOLLUM, Mr. BROWN of Ohio, and Mrs. JONES of Ohio.

H.R. 846: Ms. KILPATRICK, Mr. STARK, and Mr. WEINER.

H.R. 847: Ms. KILPATRICK.

H.R. 850: Mr. FLETCHER.

H.R. 860: Mr. DICKS.

H.R. 868: Mr. HALL of Ohio and Mr. DINGELL.

H.R. 896: Mr. BARR of Georgia and Mr. LUCAS of Kentucky.

H.R. 899: Mr. BOEHLERT, Mr. SAXTON, Mr. CROWLEY, Mr. FOSSELLA, Mr. FRANKS of New Jersey, and Mr. HOLT.

H.R. 902: Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DELAHUNT.

H.R. 904: Mr. BARCIA, Mr. UDALL of Colorado, and Mr. EHLERS.

H.R. 942: Mr. RADANOVICH.

H.R. 953: Mr. LANTOS, Mr. KING, Mr. ROHRABACHER, Mr. CUMMINGS, Mr. CAPUANO, Mr. GILCHREST, Mr. SMITH of New Jersey, Mr. RAHALL, Mr. ANDREWS, Mrs. MEEK of Florida, and Mr. HOLT.

H.R. 959: Mr. NADLER.

H.R. 961: Mr. WAXMAN, Mr. LEVIN, Mr. WEINER, Ms. BROWN of Florida, and Mr. HINCHEY.

H.R. 976: Mr. LATHAM, Mr. WELDON of Florida, and Mr. LAFALCE.

H.R. 987: Mr. HYDE, Mr. LARGENT, Mr. BLILEY, Mr. PEASE, Mr. CASTLE, Mr. BAKER, Mr. GILLMOR, Mr. COMBEST, Mr. BUYER, Mr. GOSS, Mrs. FOWLER, and Mr. GREENWOOD.

H.R. 997: Mr. PASTOR, Mr. PRICE of North Carolina, Mrs. BILBRAY, Ms. HOOLEY of Oregon, Mr. DELAHUNT, and Mr. MARTINEZ.

H.R. 1008: Mr. FOSELLA.

H.R. 1032: Mr. BARTLETT of Maryland, Mr. LAHOOD, Mr. RADANOVICH, and Mr. GARY MILLER of California.

H.R. 1035: Mr. COOK.

H.R. 1044: Mr. WATKINS, Mr. LEACH, Mr. OSE, Mr. BISHOP, and Mr. MCINTOSH.

H.R. 1053: Mr. NADLER.

H.R. 1062: Mr. BORSKI, Mr. WEINER, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, and Mr. MCGOVERN.

H.R. 1071: Mr. SKELTON, Mr. BERMAN, and Mr. DAVIS of Illinois.

H.R. 1093: Mr. SHIMKUS.

H.R. 1095: Ms. WOOLSEY, Mr. CUMMINGS, Mr. OBERSTAR, Mr. GOODLING, and Mrs. MALONEY of New York.

H.R. 1097: Mr. NADLER.

H.R. 1107: Mr. SMITH of New Jersey.

H.R. 1115: Mr. BERRY, Mr. SMITH of Texas, Mr. BONIOR, Mr. PHELPS, Mr. BAIRD, Mr. LUTHER, Mr. SKELTON, Mr. RODRIGUEZ, Mr. MARTINEZ, Mr. SPENCE, Mr. DOYLE, Mr. LUCAS of Kentucky, Ms. BROWN of Florida, and Mr. BERMAN.

H.R. 1136: Mr. GRAHAM and Mr. WHITFIELD.

H.R. 1145: Mr. MCCOLLUM.

H.R. 1152: Mr. KING and Mr. ACKERMAN.

H.R. 1190: Mr. VENTO, Mr. FRELINGHUYSEN, and Mr. HOBSON.

H.R. 1193: Mr. PORTER, Mr. PALLONE, Mr. BARRETT of Wisconsin, and Mrs. THURMAN.

H.R. 1214: Mr. MURTHA.

H.R. 1218: Mr. LUCAS of Kentucky.

H.R. 1219: Mr. SHOWS.

H.R. 1221: Mrs. KELLY and Mr. QUINN.

H.R. 1228: Mr. MEEHAN, Mr. RAHALL, and Ms. PELOSI.

H.R. 1238: Mr. FRANK of Massachusetts, Mr. FROST, Mr. STARK, Mrs. CHRISTENSEN, Mr. TALENT, Ms. RIVERS, Mr. UNDERWOOD, Mr. JEFFERSON, Mr. WEINER, Ms. ROYBAL-ALLARD, Mr. SANDERS, and Ms. WOOLSEY.

H.R. 1248: Mr. DEFAZIO, Ms. MILLENDER-MCDONALD, Mr. RUSH, and Mr. DAVIS of Illinois.

H.R. 1256: Mr. WALSH, Mr. COOK, and Mr. RYUN of Kansas.

H.R. 1260: Mr. PICKETT, Mr. NETHERCUTT, and Mr. CUMMINGS.

H.R. 1275: Mr. BOEHLERT, Mrs. MCCARTHY of New York, Mr. FARR of California, Mr. DICKS, and Mr. BLUMENAUER.

H.R. 1287: Mr. SHERWOOD.

H.R. 1291: Ms. PRYCE of Ohio, Mr. CAMPBELL, Mr. HOBSON, and Mr. SMITH of Washington.

H.R. 1330: Mr. GARY MILLER of California.

H.R. 1342: Mr. GEPHARDT and Mr. MORAN of Virginia.

H.R. 1344: Mr. WALDEN of Oregon and Ms. HOOLEY of Oregon.

H.R. 1348: Mrs. CUBIN, Mr. TRAFICANT, Mr. BATEMAN, Mr. BUYER, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. CANADY of Florida, Mr. KLINK, Mr. GREEN of Wisconsin, Mr. TANCREDO, Mr. WELDON of Florida, Mr. BARR of Georgia, Mr. DICKEY, Mr. ADERHOLT, Mr. JONES of North Carolina, Mr. DEMINT, Mr. MCINTOSH, Mr. TERRY, Mr. LARGENT, Mr. GARY MILLER of California, Mr. HAYES, Mr. COBURN, Mr. PAUL, Mr. ABERCROMBIE, Mr. STUMP, Mr. HORN, Mr. GILMAN, Mrs. FOWLER, Mr. HALL of Texas, Mr. GOODE, Mr. SCHAFFER, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. MCCOLLUM, Mrs. THURMAN, Mr. METCALF, Mr. HYDE, Mr. BLUNT, Mr. ROYCE, Mr. SPENCE, Mr. PETERSON of Pennsylvania, Mrs. CHENOWETH, Mr. PICKERING, Mr. SCARBOROUGH, and Mr. GOODLATTE.

H.R. 1349: Mr. STUMP.

H.R. 1355: Mr. BROWN of Ohio, Ms. MCKINNEY, and Ms. HOOLEY of Oregon.

H.R. 1380: Mr. PAUL.

H.R. 1381: Mr. PAUL.

H.R. 1405: Mr. BONIOR.

H.R. 1413: Mr. JONES of North Carolina.

H.R. 1436: Mr. PAUL.

H.R. 1437: Mr. PAUL.

H.R. 1438: Mr. PAUL.

H.R. 1441: Mr. ARMEY, Mr. BLUNT, Mr. STUMP, Mr. HOBSON, and Mr. HULSHOF.

H.R. 1450: Mr. FROST, Ms. MCKINNEY, Ms. KILPATRICK, and Mr. PETERSON of Minnesota.

H.R. 1456: Mr. KILDEE and Mr. KLINK.

H.R. 1476: Mr. MCGOVERN, Mr. REYES, and Mr. FROST.

H.R. 1484: Mr. PETERSON of Minnesota.

H.R. 1494: Mr. BALLENGER.

H.R. 1495: Ms. BALDWIN.

H.R. 1525: Mr. WYNN, Mr. WAXMAN, and Mr. CARDIN.

H.R. 1592: Mrs. THURMAN, Mr. LUCAS of Oklahoma, Mr. WALSH, Mr. WHITFIELD, Mr. SKEEN, Mr. HALL of Texas, Mr. BARR of Georgia, Mr. CALVERT, Mr. SCARBOROUGH, Mr. GORDON, Mr. MCHUGH, and Mr. SIMPSON.

H.R. 1614: Mr. UDALL of New Mexico and Mr. DAVIS of Illinois.

H.R. 1621: Mr. BARRETT of Wisconsin, Mr. CHAMBLISS, and Mr. ABERCROMBIE.

H.R. 1625: Mr. LAHOOD, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. STUPAK, Ms. WATERS, Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. VENTO, Ms. WOOLSEY, and Mr. SANDERS.

H.R. 1629: Mrs. CHENOWETH, Ms. KAPTUR, Ms. KILPATRICK, Mr. SHOWS, Mr. GIBBONS, Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Ms. LEE, Mrs. MEEK of Florida, and Mr. BOEHLERT.

H.R. 1648: Ms. JACKSON-LEE of Texas, Mr. PHELPS, and Mr. WEYGAND.

H.R. 1650: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, and Mr. DELAHUNT.

H.R. 1671: Mr. FILNER, Mr. ETHERIDGE, Mr. LIPINSKI, Mr. BROWN of Ohio, Mr. ROMERO-BARCELO, Mr. BARRETT of Wisconsin, Ms. WOOLSEY, Mr. GREEN of Texas, Mr. REYES, Mr. BERMAN, and Ms. KILPATRICK.

H.R. 1682: Mr. MINGE.

H.R. 1710: Mr. OSE.

H.J. Res. 7: Mr. SMITH of Michigan.

H.J. Res. 14: Ms. KILPATRICK.

H.J. Res. 22: Mr. UDALL of New Mexico.

H.J. Res. 34: Mr. DICKS and, Mr. SMITH of Washington.

H.J. Res. 47: Mr. QUINN, Mr. PETRI, Mr. LIPINSKI, and Mr. ROEMER.

H. Con. Res. 22: Mr. BILIRAKIS.

H. Con. Res. 23: Ms. MCKINNEY, Mr. SALMON, Mr. KLINK, Mr. CANADY of Florida, Mr. CAPUANO, and Mr. SAWYER.

H. Con. Res. 30: Mr. HOBSON and Mr. SIMPSON.

H. Con. Res. 67: Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. WAXMAN, Mr. WEXLER, Mr. GUTIERREZ, Mr. MCNULTY, Mr. DEUTSCH, Mr. JEFFERSON, and Mrs.

H. Con. Res. 94: Mr. REYES and Mr. SOUDER.

H. Res. 94: Mr. BILIRAKIS and Mr. SMITH of New Jersey.

H. Res. 134: Mr. MCINNIS.

H. Res. 146: Ms. NORTON and Mr. BROWN of Ohio.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 775

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 1: Page 4, add the following after line 23 and redesignate succeeding paragraphs accordingly:

(2) DAMAGES.—The term ''damages'' means punitive, compensatory, and restitutionary relief.

Page 8, line 18, strike ''February 22, 1999'' and insert ''January 1, 1999''.

H.R. 775

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 2: Page 22, line 17, insert ''sold by, leased by, rented by, or otherwise'' after ''was''.

H.R. 775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 10, line 10, strike ''Except'' and insert the following: ''The notice under this subsection does not require descriptions of technical specifications or other technical details with respect to the material defect at issue. Except''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, MAY 11, 1999 No. 67

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:

Holy Father, we join with Americans across our land in the celebration of National Police Recognition Week. We gratefully remember those who lost their lives in the line of duty. Particularly, we honor the memory of our own officers in the United States Capitol Police: Sergeant Christopher Eney on August 24, 1984 and Officer Jacob Chestnut and Detective John W. Gibson on July 24, 1998. Thank you for their valor and heroism. Continue to bless their families as they endure the loss of these fine men.

May this be a time for us as a Senate family to express our profound appreciation for all of the police officers and detectives who serve here in the Senate. They do so much to maintain safety and order, knowing that, at any moment, their lives may be in danger. Help us to put our gratitude into words and actions of affirmation. May we take no one for granted.

Now we dedicate this day to serve You. Bless the Senators as they confront issues with Your divinely endowed wisdom and vision. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately begin consideration of S. 254, the juvenile justice bill, with debate only until 12 noon. Amendments are anticipated after noon, and therefore rollcall votes can be expected during today's session of the Senate. Members will be notified as votes are ordered with respect to this legislation.

The majority leader encourages Members who intend to offer amendments to work with the chairman and ranking member to schedule a time to come to the floor to debate those amendments.

I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to S. 254 with debate only until noon. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by and rejuvenation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am pleased that today the Senate will begin consideration of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

There are few issues that will come before the Senate this Congress that touch the lives of more of our fellow Americans than our national response to juvenile crime. Crime and delinquency among our young people is a problem that troubles us in our neighborhoods, in our schools and in our parks. It is the subject across the dinner table, and in those late night, worried conversations all parents have had at one time or another. The subject is familiar—how can we prevent our children from falling victim—either to crime committed by another juvenile, or to the lure of drugs, crime, and gangs?

Their concerns are shared by all of us. Most of us are parents. Many of us are now proud grandparents. We have dealt with the challenges of raising children—the joys and the trying times. But for today's parents, the challenges they face are more complex. The temptations children confront come from many different directions and parents seemingly have less and less control over what it is their children are exposed to.

There is a sense among many Americans that we are powerless to reverse this trend, that we are powerless to deal with violent juvenile crime, that we are powerless to change our culture. It is this feeling of powerlessness which may restrain our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. As Dr. William Bennett said recently on a national talk show, if the two students who committed the murders at Columbine High had ''carried Bibles and [said] Hail the Prince of Peace and King of Kings, they would have been hauled into the principal's office.'' Instead, these young people who committed these crimes saluted Hitler and they were ignored. Ironically, it seems the only time we promote morality in school these days is when mourners

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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visit on-school memorials in the wake of tragedies like Littleton.

If the murder of twelve innocent students and one teacher cannot give us the backbone to shed this defeatism and to do what is right, then we are doomed to see more tragedies. I believe that as a nation we must do more—and expect more—from our schools, the entertainment industry, our juvenile justice systems, and—where appropriate—the Department of Justice. We must also do more to empower parents in the raising of their children and help the States reform our juvenile justice systems.

True—the tragedy in Littleton was a bizarre and complex crime. For that reason, we should resist the temptation to claim we have all of the answers. And we should also fight the temptation to play politics with the matter. We should examine this and other acts of school violence and not single out one politically attractive interest as a cause.

Yet, we must also do more than simply talk about the problem. Accordingly, I along with several of my colleagues have developed—and will advance this week—a comprehensive legislative plan to respond to the problem of violent juvenile crime. Our Youth Violence Plan contains four main components:

No. 1, prevention and enforcement assistance to State and local government;

No. 2, parental empowerment and stemming the influence of cultural violence;

No. 3, getting tough on violent juveniles and those who commit violent crimes with a firearm; and

No. 4, providing for safe and secure schools.

Allow me to discuss each of these in more detail:

No. 1, prevention and enforcement assistance to State and local government: The first tier of this plan involves passage of the measure we are beginning consideration of today—S. 254, the Violent and Repeat Juvenile Offender and Accountability Act. We believe we should provide a targeted infusion of funds to state and local authorities to combat juvenile crime. S. 254 provides $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. We need to reach out to young children early in life, ensure that parents are empowered to do what they believe is best for their children, and take meaningful steps to give local education and enforcement officials the tools they need to hold violent juveniles accountable. I will discuss the underlying bill in greater detail shortly.

No. 2, parental empowerment and stemming the influence of cultural violence: The second tier of our plan involves steps Congress should take to empower parents, educators and the entertainment industry to do more to limit the exposure of America's children to violence in our popular culture. We plan to offer several amendments to the underlying bill which will further this leg of our plan. For example, parents should be given the power to screen undesirable material from entering their homes over the Internet. I have an amendment I will offer to this bill which does just that. Senator BROWNBACK's hearings on marketing violence to children provided powerful evidence of the exposure of children to violence in music, movies, and video games. He and I plan to offer a measure to give the entertainment industry the tools it needs to develop and enforce pre-existing ratings systems so that children are not exposed to material that the industry itself has deemed unsuitable for children.

In recent years, the movies our children watch have become increasingly violent. The video games they play reward virtual killings. The lyrics of popular music have grown more violent and depraved. And much of the violence and cruelty in modern music and cinema is directed toward women.

The President of the Motion Picture Association of America, Jack Valenti, is a man of great intellect and a man who I admire. He recently testified at a hearing that, ''I do earnestly believe that the movie/TV industry has a solemn obligation . . . [to engage in] creative scrutiny.'' He also notes that the industry has ''a duty to inform parents about film content.'' I agree with him and commend the industry for some of the steps they have taken. But I believe the entertainment industry's ''obligation'' and ''duty'' go a bit further. Indeed, what good is a ratings system if it is not enforced? Is the industry fulfilling its obligation to parents if, out of one side of its mouth, it take steps to inform parents that a particular video game, movie, or CD is not suitable for children and then, out of the other side of its mouth, advertises, promotes, and sells this same material to children?

Let me be clear. I am not standing here arguing that this filth should be banned or regulated by the government. I simply believe we should limit our young people's exposure to it. It is one thing to say that Marilyn Manson or Eminem should be prohibited from producing their material. It's another thing for Congress to condone the entertainment industry's embracing of this garbage and its sale to children.

Exposure to violent and depraved material is just one part of a complex problem. But I do hope that we can encourage the industry to work with us to do what is best for our children. Why can't this industry, which is a source for so much good in America, do more to discourage the production and marketing of filth to children? Why shouldn't the industry help fight the marketing of violence to young people? This week, I intend to give them the opportunity to do more.

No. 3, getting tough on violent juveniles and enforcing existing law: A third tier of our plan insures that violent juveniles—teenagers who commit violent crimes—will be held accountable. Part of the solution is to insure that when a teenager brings a gun to school, he or she is held accountable by the criminal justice system. The Administration—and several of my colleagues—have called for more gun control. I plan to offer and support many of the proposals that have been discussed. I support the extension of the Youth Handgun Safety Act to semi-automatic rifles. Indeed, the Republican bill before the Senate contains reforms like the juvenile Brady provision—a measure which will prohibit firearms possession by violent juvenile offenders. Republicans have been fighting for this provision for years, but the Administration has, until recently, largely ignored our efforts.

The test for the Senate over the coming days will be whether we choose to play politics with the gun issue or work in a bipartisan manner to insure that access to firearms by juveniles is tightly controlled and that the laws are fully enforced. You see, we need to remember that it seems the Clinton Justice Department has trouble prosecuting violations of existing gun laws, especially gun crimes committed at school or involving minors. Arguably, we should not simply rush to enact more gun control—some of which cannot even be remotely associated with the Littleton tragedy—without taking steps to insure that existing federal laws are being enforced. So, we plan to propose legislation to insure that the Department of Justice will walk the walk—not just talk the talk—when it comes to prosecuting violent gun offenders and providing needed funding to the States to build detention facilities for violent and recidivist juvenile offenders.

No. 4, safe and secure schools: The fourth tier of our plan revolves around the basic right that all students share—the right to receive the quality education they deserve. Our teachers and students need to know that their schools are safe and that, should they take action to deal with a violent student, the teacher will be protected. Our plan will also promote safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn.

The sad reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, or as our juvenile drug abuse rate continues to climb. In 1997, juveniles accounted for nearly one fifth—18.7 percent—of all criminal arrests in the United States. Persons under 18 committed 13.5 percent of all murders, over 17 percent of all rapes, nearly 30 percent of all robberies, and 50 percent of all arsons.

In 1997, 183 juveniles under 15 were arrested for murder. Juveniles under 15 were responsible for 6.5 percent of all rapes, 14 percent of all burglaries, and one third of all arsons. And, unbelievably, juveniles under 15—who are not

old enough to legally drive in any state—in 1997 were responsible for 10.3 percent of all auto thefts.

To put this in some context, consider this: in 1997, youngsters age 15 to 19, who are only 7 percent of the population, committed 22.2 percent of all crimes, 21.4 percent of violent crimes, and 32 percent of property crimes.

And although there are endless statistics on our growing juvenile crime problem, one particularly sobering fact is that, between 1985 and 1993, the number of murder cases involving 15-year olds increased 207 percent. We have kids involved in murder before they can even drive.

Cold statistics alone cannot tell the whole story. Crime has real effects on the lives of real people. Last fall, I read an article in the Richmond Times-Dispatch by my good friend, crime novelist Patricia Cornwell. It is one of the finest pieces I have read on the effects of and solutions to our juvenile crime problem.

Let me share with my colleagues some of what Ms. Cornwell, who has spent the better part of her adult life studying and observing crime and its effects, has to say. She says ''when a person is touched by violence, the fabric of civility is forever rent, or ripped, or breached. . . .'' This is a graphic but accurate description. Countless lives can be ruined by a single violent crime. There is, of course, the victim, who may be dead, or scarred for life. There are the family and friends of the victim, who are traumatized as well, and who must live with the loss of a loved one. Society itself is harmed, when each of us is a little more frightened to walk on our streets at night, to use an ATM, or to jog or bike in our parks. And, yes, there is the offender who has chosen to throw his or her life away. Particularly when the offender is a juvenile, family, friends, and society are made poorer for the waste of potential in every human being. One crime, but permanent effects when ''the fabric of civility is rent.''

This is the reality that has driven me to work for the last three years to address this issue. In this effort, I have been joined by a bipartisan majority of the Senate Judiciary Committee, which last Congress reported comprehensive legislation on bipartisan, two to one vote.

Our legislation from last Congress, which S. 254 is modeled after and improved upon in an effort to gain the support of more Democrats, was supported by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the National Council of Juvenile and Family Court Judges, and victim's groups including the National Victims Center and the National Organization for Victims Assistance. S. 254 is enthusiastically supported by law enforcement. It has been endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the National Sheriffs Association, and the National Troopers Coalition. Victim's groups including the National Center for Victims of Crime and the National Organization for Victims Assistance support the bill and its pro-victim provisions. The Boys and Girls Clubs of America, undeniably experts in what it takes to prevent juvenile crime and delinquency, has urged passage of S. 254. And the National Collaboration for Youth, which includes a wide array of front-line juvenile crime and delenquency prevention providers such as the American Red Cross, Big Brothers Big Sisters of America, the National 4–H Council, the National Network for Youth, and the YMCA and YWCA of the USA, has called S. 254 a ''strong bill'' and praised ''the increasingly balanced emphasis S. 254 places on prevention activities''.

Mr. President, allow me to spell out in greater detail the major provisions of this bill—the first tier in our plan to deal with violent juvenile crime. And how it will help reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing to protect the public.

First, this bill reforms and streamlines the federal juvenile code, to responsibly address the handful of cases each year involving juveniles who commit crimes under federal jurisdiction. Our bill sets a uniform age of 14 for the permissive transfer of juvenile defendants to adult court, permits prosecutors and the Attorney General to make the decision whether to charge a juvenile offender as an adult, and permits in certain circumstances juveniles charged as an adult to petition the court to be returned to juvenile status.

It also provides that when prosecuted as adults, juveniles in Federal criminal cases will be subject to the same procedures and penalties as adults, except for the application of mandatory minimums in most cases. Of course, the death penalty would not be available as punishment for any offense committed before the juvenile was 18.

Finally, in reforming the federal system, I believe that we must lead by example. So our bill provides that the federal criminal records of juveniles tried as adults, and the federal delinquency records of juveniles adjudicated delinquent for certain serious offenses such as murder, rape, armed robbery, and sexual abuse or assault, will be treated for all purposes in the same manner as the records of adults for the same offenses. Other federal felony juvenile criminal or delinquency records would be treated the same as adult records for criminal justice or national security background check purposes.

The bill also permits juvenile federal felony criminal and delinquency records to be provided to schools and colleges under rules issued by the Attorney General, provided that recipients of the records are held to privacy standards and that the records not be used to determine admission.

Let me assure any who may be concerned that it is not our intent in reforming the federal juvenile code to federalize juvenile crime—indeed, no conduct that is not a federal crime now will be if this reform is enacted. I do not intend or expect a substantial increase in the number of juvenile cases adjudicated or prosecuted in federal court. It is our intent, rather, to ensure that when there is a federal crime warranting the federal prosecution of a juvenile, the federal government assumes its responsibility to deal with it, rather than saddling the states with that burden.

Second, at the heart of this bill is an historic reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, the most comprehensive review of that legislation in 25 years. The States—under the leadership of a new breed of young, no-nonsense Governors, like Mike Leavitt of Utah, then-Governor George Allen and current Governor Jim Gilmore of Virginia, and Frank Keating of Oklahoma—have for several years have been far ahead of the Federal Government in implementing innovative reforms of their juvenile justice systems. For example, between 1992 and 1996, of the 50 States and the District of Columbia, 48 made substantive changes to their juvenile justice systems. Among the trends in State law changes are the removal of more serious and violent offenders from the juvenile justice system, in favor of criminal court prosecution; new and innovative disposition/sentencing options for juveniles; and the revision, in favor of openness, of traditional confidentiality provisions relating to juvenile proceedings and records.

While the States have been making fundamental changes in their approaches to juvenile justice, the Federal Government has made no significant change to its approach and has done little to encourage and reward State and local reform. Thus, the juvenile justice terrain has shifted beneath the Federal Government, leaving its programs an policies out of step and largely irrelevant to the needs of State and local governments. This bill corrects this imbalance between State and Federal juvenile justice policy, and will help ensure that federal programs support the needs of State and local governments.

First, our bill reforms and strengthens the Office of Juvenile Justice and Delinquency Prevention, OJJDP, of the Department of Justice. The effectiveness of the OJJDP will be enhanced by requiring its Administrator to present to Congress annual plans, with measurable goals, to control and prevent youth crime, coordinate all Federal programs relating to controlling and preventing youth crime, and disseminate to States and local governments data on the prevention, correction and

control of juvenile crime and delinquency, and report on successful programs and methods.

And, most important to state and local governments, in the future, OJJDP will serve as a single point of contact for States, localities, and private entities to apply for and coordinate all federal assistance and programs related to juvenile crime control and delinquency prevention. This one-stop-shopping for federal programs and assistance will help state and local governments focus on the problem, instead of on how to navigate the federal bureaucracy.

Second, our reform bill consolidates numerous JJDPA programs, including Part C Special Emphasis grants, State challenge grants, boot camps, and JJDPA Title V incentive grants, under an enhanced $200 million per year prevention challenge block grant to the States. The bill also reauthorizes the JJDPA Title II Part B State formula grants. In doing so, it also reforms the current core mandates on the States relating to the incarceration of juveniles to ensure the protection of juveniles in custody while providing state and local governments with needed flexibility.

This flexibility is particularly important to rural states, where immediate access to a juvenile detention facility might be difficult. Since many communities cannot afford separate juvenile and adult facilities, law enforcement officers must drive hours to transport juvenile offenders to the nearest facility, instead of patrolling the streets. Another unintended consequence of JJDPA is the release of juvenile offenders because no beds are available in juvenile facilities or because law enforcement officials cannot afford to transport youths to juvenile facilities. Juvenile criminals are released even though space is available to detain them in adult facilities. Our reform will provide the states with a degree of flexibility which currently does not exist.

However, this flexibility is not provided at the expense of juvenile inmate safety. The bill strictly prohibits placing juvenile offenders in jail cells with adults. No one supports the placing of children in cells with adult offenders. To be clear—nothing in the bill will expose juveniles to any physical contact by adult offenders. Indeed, the legislation is explicit that, if states are to qualify for federal funds, they may not place juvenile delinquents in detention under conditions in which the juvenile can have physical contact, much less be physically harmed by, an adult inmate.

These provisions are largely based on H.R. 1818 from the 105th Congress, but are improved to ensure that abuse of juvenile delinquent inmates is not permitted by incorporating definitions of what constitutes unacceptable contact between juvenile delinquents and adult inmates.

Third, and finally, our reform of the JJDPA reauthorizes and strengthens those other parts of the JJDPA that have proven effective. For example, the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act are reauthorized and funded. Gang prevention programs are reauthorized. And important, successful programs to provide mentoring for young people in trouble with the law or at risk of getting into trouble with the law are reauthorized and expanded. Operating through the Cooperative Extension Service program sponsored by the Department of Agriculture, the University of Utah has developed a ground-breaking and highly successful program that mentors to entire families—pairing college age mentors with juveniles in trouble or at risk of getting in trouble with the law, and pairing senior citizen couples with the juvenile's parents and siblings. This program gets great bang for the buck. So our bill provides demonstration funds to expand this program and replicate its success in other states.

Finally, our bill provides an important new program to encourage state programs that provide accountability in their juvenile justice systems. All or nearly all of our states have taken great strides in reforming their systems, and it is time for the federal government's programs to catch up and provide needed assistance.

Despite reforms in recent years, all too often, the juvenile justice system ignores the minor crimes that lead to the increasingly frequent serious and tragic juvenile crimes capturing headlines. Unfortunately, many of these crimes might have been prevented had the warning signs of early acts of delinquency or antisocial behavior been heeded. A delinquent juvenile's critical first brush with the law is a vital aspect of preventing future crimes, because it teaches an important lesson —what behavior will be tolerated. Accountability is not just about punishment—although punishment is frequently needed. It is about teaching consequences and providing rehabilitation to young offenders.

According to a recent Department of Justice study, juveniles adjudicated for so-called index crimes—such as murder, rape, robbery, assault, burglary, and auto theft—began their criminal careers at an early age. The average age for a juvenile committing an index offense is 14.5 years, and typically, by age 7, the future criminal is already showing minor behavior problems. If we can intervene early enough, however, we might avert future tragedies. Our bill provides a new Juvenile Accountability Block Grant to reform federal policy that has been complicit in the system's failure, and provide states with much needed funding for a system of graduated sanctions, including community service for minor crimes, electronically monitored home detention, boot camps, and traditional detention for more serious offenses.

And let there be no mistake—detention is needed as well. Our first priority should be to keep our communities safe. We simply have to ensure that violent people are removed from our midst, no matter their age. When a juvenile commits an act as heinous as the worst adult crime, he or she is not a kid anymore, and we shouldn't treat them as kids.

State receipt of the incentive grants would be conditioned on the adoption of three core accountability policies: the establishment of graduated sanctions to ensure appropriate correction of juvenile offenders, drug testing juvenile offenders upon arrest in appropriate cases; and recognition of victims rights and needs in the juvenile justice system.

Meaningful reform also requires that a juvenile's criminal record ought to be accessible to police, courts, and prosecutors, so that we can know who is a repeat or serious offender. Right now, these records simply are not generally available in NCIC, the national system that tracks adult criminal records. Thus, if a juvenile commits a string of felony offenses, and no record is kept, the police, prosecutors, judges or juries will never know what he did. Maybe for his next offense, he'll get a light sentence or even probation, since it appears he's committed only one felony in his life instead 10 or 15. Such a system makes no sense, and it doesn't protect the public.

So the reform we offer in this bill also provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system.

Finally, we all recognize the value of education in preventing juvenile crime and rehabilitating juvenile offenders. When trouble-causing juveniles remain in regular classrooms, they frequently make it difficult for all other students to learn. Yet, removing such juveniles from the classroom without addressing their educational needs virtually guarantees that they will fall further into the vortex of crime and delinquency. The costs are high—to the juvenile, but also to victims and to society. These juveniles too frequently become crime committing adults, with all the costs that implies—costs to victims, and the cost of incarcerating the offenders to protect the public. So our bill tries to break this cycle, by providing a three-year $45 million demonstration project to provide alternative education to juveniles in trouble with or at risk of getting in trouble with the law.

The bill we are debating today authorizes significant funding for the programs I have described. In all, our bill authorizes a total of $5 billion in assistance to state and local governments. This breaks down to $1 billion per year for five years, in the following categories:

$450 million per year for Juvenile Accountability Block Grants;

$435 million per year for prevention programs under the JJDPA, including

$200 million for Juvenile Delinquency Prevention Block Grants, $200 million for Part B Formula grant prevention programs, and $35 million for Gangs, Mentoring and Discretionary grant programs;

$75 million per year for grants to states to upgrade and enhance juvenile felony criminal record histories and to make such records available within NCIC, the national criminal history database used by law enforcement, the courts, and prosecutors; and

$40 million per year for NIJ research and evaluation of the effectiveness of juvenile delinquency prevention programs.

Additionally, the bill authorizes $100 million per year for joint federal-state-local law enforcement task forces to address gang crime in areas with high concentrations of gang activity. $75 million per year of this funding is authorized for establishment and operation of High Intensity Interstate Gang Activity Areas, and the remaining $25 million per year is authorized for community-based gang prevention and intervention for gang members and at-risk youth in gang areas.

And, finally, as I have already noted, the bill authorizes $45 million over three years for innovative alternative education programs to make our schools safer places of learning while helping ensure that the youth most at risk do not get left behind.

Under the leadership of a crime conscious Republican Congress and the leadership of our nation's governors, we as a nation have seen a decrease in our overall violent crime rate. Consider that since 1995, we have made significant progress against crime—much of it in partnership with public officials like Governors Mike Leavitt of Utah, Jim Gilmore of Virginia, George Pataki of New York and George W. Bush of Texas, and Mayors Rudy Giulianni of New York City and Richard Riordan of Los Angeles. Consider that violent crime is down 18 percent from 1993 to 1997, murders are down 28 percent from 1993 to 1997, and overall crime is down 10 percent from 1993 to 1997.

These declines have put a serious dent in our crime rates for the first time since the 1960's. Congress since 1995 has supported the efforts of our state and local officials with legislation that has provided real funding and real solutions to crime, rather than feel-good measures. We cleared out our courts with habeas corpus and prisoner litigation reform. We have added thousands of border guards to stop criminal aliens from entering the country. We have returned billions of the taxpayers' dollars directly to our governors to build prisons and equip our police. Now it is time to address the problem of juvenile crime in the same way—with real solutions and real support to state and local efforts.

Meaningful reforms like truth-in-sentencing laws, which replaced the liberal indeterminate sentencing systems with longer and binding sentences for violent, drug, and repeat offenders, zero-tolerance policing, which put law enforcement officers back in our neighborhoods, and habeas corpus reform, which insured death sentences for heinous criminals would be carried out, have all contributed to this improving picture.

Yet, in the face of this improving domestic environment, depraved acts of school and related violence by young people are becoming increasingly more commonplace and increasingly more depraved. While overall, juvenile crime may be headed down slightly, juvenile drug use is up and juveniles increasingly account for the violent crime being committed.

Our states are responding to this trend. They recognize, as this first chart shows, that the average age of delinquency or problem behaviors for tomorrow's adult violent offenders begins very early in life—with the average age of a first serious offense occurring before the child turns 12 years old. It is this fact—that many of tomorrow's violent crime problems are today's juvenile delinquents—which caused Senator SESSIONS and me to take this issue head-on more than three years ago.

This chart shows the average age of the onset of problem behaviors of delinquency in male juveniles for minor problem behavior is 7 years old; moderately serious problem behavior is 9.5 years old; serious delinquency, 11.9 years of age, almost 12; and first court contact for index offenses, 14.5 years old.

This is data based on the statements of the oldest sampling in the Pittsburgh Youth Study and on statements made by their mothers. It was also in the OJJDP Juvenile Justice Bulletin, ''Serious and Violent Juvenile Offenders,'' in May 1998.

I am concerned that the Clinton Administration has been slow to respond and provide assistance. They have failed to enforce the gun laws already on the books and they have sat silently by, failing to endorse our bill because it was too tough on violent juveniles and because it wanted more control over how the monies would be spent. As recently as last week, I offered the Attorney General the opportunity to endorse S. 254 or provide us with her suggested improvements but we have heard nothing. Instead the Administration holds summits which produce nothing in terms of assisting the states. Instead of concrete proposals, the Administration offers the public poll-driven, legislative trinkets. They hold press conferences ''announcing'' as their own industry driven reforms aimed at making the Internet more safe for children.

Desperate for something to crticize, I expect the Administration will argue that our bill is short on the prevention-side of the equation—a claim they have to know just doesn't add up. Consider the fact that, under our bill, Justice Department juvenile justice spending will reach unprecedented heights. Since 1994, the Republican Congress has steadily increase funding for OJJDP—from $107 million in FY 94 to $267 million in FY 99. Our bill continues this trend by increasing authorized funding levels over existing appropriations from $267 million to $435 million in FY 2000.

So, it is left to the Congress—once again—to step forward to provide the necessary leadership at the federal level. I hope the Administration will see its way clear to do what's right and come out in support of our efforts to help fight juvenile crime.

Mr. President, in the face of a confounding problem like juvenile crime and school violence, it is tempting to look for easy answers. It is also tempting to play politics and advance poll-driven, legislative trinkets in lieu of meaningful reform. I do not believe that we should succumb to this temptation. We are faced with a complex problem which cannot be solved solely by the enactment of new criminal prohibitions. It is at its core a problem of our nation's values. But I believe that by parents and communities working together to teach accountability by example, by early intervention when the signs clearly point to violent and antisocial behavior, and by demanding more of our popular culture and industry leaders, we will be taking a postitive step forward.

Mr. President, that is what our efforts are all about. Our efforts are a comprehensive approach to this national problem. I hope we can work together to develop a bipartisan solution to these problems as well.

To that degree, I appreciate the work of my colleagues, especially Senator SESSIONS, who worked so long and hard on our side, as well as Senator CAMPBELL, who has been very concerned about these juvenile crime issues, and my colleagues on the Democratic side, Senator BIDEN, Senator LEAHY, and others, who are working with us to try to come up with what needs to be done.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent floor privileges be granted to the following staff for the duration of the Senate's consideration of S. 254: Sharon Prost, Rhett DeHart, Michael Kennedy, Craig Wolf, Ed Harden, Leah Belaire, and David Muhlhausen.

The PRESIDING OFFICER (Mr. CRAPO) Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges be granted to Beryl Howell, Bruce Cohen and Edward Pagano for the duration of both the debate and all votes on this legislation.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Emilia Beskind, an intern, be permitted floor privileges during the duration of the debate.

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

Mr. LEAHY. Mr. President, we have had a series of shocking schoolyard shootings. I cannot imagine any Senator, as a human being or as a parent or citizen, who would not be shocked, just as have most people around the world. The Senate is now finally turning its attention to doing something about youth violence in this country. Two weeks ago, the distinguished majority leader promised the American people that this week he would permit full and open debate on this issue. I commend him for that, because for 3 years we have not been given the opportunity to discuss this critical issue on the floor of the Senate without some kinds of procedural gimmicks or artificial limits on debate or amendments. I think the American people do not want to see that. They want to see a full and real debate.

Over that same 3-year period when we tried to have this debate, this country has witnessed schoolyard shootings by children in Arkansas and Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, and most recently in Littleton, CO. I say to the distinguished Presiding Officer and all Members on the floor, none of us can look at our States and say with certitude that we are immune to such a tragedy.

Finally, after the deaths and injury of 41 children just in the incidents to which I have referred, the Senate is turning its attention to this matter. Violence in our Nation's schools, committed by or against children, devastates all of us—as parents or as grandparents, as educators, as civic leaders or whatever. But devastating as it is to us, most importantly these incidents scar and upset our children. Obviously, it takes them away from the learning, which should be the focus at this important time in their lives, a time that should be a time of joy, a time of growth, a time of learning—a time that will set their path, really, for the rest of their lives. They should not be distracted by these terrible things.

This is a complex issue. Frankly, no one party has all the right answers. It is time we as Democrats and Republicans discuss all of our ideas and proposals for actions and then choose the best among them. A good proposal that works should get the support of all of us.

Our first question really should be whether a program or proposal will help our children effectively, not whether it is a Democrat or Republican proposal. I have learned through the years that good legislators coming together can make good proposals. I have been honored to see passed into law numerous law enforcement proposals I have sponsored and co-sponsored with like-minded Members on the other side of the aisle. But we also have to recognize that legislation alone is not enough to stop youth violence. We can pass a law saying we don't want violence. We can also pass a law saying we would like the Sun to rise in the west and set in the east. Either one would be about as effective as the other. We have to do a lot more than that.

We can pass an assortment of new laws and still turn on the news and find out some child in the country has turned violent and turned on other teachers or children with a weapon, with terrible results. So this is not just about Littleton. Littleton is the most recent, it is the most bloody, but it is the seventh incident of schoolyard killings in the past years and no area of the country has escaped the bomb threats or fears these incidents have generated. Each incident of school violence leaves us with more questions than answers. It is easy to say each is related to the next, but together they all point to problems we must do something about. There is not one major catalyst that touches off an eruption of violence in a school; there are a whole lot of contributing causes.

We can certainly point to inadequate parental involvement. Frankly, that is an area about which I worry—very, very busy parents and very, very little time for their children. In an increasingly affluent society, we have to ask whether we are paying a terrible price for our affluence.

We can talk about overcrowded classrooms and oversized schools that add to students' alienation. When we have high schools with 1,200, 1,500, 1,600 people, how can they possibly have a sense of community within that high school?

We can talk about the easy accessibility of guns. We can speak of the violence depicted on television and movies and video games. We can talk about the inappropriate—more than inappropriate—disgusting content now available on the Internet. There is no single cause, and because there is no single cause, there is no single legislative solution that will cure the ill of youth violence in our schools and in our streets.

Just as those who look at a fire know if you remove enough kindling, you can prevent the fire, so there are things we can do right now, and there is no excuse for not trying. Everybody has a role to play in the solution. While we cannot legislate the problems away, we all have a role, and that means parents, teachers, lawmakers, Hollywood, Internet providers and gun manufacturers and sellers. But we should also recognize that despite the recent and shocking school shootings, we have been doing some things right.

By any measure you want to use—victimizations reported by police or crimes reported by police or arrests—the serious violent crime rate is going down. Let me show this chart. This is something of which we ought to be proud. Since 1973, the total violent crime rate has gone down. In fact, it has gone down the most in the last 6 years, certainly more than I have seen it go down at any time.

According to the most recent statistics from the Bureau of Justice, the overall crime rate has fallen more than 18 percent since 1993.

This next chart is remarkable. It is something in which we should take pride. After seeing for decades, during my adult life, the crime rate go up, up, up and up, to see it these last 6 years go down is very significant.

The rate of serious violent crime being committed by juveniles is also on the way down. Following a period of going up in the late 1980s and early 1990s, they peaked in 1993. That also is something in which we should take some pride and we should take comfort as Americans and as citizens.

The reduction in the murder rate alone is truly good news. In 1997, the murder rate was 28 percent lower than 1993. And in 1998, this rate had fallen to its lowest level in three decades. That, again, is something in which we should take some comfort, even though any murder is one murder too many.

In the years I have been here, in 30 years—this goes back to the time when I was a prosecutor and throughout all this—I have seen through each administration, Republican or Democrat, the murder rate go up. Finally, we have seen in the last 6 years the murder rate come down to where it is now, the lowest level in three decades.

Over the past few months, we have begun hearing criticism that this administration is not focusing sufficient resources on enforcing our gun laws. Of course, there is always room for improvement, as there is with anybody. But let's not let political name-calling detract from the indisputable fact that the murder rate for teenagers and young adults rose sharply in the late eighties and early nineties due to a rise in gun violence that is now on the decline. In fact, juvenile murder and nonnegligent manslaughter arrests declined almost 40 percent between 1993 and 1997. To use real numbers, there were 3,800 juvenile arrests for murder at the peak in 1993. By 1997, that number was down to 2,500 out of a population of 30 million children between the ages of 10 and 17.

As we talk about juvenile crime legislation, it is important to keep in mind these statistics show some successes and we should be promoting and expanding those programs that are helping to produce these successes.

We have some complex, sweeping legislation before us. S. 254 was never referred to the Judiciary Committee for consideration, which is extraordinarily unusual. I look forward to discussing this.

It was introduced by the chairman of the Judiciary Committee and cosponsored by the distinguished Senator from Alabama, who is on the floor. I wait to hear from the distinguished chairman as to what will be accomplished with it.

While we did not examine the bill in the Judiciary Committee because the majority chose, as they have a right to, to place the bill directly on the Senate Calendar, instead the Judiciary Committee has been busy on a bankruptcy

bill protecting creditors and a proposed constitutional amendment to protect the flag. Protecting the flag and protecting creditors may be important issues, but frankly, as a parent, I am far more interested in protecting children from violence, both in the schoolyard and outside school.

Last Congress, we had an earlier version of this bill, S. 10. We tried to improve it, and I think we did. I will describe in more detail S. 254. The juvenile crime bill we turn to today reflects that progress, and I commend Senator HATCH for his leadership in continuing to push forward and building a consensus of Republicans and Democrats. I thought we missed opportunities in the last Congress to come together on legislative efforts to deal with youth violence. I hope we will not miss that opportunity in this Congress and we can come together.

In fact, many of the improvements we tried to make to the juvenile crime bill, S. 10, were rejected mostly along party-line votes in the Judiciary Committee, and by nearly a party-line vote we saw it passed out of committee. Not surprising, because it was a partisan bill, and crime should not be a partisan issue, it was hard to find anybody who liked it when it came to the floor. I made, as did others, a number of criticisms of the bill, and those criticisms were echoed by virtually every major newspaper in the United States, as well as by national leaders, and ranged across the spectrum from Chief Justice William Rehnquist to Marian Wright Edelman, the president of the Children's Defense Fund.

The Philadelphia Inquirer called the bill ''fatally flawed.'' The Los Angeles Times described the bill ''peppered with ridiculous poses and penalties'' and as taking a ''rigid, counterproductive approach'' to juvenile crime prevention. The St. Petersburg Times called the bill ''an amalgam of bad and dangerous ideas.''

Chief Justice Rehnquist criticized S. 10 because it would, as he said, ''eviscerate [the] traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary.''

He was concerned that federalizing juvenile crimes meant that ''federal prosecution should be limited to those offenses that cannot and should not be prosecuted in state courts.''

The National District Attorneys Association, having been the vice president of that association, I listened to them. They expressed concern that ''S. 10 goes too far'' in changing the ''core mandates'' which have kept juveniles safer and away from adults while in jail for over 25 years, and that S. 10's new juvenile record-keeping requirements were ''burdensome and contrary to most state laws.''

Similarly, the National Governors' Association, the Council of State Governments, the U.S. Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures expressed concerns about the restrictions S. 10 would place on their ability to combat and prevent juvenile crime effectively.

So with all this criticism, when the Republican leadership said we could not have real debate in the last Congress, that became an unacceptable situation and one, frankly, which created a lot of concern among a number of Republican legislators.

Despite the wellspring of concern by the Federal judiciary and by State and local law enforcement and public officials over significant parts of S. 10 as reported by the Judiciary Committee, we were not going to be allowed to debate it.

In September 1998, the majority propounded a unanimous consent request to permit the Republicans to offer a substitute that contained changes to over 160 separate paragraphs of the bill, but not allow Democrats the same opportunity. That did not allow full and fair debate.

I suggested a plan that would have ensured debate on the more controversial aspects of last year's bill by placing in the RECORD on September 25, 1998, a proposal for a limited number of Democratic amendments. My proposal was never responded to.

I say that because that was in the past. And I accept the majority leader's representation that this will not happen this year, that we will not allow narrow procedural devices to limit debate on S. 254. And I think we will have a better bill because of that.

There are very good ideas on both the Republican and Democratic side of the aisle here in the Senate to improve this legislation. After all, keeping children safe, both in school and out of school is not a Republican or Democratic idea; that is a basic, automatic feeling that every parent, every family and every person in this Chamber of either party feels strongly.

The concerns I outlined about S. 10 are shared by many others, as well as by child advocates, judges, law enforcement and State and local officials, and were shared here on November 13, 1997; January 29, 1998; April 1, 1998; June 23, 1998; September 8, 1998, and October 15, 1998. I said the bill skimped on effective prevention efforts to stop children from getting into trouble in the first place.

Second, I said the bill would have gutted the core protections which have been in place for over 20 years to protect children who come into contact with the criminal justice system and keep them out of harm's way from adult inmates, to keep status and nonoffenders out of jail altogether, and to address disproportionate minority confinement.

Thirdly, I expressed concern about the federalization of juvenile crime resulting from S. 10's elimination of the requirement that Federal courts only get involved in prosecutions of juveniles if the State cannot or declines to prosecute the juveniles.

Finally, I was concerned that the new accountability block grant in S. 10 contained onerous eligibility requirements which would end up imposing on the States a one-size-fits-all uniform sewn up in Washington for dealing with juvenile crime. The States simply did not want this straitjacket. In fact, at one stage, the way it was written in the bill, no State would have qualified for the block grant; no State of the 50 would have.

So I say this, and I say this as a compliment to Senators on both sides of the aisle who worked on S. 254: It is a much more improved bill than S. 10 in the last Congress. It incorporates many of the improvements we suggested last Congress. I am delighted to see that proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 have now been put back in the bill. These are changes that we have been pushing for a number of years. It is the right approach now to put them back in the bill.

So let's make progress together. I hope through an open floor debate and an open amendment process, without procedural games, we will be able to make sufficient progress to be able to support a Senate bill that can make a difference.

We tried in July 1997 to amend S. 10 to protect the States' traditional prerogative in handling juvenile offenders. And my amendment would have limited the Federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. That was defeated. Whereas, the language in S. 254 contains a new provision analogous to my previously rejected amendment that would direct Federal prosecutors to ''exercise a presumption in favor of referral'' of juvenile cases to the appropriate State or tribal authorities.

While the language used in this S. 254 section may need some clarification, particularly since it appears to contradict other language in the bill requiring Federal trial of juveniles who commit any Federal offense, it is a provision in the right direction.

In July 1997, we tried to amend S. 10 before the Judiciary Committee to permit limited judicial review of a Federal prosecutor's decision to try certain juveniles as adults. S. 10 granted sole, nonreviewable authority to Federal prosecutors to try juveniles as adults for any Federal felony, removing Federal judges from that decision altogether.

I am a little bit hesitant to give authority to any Federal prosecutor—special prosecutors or regular Federal prosecutors—that cannot be reviewed. And my amendment would have granted Federal judges authority in appropriate cases to review a prosecutor's decision. Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that S. 10 proposed, including Florida.

I mention that because sometimes we get the impression that here in Washington we always know better than the States. In criminal procedures, criminal process, we should look at the States and their experience in determining whether we should step in and change things. And when you find that only three States have done what we were asking to do, you ask why. And I mentioned Florida as being one of the States that granted this extraordinary authority.

Earlier this year, we saw the consequences of that kind of authority, when a local prosecutor in that State charged, as an adult, a 15-year-old mildly retarded boy with no prior record, who stole $2 from a school classmate to buy lunch. The local prosecutor locked up this retarded boy in an adult jail for weeks. You can imagine what that was like, for this $2 theft, before national press coverage forced a review of the charging decision in this case. We do not want to see that kind of incident on the Federal level.

Unfortunately, my proposal for a ''reverse waiver'' procedure providing judicial review of a prosecutor's decision was voted down, with no Republican on the committee voting for it.

S. 254 contains a virtually identical ''reverse waiver'' provision to the one proposed that was rejected almost 2 years ago. So that is a welcome change in the bill.

S. 254 also contains a provision to increase penalties for witness tampering that I first suggested and included in the Youth Violence, Crime and Drug Abuse Control Act of 1997, S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the Safe Schools, Safe Streets and Secure Borders Act of 1998, S. 2484, and again in S. 9, the Comprehensive package crime proposals introduced with the Senator DASCHLE at the beginning of this Congress.

This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of 10 to 20 years imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with other law enforcement initiatives, by amendment to S. 10. It was voted down in the committee. I am now pleased to see it is included in S. 254. I think that is an improvement.

S. 254 substantially relaxes the eligibility requirements for the new juvenile accountability block grant. That is a positive step. S. 10 in the last Congress would have required States to comply with a host of new Federal mandates to qualify for the first cent of grant money, an awful lot of recordkeeping mandates, and make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could not find any State that would have qualified for this grant money. We tried to get the Judiciary Committee to revise this. My amendment was then voted down, but I am glad to see that 2 years later S. 254 reflects the criticism that I and other Democrats on the Judiciary Committee leveled at the recordkeeping requirements.

The current bill removes the recordkeeping requirements altogether from the juvenile accountability block grant, as we had requested. In fact, it sets up an entirely new juvenile criminal history block grant funded at $75 million per year. To qualify for a criminal history grant, States would have to promise within 3 years to keep fingerprint-supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required; no more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Only juvenile delinquency adjudications for murder, armed robbery, rape, or sexual molestation must be disseminated in the same manner as records.

So the eligibility requirements for the juvenile accountability block grant now number only three, including that the State have in place a policy of drug testing for appropriate categories. This reflects an amendment that we offered to S. 10 in July of 1997.

One problem I do have is that S. 254 does not allow substance abuse counseling or treatment as an allowable use of grant funds. I hope that is something we can rectify as the bill goes forward.

Now, we have children in custody provisions that were enacted in the Juvenile Justice and Delinquency Prevention Act of 1974. This was done to address the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates. These were conditions that often resulted in tragic assaults, rapes, and suicides of those children.

As it has evolved, we have four core protections that have been adopted and, frankly, are working: separation of juvenile offenders from adult inmates in custody, so-called sight and sound separation; removal of juveniles from adult jails or lockups with exceptions for rural areas, travel, weather-related conditions; deinstitutionalization of status offenders; to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth by the juvenile justice system.

S. 254 is an improvement over S. 10, which tried to take out three of the four core protections. S. 254 includes the sight and sound standard for juveniles in Federal custody. The same standard is used to apply to juvenile delinquents in State custody.

S. 254 incorporates changes I recommended to S. 10 in the last Congress to ensure the continued existence and role of State advisory groups. That, I think, is going to be very important. The bill authorizes the use of grant funds to support the SAGs, but it doesn't require States to commit funds. I hope that is an omission that we may be able to work out.

Now, there are a lot of improvements, but there are still some problems. S. 254 does not provide adequate assurance of funding for primary prevention programs. I understand that Senator HATCH may agree to an amendment to earmark 25 percent of the funds appropriated from the juvenile accountability block grant for primary prevention. That is good news. It is less than we had hoped for, but it is certainly progress. I commend him for that.

When Senator SPECTER tried to earmark funds from this grant program for prevention during committee markup in 1997, his amendment failed. I hope we can do better than that.

Secondly, the bill weakens the core protections under the Juvenile Justice and Delinquency Prevention Act. This would reverse progress made over the past 25 years, and I do not think we should do it. It also includes a sense-of-the-Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult. The resolution does not urge the death penalty for such children, but asks for adult prosecution. This is really something the States should make up their minds. We shouldn't be telling them what to do on that.

I say this as a representative of one of the very, very few States in the country that allows the prosecution of juveniles 10 years and older as an adult for certain crimes. We really have in Vermont the toughest law of any State on that, but it is something that the Vermont Legislature decided. It probably shouldn't be opined on by the Senate.

Lastly, the bill is completely silent on how we should address the problem of the easy accessibility of guns to children.

Mr. President, one of the reasons for this debate, one of the best things about this debate, if it is allowed, is a full and open debate, something we were not allowed before. We can address all of these issues.

Again, I urge Senators to come together as Senators, not as Republicans or Democrats, about what would be best. Is there too much violence in the media today? Of course there is. I find it very, very difficult to have any enthusiasm for going to a very violent movie or watching a violent television show. I have been to too many murder scenes. It seems they are always at 2 or 3 in the morning.

If anybody thinks a murder scene is somehow glamorous, talk to people who have been there. I have had a murder victim dying while he was telling me the name of the person who killed him. You can imagine the shock when the person he was telling me had killed him was his own son.

There is nothing exciting or glamorous about this. There is nothing exciting or glamorous about the stench, the sight, the view of a murder scene. Anybody who has visited them knows that. Anybody who has visited as many as I have knows it very, very well. We should talk about that—are there too many violent scenes in an antiseptic way given to our juveniles—but at the same time let us be honest enough to say that guns do kill people and there are too many guns available to young people. I say this, coming from a State that is probably the only State in the Union that has no gun laws and also has an extremely low crime rate, a State where parents still teach their youngsters a safe and responsible way to use guns. But there is no reason why a teenager should be allowed to walk in to a gun show anywhere they want and buy any kind of high-powered weaponry they want, with no parental responsibility, no parental supervision.

We should also know that simply saying let's increase penalties does not stop crime. You stop crime by stopping crime, and that means we have to address prevention programs that work and have to understand that a prevention program that may work very well in Alabama may not work in Vermont or vice versa.

The prevention programs, such as the one that stopped youth murders in Boston, is something which should be looked at, and it can be funded, if people want to. We should accept that.

As I said in the opening part of my statement, Mr. President, we also have to accept the fact that parents are not spending enough time with their children and that we ought to get back off this hurly-burly world and understand that nothing we will ever do in life—career, money making, or anything else—is as important as how we raise our children. A lot of parents are going to have to accept that fact. We are going to have to look at the size of our schools and say that you can't have a sense of community in a high school of 1,200 or 1,500 people.

There are a lot of things we can do, and, working together, we can make it better. The murder rate has come down. We have done some very good things in the Congress. The administration deserves credit for it. Law enforcement deserves credit for it. But there is still more to do. Working together, we can do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. CAMPBELL and Mr. LEAHY pertaining to the introduction of S. 996 are located in today's record under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I would like to say that Senator LEAHY has been a prosecutor, has been interested in these issues, and has spent a lot of time and effort on it.

We indeed attempted to respond, as you know, to a number of the concerns he has had. Some of the suggestions and concerns he has raised I believe are worthy. We made a number of corrections which I think would be helpful to that. I know Senator HATCH has also worked hard on it.

Let me say first that juvenile crime is in fact a serious national problem. We have had some very real progress in the crime situation in America. We had some reductions in the 1980s. Then, in the mid-1980s, we had a crack epidemic which I think drove the number up some. But it has been declining among adult criminals steadfastly for quite a number of years.

I have watched those numbers carefully—not as a Senator but as an attorney general of Alabama and as a U.S. attorney and Federal prosecutor in Alabama. I have observed the numbers and what has been happening. There are some good trends. We need to keep those trends going.

A lot of people may not realize that from about 1980 until today we have quadrupled—four times—the number of people in prison as there were before.

During a time when many people thought the crime rate was going to continue to go up, this Nation—mostly at the State level—has begun to step forward and identify repeat, dangerous offenders, and not just act as a revolving door but to incarcerate them for longer periods of time, keeping them off the streets, keeping them from being gang leaders and involving other, more impressionable young people in their criminal activity.

We have had some nice reductions in violent crimes and, in crimes generally, some reduction among adults. We have not had the same kind of success in juvenile crime. There are a lot of reasons for that. I would like to suggest the fundamental reason, in my opinion; that is, we have not responded as a nation to juvenile crime as we have to adult crime. Most people may not know that 99.9999 percent of all juvenile cases are tried in State court. There are almost no juvenile cases tried in Federal court.

I was a Federal prosecutor, U.S. attorney, for 12 years. I think I prosecuted one juvenile case in 12 years. There are so many impediments to it, so many difficulties, that it kept those prosecutions from going forward even when they should have gone forward. We need to improve that and make it a little bit better and easier in appropriate cases for U.S. attorneys, Federal prosecutors, to prosecute juvenile cases.

But the thrust of our reform and the thrust of S. 254 is to encourage and strengthen the ability of State and local governments to prosecute and handle and deal with young people who are committing crimes, are about to commit crimes, and who are running afoul of the law.

We know that in the last several years there has been a reduction in juvenile violent murders and the rates have gone down—not dramatically, but it has been a good number. Overall, from 1993 through 1997, however, there has been an increase of 14 percent in arrests of juveniles for criminal activities; we are not seeing a decline. This is after an incredible period of explosive growth in the last 15 or 20 years in juvenile crime—maybe even 25 or 30 years in juvenile crime. We have an extraordinarily high, unprecedented level of juvenile crime. Unfortunately, we have not responded to that.

Mr. President, I have seen it in my State. And my State is typical. We have increased adult prisoners, but we have not done anything to deal with what happens when a youngster is arrested for a serious crime. Judges don't have options. They don't have the ability to deal with them in an effective way, and they are coming back time and time and time again.

There was a murder in Montgomery, AL, when I was attorney general, by three young people. They were 16 and 15. I asked the police chief what kind of criminal history those three young people had. They were out on the streets. They were free, running loose. One had 5 prior arrests; another one had 5 prior arrests; and the third one had 15 prior arrests.

A New York Times writer, Mr. Butterfield, within the last year did an analysis of what is happening in juvenile courts. He went to Chicago IL, a major city. What he found there is too typical of what is going on in juvenile justice. What he found was that judges were spending 5 minutes per case—5 minutes per case—because of the crush of these cases.

That is unacceptable. It is our responsibility, if we care about those young people coming before that judge, standing in court having been apprehended for a serious crime—if we care about them, if we really love them—to do something with them. We will not spend 5 minutes on their case; we will confront youngsters of 13, 14, or 15 years of age and find out what has been troubling them, find out what their problems are, and intervene effectively.

Some say, Well, Senator SESSIONS, you just want to spend money on courts and lock kids up.

I don't want to lock kids up. But what we are doing today is not doing anything to help them. Some kids have to be locked up, unfortunately. I wish it weren't so. Some do. Some have been back 3, 4, 6, 8, 10 times.

Finally, if a judge at some point does not have the capacity to validate the integrity of his order of probation which prohibits them from committing

further crimes, and he just ignores it time and time again, the whole law becomes a mockery. It becomes a joke. It undermines respect for law. It undermines respect for the police officer who is out doing his duty.

Some of these youngsters will kill you. A police officer goes out and makes arrest after arrest, and one of them is liable to pull a gun. One of them is liable to pull a knife. This is a dangerous world. Why should he go out and do his best to apprehend and commit himself to those cases if the judges and prosecutors are unable to proceed with effective punishment?

I want to say, first of all, that if we care about what is happening in America, I suggest we look at what is happening in our communities, talk to our police officers, juvenile probation officers, juvenile judges, and ask them: What is happening? Are you sufficiently funded and do you have the resources to intervene effectively at the earliest possible stage of criminality by a young person?

If we do that, we can perhaps avoid more serious consequences down the road.

I know a lot of people have talked about Littleton, Jonesboro, Paducah, and other mass shootings that have occurred in school. I don't know if those could have been prevented. In my own personal survey, reading the newspapers, I have found that in every one of those cases those young people had been before a judge previously for a serious offense. Had that judge had the time and the resources—an alternative school, a boot camp, a detention facility, mental health treatment, drug treatment, a drug testing program to determine whether or not these kids were in serious trouble—perhaps these crimes could have been prevented.

I know people say what we really need is prevention. I think the phrase is ''primary prevention.'' I am not against prevention. This bill has an awful lot of money in it for prevention. I will show you in a moment some of the prevention programs that already exist.

Based on my experience and what I know with a virtual certainty in my own mind, if we want to prevent serious criminal behavior and we have a limited amount of money—and we do; for every project that comes before this body, our money is limited—then we ought to focus on that group of people who can be best served by the application of that money. Who is it? It is the ones who are already getting in trouble with the law, the ones who are already being arrested. They are the ones on whom we ought to focus.

I assure Members, all over this country we are not able to do that effectively. Call the juvenile judge in your community, if you know him, call your police officer or your prosecutors, and talk to them and see if they don't think we could do better.

I have visited with Judge Grossman in Ohio. He has a magnificent court system that Senator DEWINE and I visited. When those kids are arrested, they are interviewed by probation officers. Backgrounds are done. The judge studies it. He promptly analyzes their case. He has a school there, a drug treatment program, mental health treatment, family counseling—all these things—when that child comes before him and his team of judges; they have a program to deal with it effectively.

That is what I want to see happen all over America. In fact, I believe local communities are considering that all over America. I know in Alabama they are. Cities are sending people up to Boston, which has some terrific innovative programs that have dramatically reduced their murder rate by young people. They are thinking about what to do.

How can we help this? We are a Federal Government. How can we help our local county juvenile judge, local county probation officer, do that job? We ought to encourage them to study programs that are working. I think we ought to encourage them to visit programs such as the one in Boston and to develop their own programs.

The problem is they need, oftentimes, more money to accomplish that than they have in the immediate short term. What we have is a block grant program that will allow them to receive partial funding from the Federal Government as an encouragement, as an inducement, to create the kind of programs that take place in Ohio and Boston and in my hometown of Mobile, AL. Judge John Butler, who serves on the board of the Juvenile Judges Association, is a long-time friend. He has probably the finest boot camp in the United States. It has an education program. I have been there. I have visited that boot camp. I helped start it years ago. I supported it for years.

We have a drug court in Mobile where young people—and adults, too, for that matter—are examined for drug problems. Those are the kind of things that ought to be done. The school is so good that a lot of the young people who have been arrested and put into that detention boot camp facility with an education component want to continue their education there. They don't want to go back to their regular school. They want to stay in that school. That is what we need. That is the absolute best application of limited dollars to reduce serious violent crime, in my opinion.

We can find out if there is a serious problem at home. Maybe it is child abuse. Maybe one of the parents is a drug addict or an alcoholic. Maybe the child is totally neglected and there is psychological abuse going on in the home. Maybe they are running around with very bad friends and gang members. If the family is brought in, if the probation officers are brought in, if they are drug tested, if they are analyzed carefully, then progress can be made to turn around some of those young people. Some of them will continue a life of crime.

We care about our young people. Most of the victims of crimes by young people are other young people. We simply have to remove some of them from the community because they are not safe. Innocent kids who have done nothing wrong can be shot, killed, or abused by violent youngsters who are not able to be changed by the court system.

That is basically the philosophy. We call it ''graduated sanctions.'' That is the phrase we are using in this bill, S. 254. It says if you receive money under this grant program, develop a system that is consistent with your own philosophy, your own local community, that increases punishment for repeat offenders. This idea a lot of people have that we are putting young people in jail for light or transient crimes is not true. It is not true. They know it. Minor kids don't get sent to jail.

I recently talked to a judge who had a serious case, a repeat of two or three household burglaries. He said he had one bed in the State juvenile system. If it is not an approved juvenile facility, according to the Federal Government, they can't even spend one night in it. He said he had one minor there for assault with intent to murder and he was not going to let him out to put the burglar in jail, so he had to let him go.

That is what is happening in the America. If we are not serious about it and don't invest in it and allow our judges, in a humane, disciplined, and effective way, to validate the rule of law, to validate decency and morality, to establish a system that disciplines wrongdoing instead of accommodating to it, we will continue to have more juvenile crime. I believe that is a significant way to prevent crime.

I know, regarding general prevention programs, it is the politically correct thing for people to say we need to spend more money. I am not opposed to it, if they work. I will say this: Our program had $40 million spent for the National Institute of Justice to research and evaluate the effectiveness of the various juvenile prevention programs. I know Senator FRED THOMPSON, from Tennessee, who worked on this committee, used to say: We don't know what works. We need to study more effectively what we are doing. We have had a commitment in this bill to research, to analyze, what really does work to reduce crime.

Mr. President, I have no pride of authorship. I want to spend the resources we are prepared to spend as a Congress as wisely as we possibly can so we can get an effective reduction of crime. School programs probably ought to be funded through the school and not through a crime bill.

The general philosophy of most experts in dealing with juvenile crime is to make that young person's first brush with the law their last. That does not mean they have to be locked up for weeks on end, but it means a

meaningful confrontation about their wrongdoing must occur.

Families need to be involved. A probation officer needs to be involved, one who has the time to analyze the problem—perhaps in the family or perhaps that child's own problem. Sometimes it is not a family problem; sometimes the child has the problem— to confront it and take the steps necessary to improve that circumstance.

Police officers all over America tell me this is what is happening. They are out patrolling. They catch a young person who is burglarizing a house or business. The child is arrested and taken down to the police station. I would say the overwhelming majority of communities in America do not have a juvenile jail facility in their community, so that means the nearest jail is some hours away. They are not able to keep that child for 1 hour in an adult prison, even if it is on a separate floor or separate wing, totally apart from adults. They cannot keep that child 1 hour. They leave the child sitting in the police station lobby waiting for mother and daddy to come and take them home.

Some say, oh, that is not true.

It is true. That is what is happening all over America, and a lot of it is because the Federal regulations on detaining young people are too severe, in my opinion.

I know some think, oh, you want to put young people in jail with adults. I don't want to put them in jail with adults. But I don't want every local community in America to have to build a separate juvenile jail when they may have no more than two or three people. They have new facilities and they can carve our wings or sections of those jails for short-term detention of young people, because if they are arrested, bail has to be set. If they are not able to make it right away, they have to have a hearing within 72 hours. So if they have to take them to a distant facility at night—maybe there is only one police officer still on duty. I know the Senator from New York has more police officers on duty than one, but there are a lot of communities in New York State and Alabama that may only have one officer on duty. So it is just not a practical thing.

I believe we ought to be more realistic because juvenile judges do not want children to be harmed. Police chiefs do not want children to be harmed. They are not going to put them in these places so they can be abused. That is ''Easy Rider'' myth, that stuff. That is myth. People get sued if you allow somebody in prison to be abused while in prison. We ought not allow that to happen.

I just say that first of all. That is my general view of where we are.

We did make a commitment—and Senator LEAHY referred to it —not to federalize juvenile justice. I really do not believe that is an appropriate thing for us to do. As I said, virtually all juvenile cases are handled in State courts. They have procedures for it. They have detention systems that ought to be expanded, but they have them already. They have their own laws that have been set up. They have juvenile judges. They have, many times, prosecutors who specialize in juvenile cases. They have probation officers who specialize in it. They have boot camps, halfway houses, mental health treatment, drug treatment—systems already set up around these systems, and we ought to encourage that and encourage them to invest more and not create a new Federal system for it. There has been some concern. I think anyone who reads this bill will realize we have not made any move to federalize juvenile justice.

Let me mention a few things now. There is some question about what does it require to get a grant out of this bill if you are going to improve your juvenile justice system, if you want to help your judge in your town have an expanded capacity to confront youngsters and deal with them.

You need to have a graduated sanctions. We just do not believe we ought to give money where there is business as usual and a revolving door. You ought to have some plan—it doesn't tell you how—of graduated punishments so when they come back the second and third time, there is an ability for the judge to impose more serious punishments.

You need to have a policy of drug testing upon arrest. If we care about young people who are committing crime and we want to improve them and see they do not continue a life of crime, we ought to test them for illegal drugs.

We have known for the last 20 years—there was a survey by, I believe, the National Institute of Justice, of major cities around the country that showed that almost 70 percent—everywhere it usually runs 67 to 70 percent—of the people arrested in those cities when drug tested upon arrest test positive for an illegal drug. That drugs are an accelerator to crime cannot be denied. There is no doubt about it. What I believe is every court system—this doesn't mandate exactly the way I would like to see it—but it does encourage every court system to have a program to drug test young people when they are arrested. Because if they are on drugs, we need to start treating them. We need to start dealing with it effectively.

You say, even for small crimes like theft? Yes. Because oftentimes the thief, the person who is stealing, is stealing to get money for drugs. Frequently those people who show up with drug use, who are more likely to have a drug problem, are more likely to shoot somebody than someone who gets mad at a football game. So you just don't know. In Washington, DC, it has been done for years. I met with the director here 15 years ago and I have studied this problem. I really believe we need to do a better job. So it says you should have a plan.

Then we need to recognize the rights of victims. We continually have the complaint, if you are burglarized or robbed by a young person, oftentimes you do not even know when they are tried or what the prosecutor and judge decide to do about it. Your opinion is not asked. It gets settled. There is never a court hearing and you are not told anything about it. Victims have rights in juvenile court, too. So we are asking them to address that and establish some policy that will improve the victims' right to participate. Some States do, some do not.

These are some of the things we try to do in funding this bill. It is one thing to say you ought to do these things; it is another thing for the Federal Government to ante up and help pay for it. So our block grant proposal deals with that. It provides money that can be used for graduated sanctions. It helps them build detention facilities. There are a lot of them that are modern, are first rate, that have a lot of good things about them. We need to encourage every community in America to analyze its detention facilities and see if it can do a better job. I think we ought to provide matching funds for it, which this bill does. We have been doing some of that for the last 2 years in our budget, but I would like to make it permanent with this.

We have money for drug testing. If you set up a drug testing program, you can have the Federal Government, basically, pay for it—because we believe it is important.

Recordkeeping—there is a famous case about a youngster in New York who committed an assault with intent to murder; went to New Jersey, committed another violent crime and was released on bail and then murdered a police officer. A judge in New Jersey did not know about the serious violent crime in New York.

We were not putting those records in the National Crime Information Center. I know some will say this is juvenile, but I say this is serious. People who are committing serious violent crimes need to have their records in the National Crime Information Center, because when they are arrested again—that is the pattern; they will be arrested again—the judges will not know their prior history.

We have a good bit of money for that in this legislation which I believe will help States set up a first-class program; Mr. President, $75 million, in fact, for them to update their criminal records. We need to encourage the States to start putting their records in the National Crime Information Center. Director Louis Freeh said they will accept those records, they want those records, and they do not need any money from the Federal Government to receive them. They can receive them without additional cost.

We want to promote restitution programs. That is what this grant money can be spent for.

We want to promote programs requiring juveniles to attend and complete

school programs and vocational programs.

We want to require parents to work and pay for some of these programs.

We want antitruancy programs. Truancy is a serious problem. It is an indicator of an oftentimes deeper problem. If we can create a better truancy program in America, we can improve and reduce crime.

We want identification and treatment of serious juvenile offenders, those who have real problems, and prevention and disruption of gangs, technology and training programs for juvenile crime control, and moneys for programs that punish adults who knowingly and intentionally use a juvenile during the commission of a crime.

There are, in fact, in America today cold-blooded drug dealers and other criminals who actually use juvenile offenders to commit crimes because not much will be done to them if they are caught. We believe that is a horrible thing and we ought to have a program to end it.

I am going to talk about prevention now. Again, I have no objection to good prevention programs, but since 1974, we have put no money—and in my hometown of Mobile, AL, the juvenile detention center there was built in 1974 or 1975, partly with Federal funds. It encouraged them to create what, at the time, was a first-rate, state-of-the-art facility. But that all ended many, many years ago. We have no money dedicated today to help juvenile law enforcement, detention or otherwise. There are no dedicated moneys for that, except what we have as part of our effort last year, which is not enough.

We are spending $4.4 billion per year on juvenile prevention programs. GAO has found there are 117 of these programs—117 juvenile programs, spending $4.4 billion a year. We are asking for $450 million only for juvenile accountability in a block grant and only a portion of that so we can improve our detention facilities.

Look at this chart. I think we ought to understand this. There is a lot of money being spent now on prevention programs, and some of it is not being spent wisely. That is why we have money in this bill, to review the effectiveness of these programs.

Listen to this: There are 62 programs that provide training and technical assistance for young people who may be in trouble; 62 for counseling; 55 for research and evaluation; violence prevention, 53 programs; parental and family intervention, 52; support service, 51; substance abuse prevention, 47; self-sufficiency skills—I don't know what that means, but I guess it is a good program—46; mentoring, 46; job assistance training—people say we need to get these young people jobs. All right, we have 45 programs doing that; substance abuse treatment, 26, and there are others.

That is some of the money we are already spending. I am not sure we are spending it well. What we probably should do is have a total analysis of all that is being spent in the different agencies and departments.

I used to be in the 4–H Club. I had the best hog in Wilcox County. I received a little pin for it from the 4–H Club. I was able to go to Auburn. It was a big deal to go to Auburn University. My friend almost won the tractor driving contest in Auburn. That was a big deal for me, but they have a 4–H Club program now for the inner city. That sounds like a good idea, I guess. Maybe it is a good idea. I don't know whether it is working or not. Maybe we ought to see if money we are spending on inner-city 4–H Clubs as prevention projects is well spent and whether those programs are working. I would like to look at that.

There is also a strong feeling that after we have a tragic shooting, as we did in Littleton, CO, we ought to do something about guns; we ought to do more about guns. We have quite a number of Federal gun laws on the books today.

I served as a prosecutor for 12 years. President Bush sent out a message that he wanted a crackdown on illegal guns in America. He wanted us as prosecutors—there were three districts in Alabama and 92 Federal districts, 92 U.S. attorneys in America. He said: I want you to crack down on these gun cases and prosecute criminals who are using guns.

We started a project called Triggerlock. In 1992, when I left office, there were 7,048 prosecutions under existing Federal gun laws. After President Clinton took office, he said we have to have more gun laws.

Since he has been in office, he has pushed for more, more, more, more, shoving the second-amendment right to bear arms as far as it can be shoved. Those of us who believe in the second amendment and the right of people individually to bear arms find that troubling. It is always more, more, more, but at the same time, the prosecutors he appoints, the U.S. attorneys who are Presidential appointments, are allowing the cases to drop. It dropped, in 1998, to 3,807. That comes right out of the U.S. attorneys' statistical report.

You say, ''Jeff, I don't know what that proves.'' I say to you, if Attorney General Reno tomorrow made a commitment and sent a message to all U.S. attorneys that she wanted these cases prosecuted, those numbers would be up to the rate of 7,000 within a month or two.

These are not complicated questions. It is a question of the priority of the Department of Justice. A good prosecutor can prosecute 100 gun cases in the time he can spend on one complex tax case, for example. I am telling you, they can prosecute 100 of them for one complex tax case, one corruption case. We ought not to abandon tax cases and corruption cases, but just a little emphasis on this will help.

Since the President took office, he said we have to have a lot of new gun laws because this will reduce violence. We want new laws. The Congress responded and gave him new laws.

One of them is possession of firearms on school grounds. The First Lady said the other day there were 6,000 incidents of guns being brought onto school grounds last year—6,000. Look at how many this Department of Justice, President Clinton's personally appointed prosecutors, prosecuted. In 1997, they prosecuted five defendants for that violation. They had to have this law. In 1998, they prosecuted eight. That is not going to affect the crime rate in America. That is all I am saying. I am not saying how many cases ought to be prosecuted.

What I am saying is we need to get away from symbolism and we need to strengthen our juvenile justice system in America.

Look at this one: Unlawful transfer of firearms to juveniles. It is not a bad law. If you transfer a gun to a juvenile, it is against the law. It ought to be a crime. It was not a crime until it was passed, 922 (x)(1). Five were prosecuted in 1997 and six in 1998.

Look at this one: Possession or transfer of semiautomatic weapons, assault weapons. That was the assault weapons bill that was so controversial. An assault weapon looks horrible, but it is, in effect, a semiautomatic rifle. It fires one time when you pull the trigger. It is not fully automatic, which is already illegal and has been illegal for years.

There was debate on it, and Congress voted to make it illegal. It was the first time that a semiautomatic was made illegal. In 1997, four cases were prosecuted; in 1998, four cases.

My view is that if we have a good gun law that needs to be passed that can make our communities safer, I am willing to support it as long as it does not violate the second amendment of the Constitution. But I took an oath to uphold the Constitution.

This legislation has a good provision called the Juvenile Brady provision which says if a youngster is convicted of a crime of violence, that record has to be maintained, and they cannot get a weapon when they get older. Adults who have been convicted of a felony cannot possess a firearm in America. That is against the law. But if you were convicted of a serious crime as a juvenile, it did not count against you and you could possess a gun as an adult when you became an adult. So we are going to close that loophole.

Finally, this legislation has gained great support throughout America. The Fraternal Order of Police, the International Association of Chiefs of Police, and the Boys and Girls Clubs of America have endorsed this legislation. The National Troopers Association, the National Sheriffs' Association, and the National Collaboration for Youth have commented extremely favorably on the bill, as has the National Juvenile Judges Association, which has been much involved in helping us draft it. They are very positive about this.

I strongly believe that we have responded to the concerns of the Democratic Members and have tried to craft a bill that would be acceptable to them. I know Senator LEAHY has worked on it, and Senator BIDEN. I see he would like the floor. He has sponsored many crime bills over the years and has been active in his interest in this legislation. As ranking member on our subcommittee, he will be talking about the legislation in a minute.

I believe we have a good bill. I think it is time for America to respond to juvenile crime in an effective way. This bill will do many of the things that are necessary—not all, but it will do many of the things necessary for us to create an effective response to juvenile violence in America.

I have a unanimous consent request. I ask unanimous consent that until 2:15 today debate only be in order on the pending legislation.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. I thank the Chair.

Mr. President, this bill has been a long time in coming. We have been debating this bill in the Judiciary Committee for some time. We have attempted to come up with a compromise that made sense. Later in the day—if not today, tomorrow—the distinguished chairman of the committee and I are going to offer an amendment that is essentially a substitute, but we will not probably offer it in the form of a substitute; it will be offered in the form of an amendment. At that time, I will speak to the distinctions of the bill before us and the provisions Senator HATCH and I will be amending.

Let me speak to the general proposition of juvenile crime in America.

I listened to my friend from Alabama and others who have spoken today, and I sometimes get confused. I get confused because the assertions that are made do not always comport with what the legislation says.

For example, there is a general assertion made, and a general consensus, that we should not be federalizing juvenile crimes; we federalize too much already, yet we do that in this bill in terms of attempts to deal with preemptive jurisdiction, imposing upon the States judgments about how and under what circumstances they should try adults, and children as adults, and so on.

The second thing that we do is we go through episodic periods in this body. I have been around long enough that I have been in more than one episode. I remember when I first came here, I say to my friend from Minnesota. We all kind of forget the consensus, the academic consensus, the criminal justice consensus, the political consensus we reached in the early 1970s. That was that we had horrible cases—and legions of them—where we put juveniles in adult prisons, we put juveniles in adult holding tanks, we put juveniles in circumstances where they were exposed to adult-convicted criminals.

There were legions of reports about their being raped, their being beaten, their being sodomized, their being dealt with in the most horrendous way. The Nation rose up in the late 1960s and early 1970s, led by the academics of this Nation, led by the criminologists, who said this has to stop, this has to stop.

I was here when Birch Bayh, the distinguished father of the Senator from Indiana, led the fight on the Judiciary Committee and the bipartisan consensus to change the rules. We ended up with things called sight and sound requirements. We ended up with things that dealt with recordkeeping. We ended up with changes in the law that dealt with the ability to try juveniles as adults and under what circumstances. And they worked. They worked. They worked very well, because you are not reading in our press about 13-year-old boys being sodomized in a jail, while they are held in a holding tank to be arraigned. You are not reading about that now.

For those of you who have not done this as long as I have, I suggest you go back and look at the RECORD and what we read about in the 1960s. It happened all the time. It does not happen anymore.

A little bit of power given to anybody is almost always abused. The bureaucrats got a little bit too much power, and over a long period of time we came up with some stupid rules, stupid applications of the sight and sound restrictions.

For example, if you in fact are in a rural community, in your State, I say to my friend from Minnesota, and you arrest a kid, a 16-year-old at 2 o'clock in the morning for a violent crime and there is no facility in town except one that has two adults in it, and the nearest juvenile facility is 4 hours away, we have been in some cases insisting—it is rare—that that kid be driven 4 hours all the way to that other facility when you have a one-cop town. It doesn't make sense. There should be accommodations made for 6 or 8 hours until the next shift comes on so you can work this out. Well, what we do is we make accommodations for that.

Let's not blow this out of proportion. I remind people, you are not reading in the press, as you did in the 1950s and 1960s and early 1970s, about juveniles being abused in adult prisons. In my own State, it doesn't take much. Let me remind everybody: You put a young kid, maybe even a status offender, not a violent criminal, in a cell next to somebody who is a hardened criminal. You lock the door. The hardened criminal starts telling the kid about what he is going to do to him and how he is going to enjoy doing it to him. The records are replete with jailers coming back and finding the kid hanging himself in a jail, committing suicide. They are not happening now. So let's not get trigger happy here, no pun intended, and decide that we are going to overcorrect.

Back in the bad old days, when I was chairman of this committee, a ranking member for about 18 years, we had scores of hearings. We brought everybody in. The cops who come in want to solve the problem—the example I gave in Minnesota or Vermont or Montana or Delaware. We can do that. But let us not go into this routine where somehow this sight-and-sound provision has taken on some bureaucratic hubris where what happens is that we have people going awry with power and preventing us from trying violent juvenile children or young adults and they are on the rampage in the countryside because of this stupid Federal rule. Not true. Not true.

Let's get some facts straight. Remember when I introduced the Biden crime bill back in 1984. It took 6 years to get it passed finally, the one with the 100,000 cops in it. I used to say all the time, Why can't we learn to walk and chew gum at the same time? When the crime bill, which everyone has stood up here and is giving great credit to for the significant reduction in violent crime among adults in particular, was written, I might point out, a number of people giving it credit here voted against it, thought it was a bad idea, for 2 years tried to amend it.

Well, there have been a couple altar calls. I welcome everybody to the party. What is that old expression: Success has 1,000 fathers; defeat, none. I am delighted there are so many strong supporters for the crime bill now. I am delighted. But let them remember why it worked.

We finally got liberals and conservatives to agree that they were both wrong and both right. I don't know how many times my colleagues had to listen to me on the floor during the 1980s and 1990s saying: Look, liberals have been harping on the following point: It is the society that makes these young criminals, and all we have to do is give them love and affection. All we have to do is intervene with the right programs. All we have to do is deal with prevention. All we have to do is deal with treatment.

My conservative friends would come in and say: The answer is tougher penalties, hang them higher, put them in jail longer.

The facts were sitting before us just as they are now. Let's get some of the statistics straight, lest we be confused. I know facts sometimes bother us in this debate. Our friend Alan Simpson, the former Senator, as you know well, used to say—I loved him, still do—he used to stand on the floor and say—I will never get it as well as Alan said it and never get it quite as right, but I think this was how his phrase went—he would stand up, when someone was spouting off about something they didn't know, and say: Everyone is entitled to their own opinion, but they are not entitled to their own facts.

Crime is the only issue on which everyone thinks they are entitled to their own facts. Everybody has an opinion on crime. Everybody has an answer, whether they know anything about it or not. I am not talking about my colleagues now. I mean the whole world. If you ask the public what caused the increase in the value of the dollar, they won't pretend to have an answer. If you ask them what will stop murder, they have an answer. If you ask them why is there violent crime, they have an answer. It is one of the areas that affects us all, and we are entitled to our opinion. But let us look at some of the facts.

Since 1993 the national rate of juvenile crime is down. Juvenile arrests for murder and manslaughter have decreased almost 40 percent, from 1993 to 1997, the last time we have the numbers. Juvenile arrests for forcible rape are down almost a quarter, 22.8 percent. Juvenile violent crime arrests are down by 4 percent from 1996, from the previous year. There was no decline in adult crime then.

Now, let's look at what we are talking about—again, the facts: There are basically three categories of kids. When I introduced the Biden crime bill for adults years ago, which became the crime law, I used to stand on the floor and say there are basically three types of criminals we have to deal with, and we need different solutions for each category. If I am not mistaken, I am the first one to write a report that about 6 percent, only 6 percent of the violent criminals in America back in the 1980s and 1990s, and even now, committed over 60 percent of all the violent crimes in America. If you went out and you could gather up all 6 percent of the career criminals, gather them all up, put them in jail and throw the key away, violent crime would drop by over half. That is No. 1. So we need a specific program for career criminals. The Senator from Pennsylvania, Mr. SPECTER, had a career criminal bill that became law, a gigantic help.

The second category is people who have committed a violent offense but are not career criminals. The third category is people who had crimes of property and status offender crimes, victimless crimes.

They all required different solutions. So that is why in the Biden crime bill we did three things: We took about $10 billion and hired more cops, about $10 billion and built more prisons, and about $10 billion to deal with drug treatment, prevention, and other programs. Guess what. It works.

The conservatives were right, that you have to get tougher, but with one segment. The liberals were right, you have to pay more attention to what brings people into the crime stream, for one section. One size doesn't fit all. So we finally got it right, and crime has dropped dramatically.

Now guess what. For juvenile crime, we have decided we are going to reinvent the wheel.

What is the formula here? The formula is simple. It is simple but hard. G.K. Chesterton once said about Christianity: It is not that Christianity has been tried and found wanting; it has been found difficult and left untried.

Well, it is not that this is so complicated, but boy is it political.

In all of America, in that first category of kids, career criminals for adults, there are 115,000 kids who were arrested for murder or arrested for a violent crime; 2,000 of the 115,000 were arrested for murder; 113,000 were arrested for violent crime. They are clearly in one category. They are the bad actors. Everybody wonders why they have all these floppy clothes. Walk through the train station down here, walk in any city. Those floppy clothes allow you to conceal a gun. Guess what. These kids are bad. They are bad seeds.

I want to tell you something that the liberals do not like hearing said: Some of these 16-year-olds are beyond redemption. They are beyond redemption for all practical purposes. And if and when they are redeemed, we don't know why they were. They may have seen the Lord in a blinding light. They may have come to their senses. But when it occurs, we don't know why. And it doesn't occur that often.

But think about it, all the children in America we are talking about—115,000.

There is a second category.

There are 685,000 kids who are arrested for nonviolent property crimes ranging from stealing your car to mutilating your property, or, as we say in my section of the country, ''turfing your lawn.'' Nonviolent property crimes, 685,000. They require a different solution.

Mr. President, locking them up in juvenile detention facilities as they are only getting into the crime stream usually only makes them better criminals. That is where the graduated offenses come in.

If I am not mistaken, I think I am the first guy who had James Q. Wilson testifying before a committee up here. Everybody now talks about the ''broken window theory.'' Most don't understand it. It is a simple proposition. It is not complicated. If, in fact, you have a sanction the first time a young person is brought before the courts, no matter how small the sanction is, it has a greater impact than waiting three or four times and throwing the book at them. It is not rocket science. It is not a big deal. It is pretty easy to figure out.

Then there is a third category of kids. There are at least a few million of them. They are in the at-risk category. BIDEN, what is that fancy term, ''at-risk?''

From 8 to 5, walk into any schoolyard in America. Take two or three teachers. Say to them: Point out the kids out there who are the ones on the edge and haven't done anything wrong, but the ones you are most worried about. They can identify the at-risk kids for you.

Again, a second time using the phrase ''not rocket science.'' They can identify them for us. We have civil liberties and civil rights that do not allow that to occur, and shouldn't. But, as Barry Goldwater used to say, ''In your heart you know I am right.'' You know that we know that you can identify them.

What are we going to do about those kids? Are we going to build jails for them? Are we not going to take the time and effort to use prevention programs that work?

That is a third category.

I wrote a report a couple of years ago referring to the ''baby boomlettes,'' pointing out that the largest cadre of young people since the baby boom is about to reach their crime-committing years—39 million kids under the age of 10.

If not one single thing happens in terms of the crime rates going up with juveniles, every single category of crime will increase significantly—every one of them—because, guess what. There is just a heck of a lot more kids.

If we do ''as well as we have been doing,'' and there is not a one one-hundredth of 1 percent increase in crime among juveniles that occurs, we are going to have several thousand more murders; we are going to have a 20-percent increase in the juvenile murders by the year 2005, and the overall murder rate will go up 5 percent. Violent crime will increase by the same percentage if we do not allow one single percentage increase, because there are so many kids coming.

Mr. President, the interesting thing about crime—only a few things we know perhaps even with certainty—is that if we have a cop on this corner and no cop on that corner, and there is a crime going to be committed, it will be committed on the corner where there is no cop. That is one thing we know. Another thing we know is that violent crime decreases when you get older.

Do you know why? It is harder to jump that chain-link fence. It is a little harder. It is harder to jump that chain-link fence. That is why it decreases.

You don't need a degree in criminology to figure this stuff out.

So why do we keep trying to reinvent the wheel?

I remember when I introduced the first crime bill; there was a New York Times editorial saying: But we have tried this before.

More cops, we never tried that before. For the previous 20 years, the top 20 cities in America had less than a 1-percent increase in the total number of police on their forces, yet their population increased by about 18 percent. We used to have three cops for every one violent crime committed in America. We have gotten to the point where we have one cop for every three violent crimes.

So we did it. We hired more cops. And it is working.

The same principles work with regard to juveniles.

Look, a couple of my friends said: You know what we ought to really do is, this Clinton administration ought to get in gear. Get in gear? This Clinton administration has done better than any administration in history in reducing crime.

By the way, that ''truth in sentencing,'' I am the guy that wrote that law. It is called ''The Federal Sentencing Commission.''

I might add that a lot of people who are speaking about it now were against it then. As a matter of fact, a colleague who used to be on the floor, Mac Mathias, called the Biden law ''the same-time-for-the-same-crime law.''

So what are we doing now? We are changing the game. This administration that came along and supported ''truth in sentencing'' is the administration that pushed community policing; is the administration that has targeted the most violent criminals; is the administration that has provided more money and effort from the Federal level for fighting crime than any in the history of the United States of America, and has succeeded. Let's get off this poppycock about whether or not this is a Democrat or Republican deal. The hope was that once we passed the Violent Crime Control Act of 1994—by the way, it is not coincidental. If you notice when all the charts go up, violent crime starts to drop in 1993. Guess what. That is when we introduced the bill, and it passed in early 1994.

Mr. President, juvenile justice requires our attention. It requires us to be honest with one another and honest with the American people.

There are three categories of kids we have to focus on. The 115,000, 2,000 of whom have been charged with murder, but 115,000 who are the violent offenders, we should be building prisons for them. We should put them in juvenile facilities. And we should treat them in some cases as adults.

I might add, all my States rights guys, guess what. Most States have a surplus.

I love these Governors. They come and tell us about how to run the Federal Government. And then they come to us and tell us if we want to deal with building a juvenile facility, we had better send Federal money. But it is a local issue, it is a local problem, and it is a local crime. Local law enforcement does it, but you send the money, Federal Government, to build the prisons.

They can build the prisons. There is money in here to allow help for that. But they should get responsible, I would respectfully suggest, in the State legislature in Dover, DE; in Springfield, IL; and every other capital in America to acknowledge what their responsibility is.

There is a second category, Mr. President—those that committed crimes against property.

We can save these kids. We can intervene. A lot of them we can keep from being violent criminals. But it doesn't mean building more jails for them.

The third category of 3 million-plus is those at-risk kids. We don't have to reinvent the wheel. Just look at what we have done.

Mr. President, at some point I will be joining my friend, the Senator from Utah, the chairman of the committee, to introduce an amendment in the nature of a substitute that makes the necessary corrections in a bill which has already made some progress.

My colleagues have heard me say this over and over again for the last 15 years. A trial lawyer with whom I used to practice used to always say to a jury: Keep your eye on the ball. The prosecution will tell you this, this, this, and this about the defendant. The question is, Did the defendant pull the trigger? Keep your eye on the ball.

I respectfully suggest that in this debate we keep our eye on the ball. What are we going to do about the 115,000 very violent kids in America? What are we going to do about the 680,000 in the crime stream who have not committed crimes of violence but are on the edge? What are we going to do about the 3 million kids who are on the edge, who are ready to slip into the crime stream?

The problem that still exists beyond what we have to deal with here and beyond guns and beyond prevention—and the Hatch-Biden substitute puts in more money for prevention—what we really have to do is deal with the drug problem in America.

I said before that we learned in the early 1980s that if we could take the 6 percent of career criminals in America and remove them from the scene by an act of God, violent crime in America would drop over 50 percent. Nobody disputes that now. I respectfully suggest, if any Member can have one wish that would fundamentally alter youth violence in America, ask God to come down and take alcohol and drug abuse out of the system. If we did that one thing and nothing else, we would affect the course of juvenile justice in America more than anything we can do.

Obviously, we can't do that. As I said years ago when I introduced the first bill, there are three things we have to do: One, deal with adult crime, particularly focusing on violence against women; two, we have to fix the juvenile justice system; and three, we have to deal with the drug problem. They are the three pieces. It hasn't changed.

I urge my colleagues, as the debate gets underway, keep your eye on the ball. Don't try to reinvent the wheel. Look at what is working. Stick with what is working. I am not suggesting we don't try new ideas, but stick with what is working.

By the way, I point out that the very people who now are all for juvenile Brady—what was in the original juvenile justice bill I introduced—are the very people who were against the Brady bill before. So there is progress. There is hope.

Brady made a difference.

Mrs. BOXER. Will the Senator yield?

Mr. BIDEN. I am happy to yield to the Senator.

Mrs. BOXER. I want to ask a question. The Senator and I have talked for a very long time about afterschool programs. We had a conversation abut the Hatch-Biden amendment. I am very glad the two Senators were able to work something out with a bipartisan thrust.

Could the Senator clarify for me the language the Senators have both agreed to regarding block grants and setting aside 25 percent for prevention, and what afterschool programs fit into that definition in the bill?

Mr. BIDEN. I will be brief because we will discuss this when the amendment comes up, but I am happy to answer the question.

There are four block grants in the bill. The one in which the distinguished Senator from Utah has agreed to make an alteration is the provision for $450 million that is available for up to 25 percent; $113 million of that will now be able to be used for afterschool programs, for drug treatment programs, and for any program which is designed to deal with the cadre of kids who, from the time the school bill rings at 2:30 until they go to a supervised situation at 6 or 7 o'clock at dinner, commit the majority of crimes committed by young people.

However, there are two other provisions in the bill. There are two other block grants of $200 million apiece. Those two allow money to be used for prevention and afterschool programs.

As I told the Senator, I happen to think in the original bill which I introduced 2 years ago—that was the juvenile justice bill—that had a number of cosponsors.

I think we should be spending closer to $1 billion on this prevention notion. From the time I was a kid, I went to a Catholic grade school. I don't know whether the nuns got this from my mother, or my mother got this from the nuns, but as my Mother would say, an idle mind is the Devil's workshop.

Give a kid no supervision from 2:30 in the afternoon until dinnertime, and I promise—I promise—good kids are going to get in trouble and bad kids are going to do very bad things. This is not rocket science. We should be doing much more.

The Senator from California has focused very much as a Congresswoman and now as a Senator on dealing with afterschool programs. Again, if you could wave a wand, and all the school boards and school districts that say they care so much about their children—and they do—if they could have baseball, basketball, cheerleading, chess, girls' field hockey, lacrosse, I would have those programs for every junior high in America. Almost no junior high in America has the programs. Do you want to keep kids out of trouble? This is not hard. This is not hard.

The people in the gallery know it; they understand it. The American people understand it. Why don't we understand it? Why don't the local authorities understand it? It is hard to tell people you will raise your taxes in order to do this.

The other thing this bill does, with the help of Senators PHIL GRAMM and ROBERT BYRD: When the Biden crime bill passed in 1994, we set up a violent crime trust fund. We let go 300,000 Federal workers. Under this administration, we have the smallest federal workforce since John Kennedy was President. I know the Senator knows this, but what we did with that money is take the paycheck that used to go to the person working at the IRS or the Department of Energy or wherever, and when they left their job, we didn't rehire people. We reduced the workforce. We put their paycheck in a trust fund, like the highway trust fund. This extends the trust fund until the year 2005.

I say to my friend that there are a lot of programs worth spending money on—education and defense—but I can't think of anything more fundamental than taking the streets back and giving our kids a safe environment in which to live.

There are two things we do. We add prevention money as a permissible use. We earmark it. It adds up only to $113 million. It has part of the other $400 million in this bill that can be used for prevention, but it is short of what we should be doing.

I am looking forward to supporting the Senator from California when she tries to do more for afterschool programs.

Mrs. BOXER. I thank my friend from Delaware. I am very happy he is going to support the amendment. We have $200 million in here for after school—and this administration deserves a lot of credit—up from $40 million.

Guess how many applications came in. Another $500 to $600 million on top of the $200 million. We have a very big void to fill.

As my friend said, crime happens after school. The FBI has shown that. I think for this bill to be balanced it needs to go to tougher penalties for certain crimes but also to prevention and modest gun control measures. I am looking forward to working with my friend on all these matters.

Mr. BIDEN. As I said, at some point when it is appropriate, when the distinguished chairman of the committee decides we should introduce our amendment, we will. I thank him for reaching out, because it has not been easy for him to be able to do this, and I look forward at the end of the day to this entire bill being a bipartisan consensus when it leaves the floor.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the distinguished Senator and I understand the distinguished Senator from Minnesota is about to take the floor.

Does the distinguished Senator from California wish to speak before lunch?

Mrs. BOXER. No, I can wait until after lunch.

Mr. HATCH. Then I suggest after the Senator from Minnesota completes his remarks we recess for the policy meeting. Is there any objection?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, I could not hear the first part of what the Senator from Utah said.

Mr. HATCH. The Senator would be the last speaker before the policy meetings of both parties.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I wonder if my friend could expand that to include a list, with Senator SCHUMER and Senator BOXER on our side? Is it possible to make this a little broader so we know for certain, when we come back here after lunch, we can talk on this bill?

Mr. HATCH. I am hoping after lunch we will be able to start on the first amendment. But we will certainly accommodate the Senators as they come to the floor.

Mrs. BOXER. What my friend is saying is we could speak in favor or opposition to an amendment. Is it possible to line it up in that way?

Mr. HATCH. Sure. Of course it is. We will try to go back and forth, if we can, on the floor.

Mrs. BOXER. I ask unanimous consent——

The PRESIDING OFFICER. There is a unanimous consent request pending.

Mrs. BOXER. I will add to that and see if my friend will accept this: That the speakers to be decided on his side of the aisle, that of Senator HATCH, and from our side of the aisle it will be Senators SCHUMER and BOXER, in that order, after lunch? And we would add that to this.

Mr. HATCH. Will the Senator withhold until after we have offered an amendment?

Mrs. BOXER. Absolutely.

Mr. HATCH. After we have offered an amendment, then we will work it out.

Mrs. BOXER. I will withdraw it.

The PRESIDING OFFICER. Is there objection to the original request?

Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this will just be an opening statement. I presume we are going to have a lot of time to debate this legislation and all of us will have the opportunity to have amendments we think are relevant and important. Then we will have substantive debate. That is what the Senate is all about.

Once upon a time this bill was S. 10. Now it is S. 254. I am not exactly sure about all the provisions in this legislation. I am not exactly sure as to what the Biden-Hatch, or Hatch-Biden, amendment will say, as well. But let me just say at the beginning, what I am quite sure of is that, as I look at this, I do not see a lot of balance. I see a whole lot of emphasis on punitive measures, locking up more children. I do not see a whole lot by way of efforts to keep children from getting into trouble in the first place. I am actually surprised that we have not learned some of the lessons which I think the people who are down in the trenches, working with at-risk kids, have learned.

I heard my colleague from Alabama talk, and I like what he did. He talked to people back home. I think if you talk to cops on the beat and you talk to judges and you talk to sheriffs and you talk to counselors and you talk to youth workers, they will tell you we should be doing a whole lot more by way of prevention. As I heard Senator BIDEN talk about the substitute amendment, it sounds like a pittance we are really putting into prevention.

Let me also just say I am not a lawyer, I am trying to wade my way through this argument, but I want to make sure this legislation does not weaken certain core protections we have had for children. There is no doubt in my mind that when certain kids commit violent crimes they may very well be tried as adults and they may be faced with stiff sentences. But we have had certain protections for kids which make sure we do not have too many kids in adult facilities.

I do not really know exactly whether or not we have a judicial review process of what prosecutors might want to do. I do not know what kind of protections are there. But to me it is really important, because even if you call some of these facilities ''colocated facilities,'' that may just be a fancy word for adult facilities with juvenile wings. As Senator BIDEN was saying, with a considerable amount of power and eloquence, there is disturbing evidence that a whole lot of children—many more children—commit suicide in adult facilities; eight times more often than children held in juvenile detention facilities. I do not think we can take these kinds of risks with young people's lives. Again, I want to really understand whether or not we have the protection we need for kids.

I will tell you what is a huge flaw in this legislation, not fixed at all by the substitute amendment or the amendment to the bill or the legislation that is before us right now. This legislation undermines our efforts—and I hope every Senator will feel strongly about this—to deal with the disproportionate confinement of ''minority youth'' in our Nation's jails.

In practically every State, children of color are overrepresented at every stage of the juvenile justice system, especially when it comes to secure confinement. Furthermore, they receive unequal treatment by the system.

A study in California showed that minority children consistently receive more severe punishments and were more likely to receive jail time than white children for the same crime. Black males are four times more likely to be admitted to State juvenile jails for property crimes than their white counterparts and 30 times more likely to be detained in State juvenile jails for drug offenses than white males. The source is the Youth Law Center study called ''Juvenile Offenders Taken Into Custody.''

Also, let me say at the very beginning of my remarks that it is incredible that here we are at the end of the century—working with kids up to adults—it is my understanding that, roughly speaking, one-third of all African American males ages 18 to 26 or 18 to 30 are either in prison, awaiting to be sentenced, or on probation—one-third of African American males in this country.

We ought to think seriously about what that means. In the State of California, I read and, again, I think it is ages 18 to 26—it may be 18 to 30—there are five times as many African American men serving sentences, incarcerated in prison, than in college. We ought to think about what this means.

Last month, along with Senator DORGAN, I visited the Oakhill Juvenile Detention Center in Maryland. We were joined by Judge George Mitchell who sits on the D.C. Superior Court. He made an astonishing statement, if anybody wants to pay close attention to this. In talking about the disparity of the treatment of minority children, in his 15 years, as a juvenile judge, having had thousands of juveniles in his courtroom, he has had only two white youths appear before him. That is unbelievable. By the way, this is not due to a dearth of white youth in the District of Columbia, nor is it that they never run afoul of the law.

We have a current law that says: States, you need to address this problem and States are directed to identify the extent to which disproportionate minority confinement exist in their State and try to identify the problem, the causes, and what can be done about it.

This requirement has never resulted in the release of juveniles who have broken the law, nor any kind of quota system on arrest or release of youth based on race. As a result of the current legal requirement, 40 States to date are implementing intervention plans to address this problem.

It seems to me we would want to do this as a nation. S. 254 is a piece of legislation that does not want to mention race and has removed this current DMC requirement. Efforts to remedy the disparate treatment of minority youth that are underway in States is going to be seriously undermined as a consequence of this legislation. As a result of this, our juvenile justice system will fail, as it is now failing, to treat every youth fairly and equitably, regardless of race.

I oppose this legislation, given the way it is now framed, and I think other Senators should oppose this legislation for this reason alone.

Another issue that is going to come up in our debate—and the legislation does not really address this in any major way—has to do with the issue of gun violence. Please do not misunderstand me. I have been very careful in talking about Littleton and what happened at Columbine High School to simply not make a one-to-one correlation of any particular agenda that I am for because sometimes events in human experience are so dark, so evil that they cannot be flippantly explained. I do not know why those kids did what they did, why they committed murder. It is hard for me to know what really happened.

I will tell you this—and by the way, I have been so impressed with discussions with students in Minnesota. Just yesterday at Harding High School, we had a great discussion about education, violence in schools, violence in communities, and those students had so many poignant and important things to say. This I do know: A Washington Post editorial pointed out that 13 children a day in this country are killed by guns. That is, in effect, one Littleton massacre each and every day in the United States. Of the 13 children killed by guns, 8 are murdered, 4 commit suicide—there is a lot of youth suicide in this country; it is hard for me to accept as a father and grandfather—and 1 is killed accidentally by a firearm.

I will leave it up to other colleagues to go over the legislation we will have on the floor that is going to be much tougher in terms of how to keep guns out of the hands of kids, much tougher on adults who peddle guns to kids, et cetera. I am saying we have to get a whole lot more courageous and tougher when it comes to this gun legislation.

What I want to focus on is the whole question of the criminalization of mental illness. We are talking about a juvenile justice bill. I point out—and I will talk about a piece of legislation that I have introduced, the Juvenile Justice Mental Health Act which has 40 sponsors, including the American Bar Association—a lot of people are talking about juvenile justice and a lot of people are talking about mental health services. I want to make sure we are of substance. I want to make sure we do not engage in symbolic politics. I want to make sure this debate is real.

That may sound self-righteous. Sometimes I worry about everybody carrying on about this legislation and the legislation then going nowhere, or people staking out a lot of positions, maybe not even based upon having had any experience for this. I hope we remain very, very focused.

One of the things that is going on right now is we have criminalized mental illness. There are a whole lot of people—I am going to talk about kids today—who should not be incarcerated in the first place. There are many children in their very short lives who have been through what children should not go through.

When we look at the statistics on kids who are incarcerated, roughly speaking, 1 out of every 5 is struggling with some kind of mental disorder, struggling with mental illness. Moreover—and Senator BIDEN talked about this—many of them struggle with substance abuse, many of them have learning disabilities, many of them come from troubled homes, many of them come from homes where they have seen violence every day.

The question becomes whether or not we are going to make some changes in this juvenile justice legislation that responds to these kids' lives. In setting the context, I will say that, despite popular opinion, most of the kids we lock up are not violent. The Justice Department study shows that 1 in 20 youth in the juvenile justice system have committed violent offenses—1 in 20. What has happened is that, No. 1, a lot of kids who could be in community-based treatment who have not committed a violent act instead wind up in these so-called correctional facilities which are not very correctional. And, No. 2, once there—and I am talking about 20 percent of the kids, probably more, kids who struggle with mental illness—the law enforcement community, the guards, the police at these facilities do not know how to treat these kids. Quite often, they do not know with what these kids are dealing. As a result, many kids end up being disciplined within these facilities and put in solitary confinement.

As the juvenile justice system casts a wider and wider net, which is the direction of this legislation, and as we have more fear and more intolerance of kids who misbehave or commit nonviolent crimes, we are pushing more and more children into the juvenile system who would not have ended up there in earlier times. In particular, what bothers me to no end is a lot of these kids should not be there. A lot of these kids are struggling with mental illness and should be treated in a community setting, and that is not happening.

The warnings are there. There is the school failure. There is the drug and alcohol abuse. There is the family violence. There is the poverty at home. Yet, we do not put the emphasis on community prevention. We do not put the emphasis on early intervention services for these kids. We do not put the emphasis on mental health treatment. As a result, we make the same mistake over and over.

There are two amendments—or several amendments—that I am going to offer to this bill. But two of the amendments that I am going to offer are based upon the Mental Health Juvenile Justice Act. It is a comprehensive strategy. We get the money to State and local communities and we provide the mental health services. There is strong support from 40 organizations. When we introduced it with Congressman MILLER about a month ago, I

guess, there was strong support from 40 organizations—every organization, from the American Bar Association to the American Psychiatric Association, the Children's Defense Fund, you name it. And what we are basically saying is, as opposed to warehousing children with mental illness, we provide moneys to State and local communities to identify kids with these problems on the front end of the system, look to alternatives to incarceration, provide mental health services for these kids.

Mr. BAUCUS addressed the Chair.

Mr. WELLSTONE. Mr. President, I yield for a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield the floor?

Mr. WELLSTONE. I am not yielding the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator be able to continue his statement and that I be allowed to speak as in morning business at the conclusion of his statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I say to my colleague from Montana, I am going to hurry right up. I waited about 3 hours. I am just trying to go through this. I do not plan on going on a long time, but I just want you to understand. I appreciate it.

The Mental Health Juvenile Justice Act, which I will basically offer as an amendment, says, A, let's do careful assessments on the front end. Let's not incarcerate kids who do not need to be incarcerated; and, B, let's provide the funding for these facilities to provide mental health services for kids; and let's make sure that the law enforcement community, whether it be on the front end or whether it be in these facilities, is trained to recognize kids who are struggling with mental illness. That is the direction to go in.

Right now the situation is absolutely brutal—absolutely brutal. I have spoken on the floor of the Senate before—and I could go on for hours on this, and I will not—about some trips I have taken to some of these facilities. One trip to Tallulah, LA, was enough, although there are other Justice Department reports on Georgia and Kentucky as well, and it is the tip of the iceberg.

It is really just unbelievable to read about kids who spend as much as 7 weeks, 23 hours a day, in solitary confinement, to go to these facilities where these kids do not get any treatment whatsoever, kids who are brutalized. To go to the Tallulah ''correction'' facility with all of it privatized out to a private company—Trans-America Corporation, I think, is the name of the company—and to have kids just blow the whistle on the whole facility, I say to my colleague from Montana, is just absolutely unbelievable. There have been lawsuits filed.

It really is, frankly, unconscionable that we put so many of these kids in this situation. And 95 percent of the kids in Tallulah have not committed a violent crime. We are talking about racial disparity. There was a sea of African American faces. There were up to 650 kids, and I bet you 80 percent of the kids were African American children. That is my first point.

What I want to do is really put a very strong emphasis on mental health in juvenile justice. I want us to do a much better job as a Nation, and we need to get the resources to the State and local communities to do the assessment, to do the alternatives to incarceration, to make sure kids who are in these facilities get the treatment they need. And right now we are not doing it.

We have criminalized mental illness among kids and adults. Many of them should not be in these facilities. And when they are in these facilities, they receive no treatment whatsoever. I want to make sure that with the debate on this legislation and the amendments that are offered we have a very strong focus on juvenile justice and the mental health of kids. That is my first point.

My second point is, I think that—well, no. In deference to my colleague from Montana, I will just sort of say it in 1 minute, and make my final two arguments. We are getting to the point now where we have six States, led by California, that are spending more money on prisons than on State colleges and universities. In the State of New York, keeping a juvenile in New York's Division of Youth now costs $75,000 a year. You can send three kids to Harvard for the same amount of money.

And I think we have to come to terms with some basic facts. There is a higher correlation between high school dropouts and incarceration than cigarette smoking and lung cancer. It would seem to me, again, we would be doing a whole lot more by way of prevention—I certainly do not think it is in this legislation, albeit there is some minor improvement with the Hatch-Biden amendment which is helpful, but I think it does not give the legislation the balance that it should have.

I do not see us doing very much when it comes to the early years. I do not see us doing very much at all. Frankly, if we really want to make a difference, we are going to have to pay some attention to all of these reports that have come out about childhood development.

Where is the focus on early childhood development? I thought we were going to do a whole lot to make sure that we do well for children from right after birth to age 3, much less before kindergarten. Why are we not doing that? Kids who come to school behind fall further behind, drop out, and then wind up in jail. When are we going to begin to get real about responding to these children in America? It is not in this legislation. I have not seen it in any legislation that has come out on the floor.

The second amendment that I am going to offer has to do with domestic violence. I hope there will be overwhelming support for this. Let me just tell you that above and beyond the focus on women, I am sorry to say that still about every 13 seconds or 15 seconds—what difference does it make; it is just outrageous—a woman is battered in her home. A home should be a safe place.

I have been working with a number of people and staff—Charlotte Oldham-Moore, my wife Sheila—and now we find out that we have not done a very good job of really providing support for kids. They may not be battered, but the effect of seeing this in their home over and over and over again, and then going to school, and not doing well, is that they wind up in trouble.

So one of the amendments we are going to have is to provide, again, the funding to be able to recognize this and to be able to bring together all of the actors in the community to provide support for these kids. In other words, we can have the greatest teachers, the smallest class sizes, the greatest technology, and a lot of these children are not going to learn unless we get the support services to them early.

We are also going to have an amendment, a third amendment, which really does a good job of having much more focus on school-based mental health services. Again, I will have a chance to speak on this, but I think we have to develop a whole infrastructure that focuses on mental health services. And I think it has to be before these kids get into trouble rather than afterwards.

Finally, let me just say that there were some comments here which were made that I wish we would have more debate on. I hope when I have amendments I can get people out here debating. But my colleague from Alabama, Senator SESSIONS, over and over and over again was talking about drug testing and the rest. What I do not understand is, if you are going to do the drug testing, how about the treatment as well? We do not do the treatment programs. We do not do the treatment programs. So much of what we see is tied into substance abuse problems.

I am going to be working on legislation—we have the bill with Senator DOMENICI to try and end this discrimination in terms of covering mental health services for people. We are not doing that. That is one piece of legislation—including any number of childhood illnesses, autism, or post-traumatic stress syndrome, which, unfortunately, also is something that affects children, or anorexia, or attention deficit disorder. We do not provide any treatment or any coverage for treatment.

We act as if these illnesses are not illnesses. There is all this stigma. When are we going to get this right? If we are going to talk about prevention in a juvenile justice bill, we have to have that component. And in the substance abuse, it is the same issue.

Where is the parity? Where is there a way of making sure we get the treatment to these kids? It is crazy. So much of this prison construction industry, so many of the people who we are now incarcerating—so many of these kids who are in trouble are in trouble because of addiction. I would love it if my colleagues would just look at the Moyers documentary. Many are viewing brain diseases. We are now talking about the biochemical and neurological connection, and we do not provide the funding. We do not provide the treatment.

Mr. President, let me conclude by saying I think we are going to have to do a whole lot better. I will talk a lot about some of my travel around the country and what I have seen with my own eyes, but I bring to the attention of my colleagues, to give this a little bit of context, a report by Amnesty International. It is called ''The United States of America, Rights for All, Betraying the Young.'' Just a few quotes. I am not picking on any particular States, but it is important.

''Judge Zintner, I have an important question to ask you! Would you please move me out of here? Please don't leave me here with all these adults. I can't relate to any of them. They pick on me because I am just a kid. They tease me and taunt me. They talk to me sexually. They make moves on me. I've had people tell me I'm pretty and that they'll rape me . . . I'm even too scared to go eat . . . It's too much for anyone my age to handle . . . Please help me with this.'' Letter from 15-year-old Paul Jensen, imprisoned in South Dakota State Penitentiary, to his sentencing judge, 1997. In September 1998, his mother told Amnesty International that he had not been moved from the prison.

''There are 2.5 psychologists to see the 300 juveniles in general population. This is despite the fact that 40 percent of the juveniles received will be identified . . . as having mental health or suicide watch needs. Because of the number of juveniles that need to be seen, the supervisor has told his staff that they cannot see a juvenile more than three times a month unless they indicate that the juvenile will die if he is not seen more often.'' Official audit of facilities, Virginia 1996.

''. . . girls as young as twelve years old were subjected to sexual abuse, received no counselling, no vocational treatment, no case treatment plans or inadequate or inappropriate medical care, were placed in a 'levels' program in which the length of time of the juveniles detention could be unilaterally changed, lengthened or shortened depending on the whims of Wackenhut's untrained staff members, and were made to live in an environment in which offensive sexual contact, deviate sexual intercourse and rape were rampant and where residents were physically injured to the point of being hospitalized with broken bones.'' Texas 1998—extract from a complaint filed in court alleging abuses at a juvenile correctional facility operated by the Wackenhut Corporation, a private for-profit company.

On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice——

Mr. BAUCUS. Mr. President, might I inquire of the Senator how long he is going to proceed? We are going past 12:30. In great deference to the Presiding Officer, we were supposed to finish at 12 o'clock.

Mr. WELLSTONE. I will be done in a moment. I started at 20 after. I will be done in about 2 minutes.

Mr. BAUCUS. The Presiding Officer has let us proceed with great generosity.

Mr. WELLSTONE. I say to my colleague that I waited for 3 hours and I also deferred to others. Senator MACK needed to speak, and others. I understand that. I will finish up. I said that several times, I think, to my colleague.

On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice institutions, visited the Central Arkansas Observation and Assessment Center. He heard a boy sobbing: ''Mister, get me out of here, I want my mother.'' Doramus discovered a 13-year-old boy in an isolation cell, ''sobbing so hard he could hardly speak.'' The boy had been caught in a stolen car and was arrested for theft of property. At the institution he had been disruptive, and staff placed him in isolation. ''As I attempted to talk with him, his calls for help just grew louder,'' Doramus said. The boy's next words jarred Doramus even more. ''Jesus doesn't love me anymore for what I did.'' Doramus held the boy's hands through the cell bars. ''That's not true, partner,'' he assured him. ''He does.''

''All I could think of was my two kids who were at home, who got the hugs and got the love and got the support,'' Doramus said. ''I thought, God forgive us all. How could we allow kids to live in an environment like this?'' Little Rock, Arkansas, June 1998.

This is from an Amnesty International report that came out this past year, November 1998.

Mr. President, I have seen these conditions in these facilities. I will have a number of amendments dealing with domestic violence, dealing with mental health and juvenile justice that I have been working on for the past year, dealing with the whole question of how we can get more support for kids before they get into trouble.

I look forward to this debate, and I hope before it is all over we will have a balanced piece of legislation. I am sorry for being so sharp in my response to my colleague from Montana, but when I read from such a report—and these are children's lives—I just don't like to be interrupted.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

(The remarks of Mr. BAUCUS pertaining to the introduction of legislation are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RECESS

The PRESIDING OFFICER. The Senate now stands in recess until the hour of 2:15 p.m.

There being no objection, at 12:49 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Delaware is recognized.

ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak as if in morning business for up to 5 minutes, and that following their remarks there be a quorum call: Senator ROTH, Senator JEFFORDS, and Senator KENNEDY.

Mr. LEAHY. Reserving the right to object, Mr. President, I want to accommodate the Senator from Delaware. Could we also say that following that quorum call the distinguished Senator from Virginia, Mr. ROBB, be recognized to discuss an amendment? We will not introduce the amendment, of course, unless the chairman of the Judiciary Committee is here.

Mr. ROTH. As if in morning business.

Mr. LEAHY. Certainly.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

THE WORK INCENTIVES IMPROVEMENT ACT

Mr. ROTH. Mr. President, in January, I joined Senators MOYNIHAN, JEFFORDS, and KENNEDY to introduce S. 331, the Work Incentives Improvement Act of 1999. This legislation has a simple objective—to help people with disabilities go to work if they want to go to work, without fear of losing their health insurance lifeline.

S. 331 creates two new Medicaid options for States to make it possible for people with disabilities who choose to work to do so without jeopardizing health insurance access. The bill also extends Medicare part A coverage for a 10-year trial period for individuals on SSDI who return to work.

In addition to these health coverage innovations, the bill provides a user-friendly, public-private approach to job placement. Because of a new, innovative payment system, vocational rehabilitation agencies will be rewarded for helping people remain on the job.

Mr. President, this combination of health care and job assistance will help disabled Americans succeed in the workplace.

Tremendous progress has been made on many fronts in the 8 years following the passage of the Americans With Disabilities Act. However, there are still serious obstacles standing in the way of employment for individuals with disabilities.

Unofrtunately, federal programs for individuals with disabilities too often discourage work. The most important barrier to employment identified by disabled individuals is the fear of losing health insurance.

The unemployment rate among working-age adults with severe disabilities is nearly 75 percent. Many of these individuals would prefer to be working and paying taxes. Unfortunately, Mr. President, the simple fact is that people with disabilities are

often presented with a catch-22 between working and losing their Medicaid or Medicare. This is a choice that no one should have to make.

But even modest earnings can result in a loss of eligibility for Medicaid or Medicare, and disabled individuals cannot surrender their insurance access without jeopardizing their health.

Today, more than 7.5 million disabled Americans receive cash benefits from SSI and SSDI. Disability benefit spending for these two programs totals $73 billion a year. If only 1 percent—or 75,000—of these SSI and SSDI beneficiaries were to become employed, federal savings in disability benefits would total $3.5 billion over the worklife of the beneficiaries.

Mr. President, income tax day, April 15, is still fresh in our minds. It is not very often, especially at this time of year, that we hear from millions of Americans eager to become taxpayers. I say we should welcome Americans with disabilities into the ranks of taxpaying citizens.

In my own State of Delaware, experts on disability policy have made their support for S. 331 clear. Larry Henderson, Chair of Delaware's Developmental Disabilities Planning Council, testified in support of S. 331 at a Finance Committee hearing. He supports S. 331 ''because it does not penalize persons with disabilities for working in that it allows for continued access to health care.''

For this reason, more than 100 national groups have endorsed the bill, representing veterans, people with disabilities, health care providers, and insurers.

Mr. President, on March 4, the Finance Committee marked up and passed S. 331 by a vote of 16 to 2. S. 331 was the first health care bill passed out of our committee this year, and I appreciate the spirit of bipartisan cooperation that made our vote possible.

The strong support for S. 331 shown by our committee is also reflected in the full Senate. Mr. President, a total of 75 Senators now sponsor S. 331. Let me say that again—75 Senators have signed on to S. 331. That would be a remarkable total for any bill, let alone a health care proposal.

I think S. 331 has been so popular on both sides of the aisle because it is all about helping disabled Americans work if that is what they want to do. It is about helping people reach their potential. It is not about big government—it is about getting government out of the way of individual commitment and creativity.

Through my work on S. 331, it has become vividly clear to me that we are all just one tragedy away from confronting disability in our own families.

Unfortunately, we cannot prevent all disabilities. But we can prevent making disabled individuals choose between health care and employment.

It is time now to act. Mr. President, together with Senators MOYNIHAN, JEFFORDS, and KENNEDY, I have asked that S. 331 be scheduled for a vote before Memorial Day. I ask all my colleagues to join with us on behalf of millions of disabled Americans.

With a Senate vote in support of S. 331, we can move another step closer to unleashing the creativity and enthusiasm of millions of Americans with disabilities ready and eager to work. I look forward to seeing S. 331 enacted into law this year.

Mr. MOYNIHAN. Mr. President, I join today with Senators ROTH, KENNEDY, and JEFFORDS in announcing that we have a total of 75 cosponsors supporting the Work Incentives Improvement Act of 1999. This bill would address some of the barriers and disincentives that individuals enrolled in Federal disability programs face in returning to work. We rise today to make the case that this measure deserves consideration in the Senate as soon as possible. We are committed to passing this bill promptly and without amendment.

The great enthusiasm and broad support for this legislation has created its impressive momentum. Senators JEFFORDS, KENNEDY, ROTH, and I introduced the Work Incentives Improvement Act of 1999 (S. 331) on January 28 of this year. On February 4, the Finance Committee held a hearing on the bill. Our former chairman and majority leader among others testified in emphatic support. On that day, we already had a bipartisan list of 42 Senators. The committee reported the bill without amendment on March 4 by a vote of 16 to 2. At that time, the total cosponsor list reached 60, including 18 Republicans and 42 Democrats.

The President included the Senate legislation in his fiscal year 2000 budget, and expressed his support for this bipartisan initiative in his State of the Union Address.

The overwhelming support for this legislation is not surprising given its simple and universal goal: to provide Americans with disabilities the opportunity to work and contribute to the fullest of their ability. Its supporters include persons with disabilities and their families, veterans, health care providers, and health and disability insurers.

I join Senators KENNEDY, ROTH, and JEFFORDS in urging its earliest possible consideration and passage by the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with my friends and colleagues, the Senator from Delaware, Mr. ROTH; and the Senator from Vermont, Mr. JEFFORDS; and my colleague from New York, Mr. MOYNIHAN, in urging the Senate to move ahead with this excellent piece of legislation which has been described by the Senator from Delaware and which I will summarize at the conclusion of my remarks.

Once in a while the Members of this body get together and try to exercise a judgment which is going to have an important and dramatic impact on improving the quality of life of the people of this country. This is such an undertaking. The reason it is so powerful is because it reflects the best judgment of the disability community in its entirety—not only those who are affected by some particular kind of challenge—it has the input of parents; it has the input of the medical profession, both the doctors, nurses and the caretakers; it has the input of those who have worked in this field for many, many years.

It is the result of the extraordinary work over a period of some 18 months, tireless work of the members of the community—not Democrat or Republican, not just the four of us here today, but so many others on our committees and off our committees who are so strongly committed toward providing this kind of opportunity for those who have a disability to participate in the economy in our country.

This body took monumental steps a number of years ago when we passed the Americans With Disabilities Act. However, we were reminded after the passage of that act that we were no longer going to permit discrimination against those with disabilities in our country, those who had the ability to be able to perform in the areas of employment. That was a major, major step forward. What we found out very quickly is that there was another barrier for those who had disabilities. That was the fact that if individuals who had disabilities could work, wanted to work, were able to gain entry into the employment in the country, they were going to lose because of the cutoff in terms of cash payments or lose, in terms of their medical health and assistance, the kind of help and assistance in terms of health care and in terms of their income that would put them at enormous risk.

What was worked out in this amendment and in this legislation understands that. That effectively says to those who have a disability or a challenge that they can go on out and be a part of the American dream, a part of the American economy, and that we are working in a process that will continue to make the health insurance available and affordable when a disabled person goes to work or develops a significant disability while working, and it will gradually phase out the loss of cash payments as the incomes rise, instead of the unfair sudden cutoff which so many workers with disabilities face today. It will give people with the disabilities greater access to the services they need to become successfully employed.

I think many in this body and across the country think that ''disabled'' applies to individuals who are born with some disability. In fact, this occurs in only about 15 percent of those who are disabled.

This is a challenge that is out there every single day, for every member of this body, for every citizen in this

country. We are an accident away from having the kind of physical or mental challenge where we could even be affected or impacted by this legislation. Just look at the number of people in the workforce every single year who experience hazards and difficulties. Accidents happen.

This is not just dealing with something in the past, this is something about America today and America in the future. We have the expanding economy, the growing economy which is offering such hope and opportunity for millions of Americans with the exception of those who have some kind of disability. With this legislation, we are guaranteeing now for the first time, one, that they will not be discriminated against in terms of employment; second, that they will be able to get the training, be able to gain the employment, and be able to have useful, productive, and contributing lives and be part of the whole process and system. That is the kind of opportunity this legislation means for so many of our citizens.

I thank all who have been a part of this, including the leadership of Senator JEFFORDS, who has been strongly committed to this legislation, and our Human Resource Committee, that has worked so hard in the development of the legislation, so many of the other members of our committee, Republican and Democrat alike, and to the members of the Finance Committee, the chairman, who I have mentioned—Senator ROTH, who has been enormously committed to it—and our colleague and friend, Senator MOYNIHAN. This has passed virtually unanimously in our Human Resources Committee, it has that degree of support; and 16 to 2 in the Finance Committee.

We ought to be about the business of calling this legislation up, considering it and passing it. Every day that goes by we are denying these opportunities to individuals; every day, every week, every month that goes by. We have been through the legislative process. I daresay the four of us are prepared to agree, as we have uniquely so in other situations, on sort of a ''no amendment'' strategy. We feel, since we have tried to gain input from so many of those who have been involved in this process, this legislation could pass in a relatively short time, in the time of a couple of hours, and still it would reflect the best judgment of so many of those in so many different parts of the country.

We are strongly committed. With the overwhelming support we have, 73 Members reflecting every possible viewpoint in the Senate, and the overwhelming need, this is legislation that needs to pass, should pass, must pass. I hope we can do it in the next few days. It should not take much time. The disability community deserves it.

Mr. President, to reiterate, I strongly support the Work Incentives Improvement Act, and I urge Senator LOTT to bring the bill to the floor and allow the Senate to complete action on this important bipartisan legislation before the Memorial Day recess. Last month, under the impressive leadership of Senator ROTH and Senator MOYNIHAN, the act passed in the Senate Finance Committee by a 16–2 vote. Today, 75 Members of the Senate stand behind this bill, which removes the barriers that present so many of our citizens with disabilities from living independent and productive lives.

As former Majority Senator Bob Dole stated in his eloquent testimony to the Finance Committee, ''this is about people going to work—it is about dignity and opportunity and all the things we talk about, when we talk about being an American.''

We know that a large proportion of the 54 million disabled men and women in this country want to work and are able to work. But they are denied the opportunity to do so. Removing barriers to work will help disabled Americans to achieve self-sufficiency. It will also contribute to preserving the Social Security Disability Trust Fund.

For too long, Americans with disabilities have faced unfair penalties if the take jobs and go to work. They are in danger of losing their medical coverage, which could mean the difference between life and death. They are in danger of losing their cash benefits, even if they earn only modest amounts from work. Too often, they face the harsh choice between buying a decent meal and buying their medication.

The Work Incentive Improvement Act will remove these unfair barriers facing people with disabilities who want to work.

It will continue to make health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working.

It will gradually phase out the loss of cash benefits as income rises—instead of the unfair sudden cut-off that so many workers with disabilities face today.

It will give people with disabilities greater access to the services they need to become successfully employed.

Many leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are consumers, family members, citizens, and advocates. They see everyday that the current job programs for people with disabilities are failing them and forcing them into poverty.

They have spent many months helping to develop effective ways to right that wrong. And to all of them I say, thank you for helping us to prepare this needed legislation. it truly represents legislation of the people, by the people and for the people.

When we think of citizens with disabilities, we tend to think of men and women and children who are disabled from birth. But fewer than 15 percent of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can disable the healthiest and most physically capable person.

This legislation is important because it offers a lifeline to large numbers of our fellow citizens. A disability need not end the American dream. That was the promise of the Americans With Disabilities Act a decade ago, and this legislation dramatically strengthens our commitment to that promise.

We know that disabled citizens are not unable. Our goal in this legislation is to reform and improve the existing disability programs, so that they do more to encourage and support every disabled person's dream to work and live independently, and be a productive and contributing member of their community. That goal should be the birthright of all Americans—and when we say all, we mean all.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans. That is our goal in this legislation. For too long, our fellow disabled citizens have been left out and left behind. This bill is the right thing to do, and it is the cost effective thing to do. And now is the time to do it.

I especially commend Senators JEFFORDS, Senator ROTH, and Senator MOYNIHAN for their bipartisan leadership on this legislation. Now is the time to enact this long overdue legislation and free up the enterprise, creativity, and dreams of millions of fellow Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Massachusetts for his very kind words. I want to express my deep appreciation for his efforts throughout his time here in the Senate to assist those people with difficulties and disabilities.

Mr. President, let me pose a question. What would most people do if they had health insurance coverage if they stayed home but not if they worked? Believe it or not, this is exactly the dilemma that many individuals with disabilities face today. They must choose between working or having health care. This is an absurd choice. Current federal law forces individuals with disabilities to make this choice. The Work Incentives Improvement Act, S. 331, bipartisan legislation, with 75 cosponsors, addresses this fundamental flaw.

Reaching this day has taken 2 years of hard work. Over 100 national organizations endorse our legislation and many helped us craft a consensus-based bill.

Chairman ROTH and Senator MOYNIHAN of the Finance Committee joined Senator KENNEDY and I as original cosponsors along with 35 of our colleagues. The cooperation and support we received, helped us move this important legislation from introduction on January 28, to a full Finance Committee hearing on February 4th, a Finance Committee markup on March 4,

and filing of the committee report on March 26.

It is time for the Senate to complete its work on S. 331. Many of our constituents are watching and waiting for us to make this bill a law.

In my state, Vermont, 24,355 Social Security disability beneficiaries are waiting for S. 331 to become law. There are 9.5 million people waiting across the country. Under current law, if these people work and earn over $500 per month, they lose cash payments and health care coverage under Medicaid or Medicare.

This is health care coverage that they simply cannot get in the private sector. S. 331 allows them to work and have access to health care coverage. It also provides them choices regarding job training and placement assistance.

Do Social Security beneficiaries with disabilities really want to work? The answer is a resounding ''Yes.'' Over the last 10 years, national surveys consistently confirm that people with disabilities of working age want to work, but only about one-third are working.

I have heard many compelling stories from individuals with disabilities. Some sit at home waiting for S. 331 to become law, so they can go to work. Others work part-time, careful not to exceed the $500 per month threshold which may trigger a cut-off of their health care. Each of us has received letters in support of S. 331. Let me share one story with you. Don is a 30 year-old man, who has mild mental retardation, cerebral palsy, a seizure disorder, and a visual impairment. Don works, but only part-time.

At the end of his letter, Don wrote:

> The Work Incentives Improvement Act will help my friends become independent too. Then they can pay taxes too. But most of all they will have a life in the community. We are adults. We want to work. We don't need a hand out . . . we need a hand up.

We should give Don and his friends a hand up. Doing so would be good for Don and good for the Nation. The hard facts make a compelling case for S. 331:

As I indicated, there are 9.5 million Social Security beneficiaries. Of those who work, very few make more than $500 per month. In fact, of working individuals with disabilities on supplemental security income, only 17 percent make over $500 per month and only 10 percent make over $1,000 per month. Another 29 percent make $65 or less per month. Let's assume that S. 331 becomes law, and just 200 Social Security disability beneficiaries in each State work and forgo cash payments. That would be 10,000 individuals across the country out of 9.5 million disability beneficiaries. The annual savings to the Federal treasury in cash payments for these 10,000 people would be $133,550,000. Clearly, the Work Incentives Improvement Act of 1999 is targeted, fiscally responsible legislation.

It enables individuals with disabilities to enter the workforce for the first time, re-enter the work force, or avoid leaving it in the first place.

These individuals would not need to worry about losing their health care if they choose to work a 40-hour week, to put in overtime, or to go for a career advancement. Individuals who need job training or job placement assistance would get it. S. 331 reflects what individuals with disabilities say they need. It was shaped by input across the philosophical spectrum. It was endorsed by the President in his State of the Union Address. S. 331 will give us the opportunity to bring responsible change to Federal policy and to eliminate a perverse dilemma for many Americans with disabilities—if you don't work, you get health care; if you do work, you don't get health care. S. 331 is a vital link in making the American dream an accessible dream, for Americans with disabilities. In closing, I would like to tell you about a young constituent of mine. Her name is Maria, and she faces many daily challenges as a result of her disability. She recently contacted my office to let me know that she is counting on S. 331. Maria is a junior majoring in Spanish at a college in Vermont. She plans to graduate to become a billingual teacher for children and adults from Central and South America.

Maria has her whole life ahead of her. She has dreams and she has contributions to make. Enactment of S. 331 will make Maria's dreams possible. She will be able to pursue a career without fear of losing the health care she needs. Let's enact S. 331 now.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Virginia.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. ROBB. Mr. President, under a previous unanimous consent order, I am to be recognized to speak on an amendment which I plan to offer to the pending legislation.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBB. Mr. President, I had appeared on two previous occasions today believing that would be the time at which amendments would be accepted only to find that that had changed. Because I, like the Chair, have responsibilities with the defense authorization committee and subcommittee markups, I may be absent when that time eventually arises.

I rise now to discuss, rather than offer, an amendment, which I will offer as soon as we are permitted to do so, that I hope will add an essential component to the larger debate we have begun about school violence and juvenile justice.

Given the last year of school tragedies in Arkansas, Kentucky, Mississippi, Oregon, and now Colorado, discussions about seemingly random acts of school violence have moved from the school board meeting rooms to the kitchen tables of America. Our dialog has encompassed everything from Internet use and video games to gun control. If anything positive has resulted from these tragedies, it is that we, as a nation, have finally started to focus on school violence by acknowledging that this is a multifaceted problem demanding multifaceted solutions.

Unfortunately, the issue of violence in our schools is not new. Six years ago, I stood in this Chamber to talk about school violence and offered an amendment to create a 2-year commission to study school violence. I acted in response to shootings that involved students and took place in the Norfolk area of Virginia.

When I spoke in 1993 about school violence, I mentioned that we had experienced a cultural change. In fact, I brought this very chart to the floor to illustrate that point.

In 1940, public schoolteachers were asked to cite the top disciplinary problems they dealt with on a routine basis. The list included: Talking out of turn, chewing gum, students making noise, running in the halls, cutting in line, dress code violations, and littering. The same list of routine disciplinary problems in 1990 looked like this: Drug abuse, alcohol abuse, pregnancy, suicide, rape, robbery, and assault.

That was 1990. If the same survey were done today, I suspect assault would rank even higher on the list. In the 1996–1997 school year, 43 percent of our Nation's schools had no incidents of crime at all. For those that did, the vast majority of crime involved theft and vandalism. But despite these facts, in the last year alone, 40 people have died as a direct result of school shootings. The most serious of them, of course, occurred 3 weeks ago today at Columbine High School in Littleton, CO.

The most common questions asked following incidents of school violence are: Why? and, What could have been done to spot the warning signs and intervene before it was tragically too late?

In an effort to better educate school districts across the country about how to develop violence prevention and intervention strategies, the Secretary of Education and the Attorney General last August issued a comprehensive guide entitled ''Early Warning, Timely Response.'' The guide was developed with the help of experts from law enforcement, education, juvenile justice, mental health, and other social services and was based upon extensive research about violence prevention plans. The emphasis of this guide is communitywide involvement.

Our children come into contact every day not only with us as parents, but also with teachers, administrators, pastors, bus drivers, coaches, counselors, and so many others. We all have a responsibility to help parent and guide our Nation's children.

Furthermore, we all know that recognizing the warning signs of stress, depression, substance abuse, and violent behavior starts at home and extends well into our communities. We, as public officials, have a responsibility to work with States and communities to ensure that we are doing all we can to keep our schools safe.

That is the thrust of the amendment I plan to offer. It is about the Federal Government becoming a better, more responsible partner with States and localities to combat school violence in America. I use the word ''partner'' because there is not a single requirement that States or localities participate at all.

Instead, this proposal is about providing the sources and expert advice to States and communities and schools who worry today about school violence and want to renew their efforts to fight it. For those of us on both sides of the aisle who care deeply about education, this amendment is a recognition that good schools are safe schools.

In this spirit, the amendment I will offer, hopefully later today, establishes a national resource center for school safety and youth violence prevention and authorizes additional funding to communities to develop violence prevention and intervention plans and to expand mental health services and treatment programs.

First, the national center that we envision will serve as an ''education FEMA,'' if you will. In the event of an incident of school violence, the center's experts would be dispatched directly to the school involved to provide emergency response services. The center's team of experts would provide crisis counseling, additional school security personnel, and long-term counseling for students and families who chose to take advantage of these services.

Second, the center will establish a toll-free, anonymous student hotline so that students may report, without fear of retaliation, criminal activity or threats of criminal activity and other high-risk student behavior they witness or of which they become aware. For example, a student could call such a hotline to report another student's substance abuse or gang affiliation. The center would work with the Attorney General to develop guidelines about how to coordinate with law enforcement agencies to both relay the information and protect student privacy.

The importance of this hotline became apparent to me during my own research on this bill, as well as during the visit I made with President Clinton to T.C. Williams High School in Alexandria, VA, just 2 days after the shooting in Littleton. It is clear to me that there has been a void in our legislative approach to promoting school safety.

While we have substantially increased the funding of school safety plans under the COPS program over the last 2 years, we need to do a better job of encouraging and teaching our children that students themselves also have a responsibility to report high-risk or threatening behavior of which they are aware in themselves or other students. But to effectively encourage this, we have to provide students with safe channels through which to report this information. A student who is aware of a plan to build bombs or knows that another student is suicidal should have a confidential way to report that knowledge.

In the long run, an investment in prevention is an investment not just in the child who may be on the brink of pulling the trigger or throwing the bomb, but an investment in the safety of all our children who can all too quickly become tragic victims.

Third, the center will provide training and technical assistance to teachers, administrators, parents, law enforcement personnel, and others in communities about ways to develop effective school safety strategies. Components include helping schools effectively utilize tip hotlines, assisting with threat assessment, helping create partnerships among police, schools, parents, and social service agencies, developing media and police protocols to handle emergencies and, very important, working with the Departments of Justice, Education, and HHS to help train teachers to learn to identify students at risk of bringing violent behavior into their schools.

Fourth, the center will serve as a clearinghouse of information about model school safety plans across the country, with the center's staff available to offer a wide array of plans to a community seeking assistance, from increased use of surveillance equipment to a community case management process to deal with troubled youths. This includes the operation of a nonemergency, toll-free number for the public to obtain information about school safety.

Finally, the center would conduct research about school violence prevention and the extent to which smaller learning communities help reduce incidents of violence in our schools. We can do all this for less than $100 million. That is the center's authorization in the legislation that we plan to offer.

From emergency response teams, to the student hotline, to the teacher training to identify violent behavior in school, this small investment in an education FEMA is well worth the expense.

In truth, however, nothing can ever compensate a family for the loss of a child. But we ought to be able to say to all communities throughout this country that we are doing everything we can to prevent these tragedies from happening in the first place.

The second part of this amendment provides direct support to communities as they look for resources to develop or enhance their own school safety and youth violence prevention services. I believe communities will benefit tremendously from this amendment, because it authorizes more funding for comprehensive community-wide school safety plans under the Safe Schools/Healthy Students Program, an existing program that was enacted in response to the tragic incident in Jonesboro, AR.

I will not go into detail about this part of the amendment because I know Senator KENNEDY has been working on these issues for some time now and has particular expertise about the combined work that the Department of Education and the Department of Health and Human Services have done with communities that have come together to improve or establish mental health services for violence-related stress and other types of community efforts. I certainly applaud the Senator for all he has done in this regard. He has been an outstanding advocate for children and families over the years.

Let me conclude by saying as a public official and as a former marine, I have long believed that the first responsibility of the Federal Government is to keep our citizenry safe—safe from enemies both foreign and domestic. Americans have a right to be safe in their homes, on their streets, and in their workplaces. And our children have a right to be safe in their schools.

Fear of violence should not threaten our children's learning environment. The bottom line is this: We cannot have good schools unless we have safe schools. As I said at the outset, there are many components of this debate about school violence and juvenile justice. We need to talk about parenting and values and teaching our children about respecting their lives and the lives of those around them.

We need to talk about how we hold accountable those who endanger or harm our children. We need to talk about guns and the extent to which there are loopholes in existing laws that can be changed to better protect our children. But there is absolutely no question that we need to talk about prevention, and this amendment builds upon the work Congress has already done in the area of prevention.

This amendment will be just one component of a debate that I hope we will all support to help our kids and their families, America's teachers and counselors, our law enforcement officials, and entire communities across our Nation who have one goal in common—to stop school violence before it starts.

Here in Washington we can do our constructive share. We can provide expertise. We can provide resources directly to communities. We can empower communities to better protect America's children. We can, and we should.

As I said on the floor last week, simply going to school should not in and of itself be an act of courage.

With that, Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 322

(Purpose: To make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of Violent Crime Reduction Trust Fund, and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk 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, Mr. BIDEN, Mr. SESSIONS, and Mr. DEWINE, proposes an amendment numbered 322.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 323 TO AMENDMENT NO. 322

(Purpose: To provide resources and services to enhance school safety and reduce youth violence)

Mr. LEAHY. Mr. President, I send an amendment in the second degree on behalf of Mr. ROBB and Mr. KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ROBB, for himself and Mr. KENNEDY, proposes an amendment numbered 323 to amendment No. 322.

Mr. LEAHY. I ask unanimous consent reading of the amendment be dispensed with.

Mr. HATCH. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I withdraw my objection.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 322 WITHDRAWN

Mr. HATCH. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 322) was withdrawn.

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

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

Mr. HATCH. It is my understanding the distinguished Senator from New York just wants to speak on the bill.

Mr. SCHUMER. Correct. I have no intention of offering anything today.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President, and I thank the Senators from Utah and Vermont for yielding me time on the floor as we begin to discuss juvenile violence.

First, let me say I appreciate the majority leader making this time available, and at this crucial time, because some say, well, maybe we should wait for the dust to settle in the aftermath of the tragedy in Littleton, CO. But I have found in years that sometimes when a terrible tragedy occurs people are focused on issues that might prevent future terrible tragedies; but if we wait several months, nothing much happens. So I am grateful for the opportunity. I think it is correct legislatively.

This is not a new issue. We have, unfortunately, seen other tragedies—in Springfield, OR, and Arkansas and throughout the country. Most of us have given lots of thought to the issue of how do we deal with violence among juveniles? How do we deal with violence in the schools? I agree with all of those who have said there is no one road to Rome, that there are many, many different approaches. In fact, to me, an argument where one says, well, do A, which means don't do B, C, and D, is wrong. We have to examine all the causes of violence. We have to look at them. To advocate one particular course doesn't gainsay that another course might help as well.

It is obviously a very complicated issue. The question I guess all of America is asking itself is a simple one: Why now? Why all of a sudden have we seen such a rash of violence in our schools?

I have given this a great deal of thought, first in my 18 years in the House where, as a member of Judiciary, I focused on crime issues, and now in the last several months as a new Member of this body. In addition to thinking and reading about this, I also went out and talked to many young people. In fact, I have had conversations, been in classrooms, either directly or by video, with schools across my State—East High School in Rochester; Nottingham in Syracuse; Colony High School in Albany; Rockville Center in West Chester; New Rochelle High School; and two schools in New York City, Tottenville and Hunter High School. In each I sat down with a group of 30 to 50 young men and women and asked them their views, because I think it doesn't make much sense to talk about juvenile violence without talking to the juveniles.

Basically, what I found was quite interesting. I found that they, too, agreed that there were a number of causes, and many were perplexed as to why this happened. But I found some interesting thoughts. In every school, the students talked about two things more than any other that they thought led to this violence. In each school I went to—and these schools were quite varied; one was in an upper-income neighborhood, one in a poor neighborhood, and the rest were in rather middle-class neighborhoods—there were two common themes:

First, students did stress isolation, that young people do feel isolated and alone. They realized that the adolescent condition sometimes was such that when someone was isolated and alone, instead of reaching out, the inclination was to pick on them. A number of schools had suggestions as to how to deal with this problem. One school had an ombudsman, a young teacher whom the students loved. If someone was in trouble or feeling isolated or lonely, they could go to that ombudsman, and many did. Just as importantly, if it seemed to other students in the school that a young person or a group of young people was headed towards trouble, they could go to the ombudsman and the ombudsman would do what was necessary to try to bring that group of young people into the fold.

In another school up in Albany they had a human relations club. The heads of all the various student activities and the heads of different cliques or groups would get together once a month and discuss things and discuss their differences. It proved a good way of bridging gaps in that high school. Finally, another school, one on Long Island, had a club. It was sort of an elite club; it was hard to get into. I think it was called Smiles. One of the ideas of Smiles was to reach out to others and be inclusive. It was sort of taking the credo of inclusiveness and bringing people together and making it a thing that everyone aspired to do. I thought those ideas were pretty good and pretty interesting. Maybe we should look at some of them this week.

One idea that every classroom I went to seemed to laugh at was the idea that seems to have gained some currency here in Washington, and that is the culture of violence. I, for instance, myself, having seen the video games and seen some of the movies that came out, when I started this process, thought this should be a reason young people would be more violent.

The kids seemed not to feel that way. They laughed at the idea that a video game, a movie, a television show would push somebody to do something awful like at Littleton. I said to them, well, it may not push you, but it might push people who were isolated and alone. They said, no, it would take a lot more than that.

One youngster raised his hand and said to me: When did you grow up? I said in the 1950s. He said: You saw a lot of westerns. I said that, yes, I did. He said: Did that move you to be more violent? I said not at all.

We may disagree with it, but I thought it was interesting that from one end of my State to the other, young people of all economic backgrounds and races and creeds and ethnicities rejected that idea. And again, of course, I come from New York

State, but these schools were spread throughout the State, many in quite conservative areas.

I found the one thing that was virtually universal is kids thought that guns were too available for them. I asked each high school class, if you really wanted to get a gun, would you know where to go or who to ask? And 60 to 100 percent said yes.

My point here today is this: Certainly we should consider other causes of violence among young people. We should look at isolation. Certainly we should look at parental responsibility. I am the father of a 4-year-old. It seems a lot of times she doesn't want to have her parents around her. But most of them wanted parental guidelines, wanted parental responsibility, wanted parental authority. There was no disagreement about that.

If you looked at the one consistent thing that almost everyone agreed with, it was that guns, the availability of guns, was too great; the availability of knowledge of how to make bombs and how to buy guns encouraged and created more violence. And it made me think of a useful parallel, which I just heard Senator LEVIN mention earlier today about his community in Detroit, MI, and I have mentioned in mine in Buffalo and western New York. Both those communities are right across the border from Canada. In both those communities, there is something startling. There is the same culture, same video games, same movies, and they get the same TV stations. People in Windsor, ON, watch the same TV as people in Detroit. People across the Niagara River in Canada, in Fort Erie, watch the same TV as the people in Buffalo and Niagara Falls.

Why are we so much more violent? It is not culture or violence. It is the same in each. It is not really the idea that we have two parents working and single moms and single dads, fewer parents around, less parental responsibility. That is the same in each. It is not the isolation that young adolescents often feel. That is the same in each. What is the difference between the situation in Canada and the situation in America?

The one difference is the gun laws, where Canada's are much tougher than ours.

It seems to me that if we go through this package—and we certainly should consider other issues—but we ignore or short circuit, truncate, a debate on gun violence, we will be making a serious mistake.

I heard one of my friends say this is political. Well, it is no more political to me than talking about Hollywood might be to some others in this. I believe this would make a huge difference.

I thank the Senator from Vermont. He has put together a package of gun amendments that just about everybody in our caucus could support. I am glad he did. I think they will make a difference. A group of us have been meeting, those of us who believe in tougher laws on guns, although we tried to be very mindful of the law-abiding rights of citizens, of gun-owning citizens. We have put together a package of 10 amendments. Each of them meets two criteria: One, that they would do some good; two, that they have a chance of passing, that they are not going to get 25 or 30 votes from people who agree with my position but, rather, that they would be able to garner much greater support.

I say to the majority leader and to my chairman, the Senator from Utah, we do not want to speak on these amendments forever. We do want the opportunity to debate them and to discuss them and to vote on them, because we think some of them have a real chance of passage.

I say to my colleagues that I am appreciative of this opportunity. I know the issue of guns is not the only answer, but it seems to me, because there is a culture of violence, because parents are working, and because adolescents are young and often feel isolated, that none of those gainsay the need for better laws on guns.

As I say, our package is moderate. It is careful. We have not put everything on the floor. Many times I would like to, because I would go further than this body would.

But I welcome the opportunity to discuss these issues. I believe we will do it in a careful, respectful and bipartisan way. Our goal is not to have a Democratic v. Republican division. Our goal is to pass legislation, and if we can do that in a bipartisan and nonrancorous way, I think we will have served America well.

I thank the Senator from Utah and the Senator from Vermont for yielding their time. I look forward to their debate.

I simply ask the majority leader to make sure, provided we are willing to live within the time limits, that we have the time to discuss these 10 amendments—there may be others—and to discuss them, perhaps pass them, and finally do something real about the Littletons that have plagued our Nation over the last year.

I thank the President.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, the Senator from Massachusetts would like to make a statement for debate only. Am I correct, the senior Senator from Massachusetts would like to make a statement for debate only, and also the distinguished Senator from California would like to make a statement for debate purposes only?

I ask unanimous consent they be permitted to proceed at this point.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, if I could ask the Chair—I appreciate the opportunity to address the Senate—what is the pending matter?

The PRESIDING OFFICER. The pending matter is S. 254.

Mr. KENNEDY. It is open for amendment; is that correct?

The PRESIDING OFFICER. The bill has no amendments pending on it.

Mr. KENNEDY. The bill has no amendments pending at the moment.

The PRESIDING OFFICER. That is correct.

The Senator from Utah.

Mr. HATCH. Mr. President, we were hopeful that we could call up the Hatch-Biden-Sessions amendment and get a vote on that. We would like to cooperate with fellow Senators and be able to do that. We hope the Senator from Massachusetts will defer any amendments until we finish with that.

Mr. KENNEDY. Mr. President, I believe that the Robb amendment is before the Senate, and I intend to speak on behalf of this amendment. I will be glad to follow leadership as to how we should proceed. I do not intend to delay the proceedings.

Mr. HATCH. If the Senator will yield, we are looking at the Robb amendment.

Mr. KENNEDY. I am having difficulty hearing my colleague and friend.

Mr. HATCH. We are looking at the Robb amendment and studying it to determine when and if it is to be brought up. If the Senator wants to speak, it is not before the Senate.

Mr. KENNEDY. Mr. President, with all respect to my friend and colleague, I do not believe that the Senator from Utah can decide if Senator ROBB's amendment can be brought up. It is my understanding that Senator ROBB is perfectly entitled to bring it up.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I yield the floor.

Mr. HATCH. The Senator from Utah understands that. We chatted with Senator ROBB and said we would look at the amendment to see if it is something we can accept. If not, he can bring it up any time he wants to in the regular course of business. He had to go to another meeting, and we will discuss the amendment as soon as he returns.

Mr. LEAHY. If the Senator will yield, I will explain it. The Senator from Virginia, Mr. ROBB, brought up his amendment in the second degree to the Hatch-Biden-Sessions amendment. The distinguished Senator from Utah is one of the sponsors of Hatch-Biden-Sessions. He withdrew it, thus withdrawing the second-degree amendment by Senator ROBB. The distinguished Senator from Virginia is thus waiting for time to bring his amendment back up for consideration.

Mr. KENNEDY. Mr. President, I will speak briefly in support of the Robb amendment. Later, I intend to participate in the debate on the Robb amendment and other provisions underlying the legislation.

Over the next few days, we will have the opportunity to consider how we can best respond to the anxieties and concerns of families and children across

this country. In the wake of the tragedies that have affected a number of our schools over the past few years, it is appropriate that the Senate consider violence and its impact on children and families.

As we begin this debate and discussion in the Senate, we should understand that, in just a few days, we cannot develop a silver bullet capable of responding to all of the complex issues raised by the tragedies that have occurred in Colorado, Paducah, and other communities and other schools across this country.

But even having noted that these are complex issues, we have to ask ourselves: Can we at least evaluate some things that have been done in the fairly recent past that have been helpful to students, that have been helpful to parents, that have been helpful to schools, and that have been helpful to communities? Quite clearly the answer to this is yes.

I am not one of those who says that we don't have all the answers and, therefore, we don't have any of the answers. No one could say that, coming from the City of Boston where we have seen dramatic reduction in youth homicide and youth violence in the country. It has been within the last probably 4 years. Boston has approximately 128 schools. We had only one youth homicide involving a firearm during a 2.5 year period.

As we look at the underlying bill in terms of youth violence, it is appropriate that we also look at the current record to see if there are some ideas that might be of some value and some use.

I think issues dealing with the media—perhaps the various excessively violent video games and others are going to take some time, but these are issues that we must consider. We have a chance to see what has been working out there, and to see whether those efforts should be supported, perhaps enhanced, and if they can be shared in other parts of the country. That is what we are trying to do with the Robb amendment.

There are two important parts to this amendment. One is to establish a resource center that will be a place where either parents or schools or school districts or communities are able to go to find out what is working in other communities around the country. It will be an evaluation of information. It will have a collection of what is working in urban areas and what is working in rural communities, and what the results have been and how communities utilize these efforts.

There have been a number of efforts. Some might be particularly appropriate to Boston. Others might be different and better suited in terms of dealing with the problems in Pocatello. There may be some development of efforts that have involved law enforcement, some that have involved the schools, some that have involved the parents, some that have involved the students in terms of mentoring, programs of reconciliation. A number of different initiatives that are out there may just have some application in terms of different schools across the country, and those communities might be interested.

In the Robb amendment, we have a proposal for this clearinghouse that will be a resource available to schools, a resource available to communities, a resource available to parents, a resource that will be available to students who have responsibility in their schools, a resource that will be available to the law enforcement officials. It will have other functions such as having available individuals who might be able to respond if there is an immediate danger of violence. This all makes a good deal of sense.

A second provision of the Robb amendment deals with the resources that are out there within the community, within the Department of Justice, the Department of Health and Human Services, and the Department of Education. It is called the Safe Schools/Healthy Students initiative. This was developed in a nonpartisan effort to try to bring together a number of different programs that have a positive impact on reducing youth violence which the schools will be able to draw upon. This program includes aspects to develop a safe school environment, including partnerships with the local law enforcement; it includes aspects to enhance security measures for those schools where it is necessary; it includes aspects to redesign school facilities to get into smaller school units where teachers know the names of every student in the school, and every student knows the name of every teacher.

We have this program being implemented in a number of different communities. In Boston it is being developed in a number of different schools. It has been tried and is being utilized in a number of different communities. It is very interesting and exciting, and we have seen positive results.

Prevention programs and early intervention, in terms of alcohol and drugs—bringing in the mental health, preventive treatment and intervention services that exist in the SAMHSA program which deals with mental health and assistance and targeting help and assistance for children—have been particularly effective.

We know almost a third of all the children who go to the schools in the inner city of Boston, for example, come from completely dysfunctional homes—either with substance abuse or violence, and these children are facing the most extraordinary set of circumstances. We have to understand being young, being a child, and being at school today is no picnic. They are faced with enormous challenges. We don't have, generally, health care centers in these schools; a few of them do, but not many. The importance of mental health counselors, psychologists and nurses working with the early childhood psychological, social and emotional development services have been included in the second phase of this program. This was basically the result of a very extensive review done by the Department of Justice working with HHS, and the Department of Education, and the resulting recommendations.

This evaluation shows that this kind of approach, with law enforcement and the preventive aspect, has provided some very important help and assistance to the schools.

I look forward to working with a number of our colleagues—Senator BOXER, Senator SCHUMER, Senator DURBIN, Senator LAUTENBERG, Senator FEINSTEIN and others—in terms of responsible ownership regarding weapons. I think that is certainly very important. We ought to expect responsibility in terms of manufacturers making safe guns. We ought to expect dealers are not going to sell to adolescents. We have to expect responsibility of parents in storing their guns separate from the ammunition. We will keep rapid automatic weapons out of the hands of children, extend the Brady bill, and include the background checks at the gun shows. We will have a chance to debate all of those.

We can reduce the occasions when these violent impulses reflect themselves in the use of weapons. One of the most disturbing factors is the continued growth and explosion of youth suicides. Handguns are too easily accessible and available. We will have a chance to debate some of those issues.

It comes back to the recognition that the first responsibility for all of these matters rests in the home and with the parents, or with a single parent, working to provide the guidance to children who need guidance.

What we see in this chart is very disturbing, a gradual decline of the time mothers are spending with their children. This is the percentage of time parents eat dinner with their children from ages 5 to 17 every day. We see the gradual decline in terms of the time mothers are spending with their children; and also the time fathers are spending. The fact is, generally speaking, in the last 15 years there is a third less quality time being spent with parents. Some of that is the result of people working harder and working longer in order to maintain their own income, a tragic reality for those at the lower economic line that have to work one, two, or even three jobs—receiving minimum wage—in order to keep the family together. It is very difficult to see how those people are able to spend any time at all with their family. Some of that is the result of choice, some of that is out of necessity.

On this chart is the percentage of parents in the home who have private talks with their children ages 5–17 almost every day. The number has been cut in half by fathers, and there is an important reduction in terms of the

mothers. Again, we are talking about parental responsibilities.

This is a blowup of ''A Guide To Safe Schools''. Every school in America has a copy of this particular publication. It was sent out by Secretary Riley and Secretary Reno. It contains a variety of early warning tips for the parents. It has a whole page of action steps for the students. It has suggestions for parents. It has suggestions for teachers. It has suggestions for school boards. It has a series of ideas: what to look for, what to do, early warning signs—it is enormously comprehensive.

It is the result of the work of a number of different organizations that came together and spent weeks and months in developing this publication. If anyone would take the time to go through it, it has an enormous wealth of information from which those involved in schools across the country can benefit. It is a very, very instructive and positive document. It is a guide for schools, students, parents, about some of the concerns they might have.

We may never fully understand the complex factors that led Eric Harris and Dylan Klebold to kill 13 members of the Columbine High School community, but there is one thing we do know—we must do more to prevent future tragedies. The deaths that have occurred at the hands of young people in Littleton, Colorado, Jonesboro, Arkansas, Pearl, Mississippi, and other communities, are national tragedies. They are also a call to action—a call that America must answer.

We have a responsibility to listen to our constituents, to answer the calls for help by our children, and do more to protect the health and welfare of the nation's youth. Children may make up one-eighth of the population, but they are 100 percent of our nation's future.

We know that there is no single, simple solution to this complex problem. The mindless, heartless cruelty in Littleton is symptomatic of the problems that exist in communities throughout America, and we need to find more effective ways to deal with them.

This latest tragedy is another wakeup call to the nation. We have an opportunity to work together to prevent youth violence, and reduce the likelihood of future tragedies like Littleton. We can do more to make schools safer.

We know that school violence is a continuing festering problem. In 1996, 5 percent of all 12th graders reported being injured with a weapon during the previous 12 months while they were at school. Another 12 percent reported that they had been injured at school in an incident that did not involve a weapon. An increasing number of students report feeling unsafe at school, and avoid one or more places at school for fear of their own safety. Clearly, children cannot learn in this kind of environment.

We need to ask difficult questions about our society, the media, parenting, peer pressure, and other social forces. We have a shared responsibility as parents, teachers, role models, and concerned, caring adults, Fifty million school children are now in their formative years. We need to think about what kind of society we want these children to grow up in.

In too many cases, television is raising far too many of the nation's children. On a daily basis, close to 20 percent of 9-year-olds watch 6 or more hours of television. Much of what they see is a steady stream of violence and aggression that is presented as legitimate and justified entertainment. By the time children leave elementary school, they will have seen 8,000 murders and more than 100,000 other acts of televised violence. Violent video games which glorify killing are increasingly popular.

The negative influences of violent programming and violent video games are growing stronger, because positive influences—families, schools, churches, synagogues, and communities—are becoming weaker. Parents are the most important influence in their children's lives, but they are being stretched to the limit. We know the importance of strong parental guidance and support for healthy development. Spending time together is a basic ingredient for building strong parent-child relationships. Yet time together is increasingly scarce.

Research indicates that parents are eating fewer meals and having fewer conversations with their children. Between 1988 and 1995, a significant drop took place in parent-child activities. Sixty-two percent of mothers reported eating dinner with their child on a daily basis in 1988, but only 55 percent reported doing so in 1995. Fifty percent of fathers ate a daily dinner with their child in 1988, but this rate dropped to 42 percent in 1995.

Parents and families want to spend more time together, but there simply aren't enough hours in the day. We must pursue initiatives to give parents the opportunity to spend more time with their children, and ensure that all parents have the skills they need to be strong mentors, role models, and caregivers for their children. We should support family-friendly work policies and flexible work hours, so that parents can eat dinner with their children, and talk to their children.

Yesterday, I spent time in Boston talking to students about youth violence and the tragedy in Colorado to try and get some insight into what is going on with our youth. I asked them for a show of hands of how many of them feel that their parents are too busy to talk to them—over ¾ths of the students raised their hands.

This is lack of communication is unacceptable and the American people agree. A recent Newsweek poll asked ''How important is it for the country to pay more attention to teenagers and their problems.'' 89 percent of those polled replied that it is very important. If we as parents are not raising our children, then we must worry about who is.

In the coming days, we will have a unique opportunity to begin to reverse the culture of youth violence. There are no quick fixes to this problem—no easy solutions. We need a long-term strategy, and we must work together to find appropriate remedies. To meet this challenge, we must consider provisions that (1) promote healthy children and youth in safe communities; (2) help parents with parenting skills from birth through adolescence; (3) equip teachers and school officials with tools to intervene before violence occurs; (4) give law enforcement the tools needed to keep guns away from children; and (5) promote responsible media programming for children and youth.

There are also immediate steps that we can take. Congress has a responsibility to act, to stop allowing the NRA to dictate what is right and what is wrong on guns. Surely, without threatening the activities of honest sports men and women, we can agree on ways to make it virtually impossible for angry children to get their hands on guns. We can give schools the resources and expertise they need to protect themselves, without turning classrooms into fortresses. We can make gun dealers responsible for selling guns to adolescents, and make gun owners responsible for locking up firearms in their homes. We can insist that gun manufacturers be smart enough to develop ''smart'' guns with effective child safety locks. We can do more to dry up the interstate black market in guns. We can crack down harder on assault weapons.

Surely, we can take sensible steps like these to reduce the tragedy of gun violence. America does more today to regulate the safety of toy guns than real guns—and it is a national disgrace. When we see and hear what gun violence has done to the victims in Pearl, MS—West Paducah, KY—Jonesboro, AR—Edinboro, PA—Fayetteville, TN—Springfield, OR—and now Littleton, CO, we know that action is urgently needed.

Practical steps can clearly be taken to protect children more effectively from guns, and to achieve greater responsibility by gun owners, gun dealers and gun manufacturers. The greatest tragedy of the Columbine High School killings is that these earlier tragedies did not shock us enough into doing everything we can to prevent them. By refusing to learn from such tragedies, we have condemned ourselves to repeat them. How many wake-up calls will Congress and the nation continue to ignore?

We can act now to provide communities and schools with more information and resources to prevent these tragedies. We can provide the training needed to recognize the daily warning signs, long before actual violence occurs. Last year the Departments of Education and Justice jointly created a

''Guide to Safe Schools—Early Warning: Timely Response.'' This guide has extensive helpful information to assist parents, children, schools, and communities in keeping children and young people safer. The guide tells what to look for, and what to do. It lists Characteristics of Schools that are Safe and Responsive for all children. It has Tips to Schools, Tips to Parents, and Tips to Children.

This guide is part of an overall effort to make sure that every school in the nation has a violence prevention plan in place. This guide is available to every school, every parent, and every community leader. You can download it from the Internet if you go to www.usdoj.gov, and click on to ''early warning, timely response''

We also need to invest in services that ensure Safe Schools and Healthy Students. That means quality afterschool programs, accessible mental health services for youth, and grassroots models that successfully target youth violence. Results occur when there is a cooperative effort.

Boston has a remarkable program that has enabled the city to go from July 1995 to December 1997 with only one juvenile death that involved a firearm. This program works because it involves the entire community—police and probation officers, community leaders, mental health providers, and even gang members themselves. The strategy is based on three components: (1) tough law enforcement; (2) heavy emphasis on crime prevention (including drug treatment); and (3) effective gun control.

The Safe Schools/Healthy Students Initiative can make such initiatives a reality in many more communities. This cooperative effort by the Departments of Education, Justice, and Health and Human Services draws on the best practices of the education, law enforcement, social service, and mental health communities to achieve a realistic framework for communities to prevent youth violence.

We must answer the call that children across the nation are so desperately making. We have the knowledge, the skill, and the resources to make a difference.

The nation's children need us. And they need us now. We cannot afford to let them down. If we are to remain the strongest and fairest nation on earth, we must deal with these festering problems. We cannot afford to abandon children to despair and depression. We can no longer allow children to have virtually unrestricted access to guns. We must reduce the tide of violent images washing over children on a daily basis. We must lead this nation into the next century by providing a safe, secure, and gun free environment for children to grow and learn and thrive.

Our mission is clear. Let us work together to save our children, and by so doing, we will save our nation too.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Heather Bullock, Connie Garner, Kathleen Curran, David Goldberg, David Pollack, and Angela Williams, fellows in my office, be granted the privilege of the floor during the course of the debate.

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

Mr. HATCH. Mr. President, before the Senator from California speaks, I ask unanimous consent that immediately following her speech I be given recognition.

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

Mrs. BOXER. Mr. President, I thank the Senator from Utah and the Senator from Vermont for their kindness in allowing me to take the floor at this time. I hope to be succinct in my comments. I feel so strongly about this bill and the opportunity we have to do something good for the American people.

I wanted to have the chance to make some general comments on what I hope a good bill will do. I think a good juvenile justice bill would have a good piece for prevention, a good piece for tougher penalties, and a good piece for strong enforcement. If we come out with that balance we will have done a good job.

I really think this is a chance to make life better for our children and our families. I am glad it looks like we will have an open debate in order to put forward our ideas.

I think we have an emergency on our hands when the majority of parents are worried about the safety of their children at school. I think those of us here, thinking back to the years that we went to elementary school and either junior high or high school, do not have any memory of being fearful. Yet that is the circumstance today, where the majority of parents are now saying they are fearful for their children.

I think we have an emergency on our hands when many children tell us they see the kind of hostility and isolation that evidenced itself in Columbine—they see that in their schools.

We have an emergency on our hands when 31 percent of teenagers know someone their age who carries a weapon—who carries a weapon, not who just owns a weapon, but who carries a weapon. An article appeared last weekend in the San Diego Union Tribune which reported that 138 out of 150 of the brightest students in this country said they had seen guns at their high school.

We have an emergency on our hands when teachers say they do not feel safe. We have an emergency when a million kids are looking for afterschool programs and they cannot get in because there is no room.

Let's take a look at when juvenile crime occurs. This is a juvenile justice bill. Let's look at when juvenile crime occurs. This chart shows it very clearly. Juvenile crime spikes up at 3 p.m., and it starts going down after 6 p.m. So you do not need a degree in criminology or child psychology or sociology or any ''ology'' to know that juvenile crime occurs after school lets out. One million of our children are waiting in line for afterschool programs. I will be offering an amendment similar to the one I offered during the budget debate to allow those 1 million children to get into afterschool programs.

Again, I want to bring us back. This is a juvenile justice bill. It is no secret juvenile crime occurs after school. I think the first thing we ought to be looking at, what ought to be included in this bill, is a piece on afterschool. I want to give some credit to Senators BIDEN, LEAHY, and HATCH, because in their amendment they will be offering soon they do a little bit for afterschool. In essence, they take the block grant and they set aside 25 percent of it; that is about $115 million. One of the uses local districts can avail themselves of, one of the uses, is afterschool programs. But it is not specifically an afterschool program. So we will be offering that and giving our colleagues a chance to really act on the information we have had for so many years.

I know the Senator from Utah understands this very clearly. After school the kids get in trouble. We need to help them. I would like to do even a little more than he has done in his amendment.

We have an emergency when schools cannot afford metal detectors. Some of them have them and they are broken. Or they cannot afford community police on their campuses. We have an amendment, of which I am very proud, on this side of the aisle, which will allow us to put more community police in the schools. I think it is about 25,000 additional police would be added to community policing and we would waive the match, the local required match, if people put these community police on school campuses. We know we do not have enough school counselors. We know we do not.

By the way, there was a little press conference today with some schoolchildren and one of them had done this cartoon. This is a cartoon of a youngster from an elementary school. It shows a little boy and he has a gun in his hand—very crudely drawn by this young girl—and he is thinking out loud. The little cartoon says, ''I'm going after So-and-So because she tortured me all year, verbally.'' And the little girl is thinking, ''Don't do that. Go to your counselor and talk it out. Go to an adult.''

That is good advice from this youngster. But, unfortunately, in many of our schools we are seeing one counselor for 500 kids, for 1,000 kids, for 1,500 kids. So we ought to do something to change this and change the culture of violence by giving our kids grownups who care about them during the school hours to whom they can take their problems.

I agree with the President, there is not one particular thing we can point out and say this is the problem. There are a number of problems in our society. We have to deal with all of them,

and every one of us is responsible. Anytime someone stands up, wherever that person is from, whatever industry, and says, oh, it's not my problem, it's somebody else's problem, I simply lose respect for that person who is saying that. I don't care whether he is from the gun lobby or makes videos; if that person says, I have nothing to do with the problem, I don't give him any credibility, because every one of us has responsibility, including every one of us in this Chamber, in our private lives, as parents, as grandparents, and in our public lives as Senators.

Too many children are not getting enough support, love, and guidance from their parents, or from their community. Too many are using drugs and alcohol, too many are seeing violent images on computer and TV and in the culture. A lot of those images affect certain children more than others. We know that. But it has an impact just as everything has an impact, a cumulative impact on our children.

Let me be very clear. If those two boys at Columbine High School had knives instead of guns, we would not have seen such devastating results. In Jonesboro, AR, if those two boys had used baseball bats instead of guns, that number of people certainly would not have died.

I do not want us to tiptoe around the gun issue. I know it is hard. I know it steps on powerful toes, but we cannot tiptoe around the gun issue. It is not the only cause of the problem; it is one of the causes of the problem. Angry kids and guns add up to death. As a matter of fact, angry people with guns add up to death.

I want to show you this chart which gives this issue a sense of reality. Many of us came into politics after the Vietnam war, and we saw this country fall to its knees over that war. It was such a difficult time. We lost 58,168 Americans in the Vietnam war, every one of them a grievous loss, a tragic loss, a loss that can never be replaced for so many families; their potential gone on the battlefield.

In an 11-year period, 396,572 Americans have been shot down by guns, every one of those a horrible, deep, tragic loss to a family, to a mother, to a father, to a grandmother, to children. As a matter of fact, every single day in America there is a Columbine High School. Thirteen children are killed every day, an ordinary day. Yet, we tiptoe around the gun issue.

We have to deal with it, I say to my colleagues, in a fair way, not saying this is the only problem, but it is one of the problems.

People say, oh, in Columbine, there were laws; they just didn't work.

Not true. The young woman who transferred two guns to juveniles can stand behind the law. That was legal. I say it should not be legal to give juveniles guns. That is one example of a gun law we ought to pass.

Let's look at our laws concerning 18-year-olds in this country. If you are under 18 in this country, you cannot buy cigarettes, you cannot buy beer or wine. If you are under 18, you cannot buy whiskey and you cannot buy a handgun. But if you are under 18, you can buy any one of these long guns—a shotgun, a rifle, an assault weapon. You can.

That should not be the case. Oh, if a grandma or a grandpa or a mom or dad wants to give you a hunting rifle, that is OK. But they should have to buy it and supervise you. They should not be able to say: Here's some money, go to the gun show and pick up a long gun, if you are 15 or you are 14 or you are 13 or even 12, 11, 10, 9, 8, 7. I cannot believe people say we do not need any more gun laws when a juvenile can walk in and buy a deadly weapon when they cannot buy cigarettes, beer, whiskey or a handgun, but they can buy these long guns.

You say to me, oh, Senator BOXER, there's no interest in youth owning guns and the gun manufacturers don't peddle to the youth.

Let me show you an ad. We took this off the Internet. This is a Beretta, a painted gun which is part of their youth collection. I want to tell you what they say in the catalog about their painted gun in their youth collection. Think about what I am saying and what it invokes in your mind. This is what they say in their catalog:

An exciting, bold designer look that's sure to make you stand out in a crowd.

''An exciting, bold designer look that's sure to make you stand out in a crowd.'' What crowd are they talking about? It is surely not you and your grandma and your grandpa going out on a family hunting trip. That is not what it means. You decide what it means.

Anyone who tells you that the gun manufacturers are not looking at the youth, just take a look at this Internet page, the Beretta youth collection, and read what they say about standing out in a crowd. They are playing to the psychology of a young person: How can they be seen as different, special, more important.

There are some things we can do to address this. I want to reiterate a point. In our bill, we say, yes, if a parent—I say this to the Senator from Vermont—if a parent or a grandparent wants to give their child a rifle for hunting, in our amendment we say fine. But we do not want that 15-year-old or 14-year-old walking in and buying these guns or, for that matter, buying a used gun which would be more affordable on the street.

We have an opportunity to do something that is relevant to the lives of our people. Our people are looking to us. Yes, I think the Robb-Kennedy amendment is good. I am glad Senator HATCH is looking at it. There are good, important things in there: a national center for school safety and youth violence that will help our children, because it will provide a rapid response to violent shootings. It will establish anonymous tiplines for kids to call in if there is some trouble spotted by a youth but he or she is afraid to come forward and go public with the information. All schools will have safety plans. Senator KENNEDY talked about his contribution to that amendment which deals with conflict resolution and violence prevention, very important issues that we need to take care of.

I hope Senator MURRAY will offer her amendment to put more teachers in the schools. If we have these huge class sizes, these kids get lost in the shuffle. If we have smaller class sizes, we can pick out those kids who cause trouble.

There are just two more points I wish to make, and then I will yield the floor to my friends.

Senator DURBIN is leading an effort in the Appropriations Committee to add some emergency funding for our children: more cops in schools, more metal detectors, more afterschool programs, et cetera. I hope he will be successful. We have billions going for the military. We have billions for other purposes. What is more important than the safety of our children, or certainly as important as these other important needs. I hope we will do some of that. But if we do not, this bill becomes even more important, because it is our only hope for the future.

So what we will be seeing is a series of amendments, I assume from both sides of the aisle—I will be working on some of those— on the gun issue. I have talked about 18-year-olds. Also, I will be working with Senator KOHL on locks, child safety locks that would have to be sold with handguns. We need to reestablish the 3-day Brady waiting period. We need to increase the age at which you can buy an assault weapon to 21.

I close on this point. The majority in the Senate has shown a lot of compassion for business. They brought up the Y2K bill. Who will that help? Big business. They showed a lot of compassion for business when they brought the Financial Modernization Act to the floor. Who does that help? Big business—the big banks, the big securities companies, the insurance companies. They want to bring the bankruptcy bill to the floor. Who does that help? The big credit card companies.

That is fine. I do not have any problem with that as long as we in the process take care of the consumers, the people who use these services. But the other side has shown tremendous compassion for big business. I am asking them to show equal compassion for our children.

This is our chance. We just celebrated Mother's Day, and Father's Day is coming. What a perfect moment for us to seize this time—after the Columbine tragedy, after the Arkansas tragedy—and say enough is enough, and to vote out a well balanced bill that gives us the prevention, gives us the treatment, gives us the enforcement, gives us the tougher penalties,

addresses the gun issue in a sensible way, and we can all come out of here in a bipartisan way feeling that we have done something for our children and our families.

Once again, I thank my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am going to propound a unanimous consent request in just a minute.

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. 322

(Purpose: To make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of Violent Crime Reduction Trust Fund, and for other purposes)

Mr. HATCH. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. BIDEN, Mr. SESSIONS and Mr. DEWINE, proposes an amendment numbered 322.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Utah is recognized. The yeas and nays——

Mr. HATCH. I have another amendment.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 324 TO AMENDMENT NO. 322

(Purpose: To maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs)

Mr. HATCH. I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. GREGG, proposes an amendment numbered 324 to amendment No. 322.

Mr. HATCH. 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:

SEC. ___. SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the ''Safe Students Act.''

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

Mr. LEAHY. I ask for the yeas and nays.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 15 minutes.

Mr. LEAHY. Mr. President, reserving the right to object, I assume, unless the rules have been changed, there would be an equal amount of time on this side. Is that all right?

Mr. GREGG. Mr. President, I ask unanimous consent that there be 30 minutes of debate on my amendment, 15 minutes equally divided.

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, the amendment, which has been offered graciously by the Senator from Utah on my behalf, is an amendment which reflects action which this Senate has already taken which has been extremely positive in the area of dealing with the issue of how we protect our schools and our children who are in school.

Last year, this Senate, with great foresight, in the appropriations bill from the committee which I chair passed a funding proposal which I called the safe school proposal, which was bipartisanly agreed to and which was worked out through our subcommittee. Senator HOLLINGS, my ranking member, worked very hard on this. Senator CAMPBELL had a special role in this. Senator KOHL from Wisconsin had a special role in this.

We produced this piece of legislation, which is a step in the right direction, funded at the level of $210 million, for the purposes of setting up a grant program to allow schools to apply to the Justice Department for grants in order to address the issue of safety in schools.

Basically the grants were broken into three main goals. The first was for allowing police officers to work with schools as resource officers or as actual security officers within the school systems so there could be a merger of the law enforcement atmosphere and the teaching community in a way that was constructive and reinforced the positive nature of law enforcement within the school community.

The second function of this language was to fund technology basically to allow schools to put in place technology in order to identify hazardous things that might come into the schools such as weapons.

The third was to initiate prevention programs, which schools might come up with, which they felt would positively respond to the needs of the school community. This program, which a fair amount of work went into, was part of a larger program which our subcommittee has been undertaking to try to address the issue of safety and children. In fact, our subcommittee has been aggressively funding the National Center for Missing and Exploited Children, the Innocent Image Program the FBI has been running to catch child predators, Boys and Girls Clubs of America, Parents Anonymous, violence against women programs, safe school programs, Big Brother, Big Sister.

We have been funding a large number of initiatives. Programs which we found were working well we have tried to put money into, rather than reinventing the wheel.

The amendment I have offered today basically takes the ideas that we put into last year's appropriation bills, codifies them, authorizes them, and expands them to some degree, but basically works on the same framework, the initiative here, the Safe Schools Initiative. The concept of it is not for us at the Federal Government level to tell the local communities how they should protect their schools and how they should do a better job of addressing the issue of safety in schools. Rather, we wanted the local communities to come to us, the Federal Government, and say here is an idea we have. This is a creative, imaginative idea. We need some money to run it. Can you help us out with it?

Basically, it is a philosophy of giving flexibility to the local school districts in applying for these grants. We anticipated that these grants will be used for a lot of different things. There will be a lot of different ideas that come forward. We expect there will be proposals where money will be used to assist in training of parents, teachers, and law enforcement personnel in order to recognize early warning signs relative to the children who may have violent dispositions. We expect there will be funding that will be used for the basis of innovative research-based initiatives relative to delinquency and violence prevention in school programs. We expect there will be programs to assist schools, for example, if they decide to put in a uniform code. That is a local school district's decision. Where this grant will be of assistance is if a local school decides to go to a uniform code and it needs money in order to help folks in the school system who can't afford those uniforms, they can apply for these grants.

It will also support collaborations between community-based organizations, including faith-based organizations, which are doing a good job and have a demonstrated success rate of dealing with troubled youth. This is an area where we think there is tremendous fertile ground. We, of course, already are funding aggressively the Girls and Boys Clubs and Parents Anonymous and Violence Against Women and initiatives such as Big Brothers and Big Sisters, but there are a lot of other great ideas out there. There are people in Boston who have good ideas. There are people in New York who have good ideas, people out in California and the Midwest who have good ideas. These local community initiatives —grants have to come in through a school system—are tied into the school systems and are going to be assisting the school systems.

Those are proposals which we think will be very, very positive, and here is a place where they can get some funding to make them successful.

We actually, in this proposal, also give preference to proposals that come forward that are a joint effort between the law enforcement community in the town and the school system in the town. I think it is very important when we can join those two mainstays of the community together in a joint effort to try to address the issue of violence in our schools and especially how we deal with troubled children. Those types of programs we would expect to be funded and, in fact, get preference.

We also would expect that you will see funding for training people, people who work in the school systems, like teachers, bus drivers, janitors, to identify potential threats they might come across in the school system. We would expect that money might be used here for the purposes of hiring officers who would be resource individuals, police officers, resource individuals within the schools in order to help out and in order to bring safety into the classroom and into the hallways.

We also expect that money would be used for assessing security needs or for the cost of making improvements within school systems in order to address their security needs.

There are a lot of different initiatives which can result from this proposal. The point is that we already have the money in place. This is not a pie-in-the-sky, theoretical proposal. This is not something that is going to be authorized and not be funded. We have already funded this program to the tune of $210 million.

I regret, quite honestly, that the administration so far has not been able to get that money out to the communities. In fact, at last check, none of the $210 million which was appropriated last year and which was specifically addressed to safe school issues, such as putting police officers in the classroom, getting equipment to make sure schools are more secure, helping out with prevention programs, has actually been distributed. This is too bad. It reflects maybe a lack of attention to this issue by the administration. However, with the horrendous events that occurred in Littleton, we are now seeing that a lot of applications are forthcoming. Maybe there will be a higher level of awareness of this problem.

Basically, this is a proposal which I think obviously makes a lot of sense. This Senate actually already thought it made a lot of sense, because we voted for the money to be spent on this type of proposal. This authorizing language now makes the money that is already in the pipeline more specifically directed and puts in place authorization which properly accounts for how we proceed relative to the appropriations process.

It is obviously, in my opinion, a good step, an appropriate step, and something that should not be at all controversial.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. I have a question for my colleague. Would the Senator be willing to add this Senator from California as a cosponsor of his amendment?

Mr. GREGG. I would be honored to have the Senator from California as a cosponsor.

Mrs. BOXER. It is a good amendment, because I think it takes from some wonderful ideas that a lot of us around here have. I appreciate the Senator's offer.

The PRESIDING OFFICER. Who yields time?

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

Mr. LEAHY. Mr. President, it is very similar to what the Senator from New Hampshire and I worked on in the Appropriations Committee. This incorporates a number of things in an amendment I have planned for this bill.

I also ask unanimous consent to be added as a cosponsor.

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

Mr. GREGG. Mr. President, I thank the Senator very much, as the ranking member of the committee, for cosponsoring the amendment.

Mr. LEAHY. 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 the order for the quorum call be rescinded.

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

Mr. HATCH. Mr. President, I ask unanimous consent that following the debate on amendment No. 324, the Gregg amendment, that amendment be set aside, and Senator ROBB or his designee be immediately recognized to offer an amendment, the text of which is amendment No. 323, and that there be up to 30 minutes of debate. I also ask unanimous consent that at the conclusion or yielding of time, the Senate resume the Hatch-Biden-Sessions amendment No. 322 and the time be limited to 30 minutes equally divided; following that debate, the Senate proceed to vote on or in relation to the Gregg amendment, to be followed by a vote on or in relation to the Robb amendment, to be followed by a vote on or in relation to the Hatch amendment; and no other amendments or motions be in order prior to the three votes just identified.

Finally, I ask unanimous consent that following those votes, Senator DEWINE be recognized for up to 20 minutes, and then Senator LEAHY be recognized to offer an amendment, and no amendments be in order prior to a motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, my understanding is that the distinguished Senator from Ohio is not seeking recognition to offer an amendment but simply to speak.

Is that correct?

Mr. HATCH. That is correct.

Mr. LEAHY. That was the basis of the unanimous consent request.

Mr. HATCH. That is my understanding. That is right.

Will the Senator yield back the time?

Mr. LEAHY. Mr. President, I yield the time on this side in relation to the Gregg-Boxer-Leahy, et al, amendment.

Mr. HATCH. Mr. President, as I understand it, we will now proceed to the Robb amendment.

AMENDMENT NO. 325 TO AMENDMENT NO. 322

(Purpose: To provide resources and services to enhance school safety and reduce youth violence)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. ROBB and Mr. KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ROBB and Mr. KENNEDY, proposes an amendment numbered 325 to amendment No. 322.

Mr. LEAHY. Mr. President, I ask unanimous consent that further 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. LEAHY. Mr. President, under the unanimous consent agreement, what is the situation now?

The PRESIDING OFFICER. There is one-half hour equally divided.

Mr. LEAHY. Thank you, Mr. President.

Does the distinguished Senator from Virginia wish to yield any of his time at this point?

I yield the control of time on this side of the aisle to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Senator from Vermont. I had an opportunity prior to the offering of this amendment to make a statement about the amendment. I will give the other side an opportunity to speak.

Mr. HATCH. Mr. President, we have $1.1 billion a year in this bill, for law enforcement, for prevention, for safe schools, for parental empowerment. The distinguished Senator from Virginia wants to add each year an additional $1.4 billion on top of that. This is another marathon Federal bureaucratic solution to a local problem.

The first title creates a so-called National Resource Center for School Safety to the tune of $100 million. The director of this center is appointed by the head of the Department of Education, the Attorney General, and the head of Health and Human Services. This sounds to me very much like we are creating another Federal agency in a way that is duplicative of what is going on at the State level, something we have been trying to avoid in the whole 2 years we debated the juvenile justice bill.

For example, the funds of this center include such things as:

No. 1, an emergency response to do such things as helping communities meet urgent needs such as long-term counseling for students, faculty, and family.

No. 2, a national anonymous hotline. Many local areas are already establishing hotlines to accept calls from local students and other parties. Why on earth do we need a Federal hotline on top of the local community hotlines, a Federal hotline which is supposed to then relay the urgent messages to the local hotlines and officials? We are going to spend $100 million of taxpayer money in this bill for something already taken care of. Why not help the States establish their own hotlines, if they even need that help? This bill does that.

No. 3, training and assistance. This proposal has this new $100 million Federal bureaucracy helping local agencies develop a school safety plan—as if they can't do it themselves.

First, most local agencies already have school safety plans and they know how to provide for school safety a lot better than the bureaucrats here in Washington or, I might add, anybody standing or sitting here in the Senate. Most local agencies, since they already have school safety plans, don't need help from us.

Second, if a national model is needed, the Department of Education can identify a local education agency's particularly affected plan and send it out to the local jurisdictions so they can carry it out. That way, we have 50 State laboratories or in every school district a State laboratory rather than bureaucrats back in Washington telling us what to do. That ought to cost just a few thousand dollars compared to $100 million provided in this particular instance.

No. 4, the new $100 million Federal bureaucracy is supposed to act as a clearinghouse for research and evaluation. This information is readily available on the Internet. We do not need a Federal bureaucracy to administer this.

The bottom of this chart lists the number of Federal programs we already have in each of these particular areas: Training and assistance, 62; counseling, 62; research and evaluation, 55; violence prevention, 53; parental and family intervention, 52; support service, 51; substance abuse prevention, 47; planning and program development, 47; self-sufficiency skills, 46; mentoring, 46; job training assistance, 45; tutoring, 35; substance abuse treatment, 26; clearinghouse, 19; and capital improvement, 10. There are similar services in several department and agency programs funded in fiscal year 1998. The source of this information is the General Accounting Office as of 1999.

Under title 2 of this amendment, as I read this, this is a marathon new grant program to the tune of $722 million for areas such as educational reform. As you can see, we are already doing that. ''The review and updating of school policies.'' Can you imagine that? Why would anybody want to do this, when the State and local school board directors know exactly what they are doing? Why would we spend $722 million more on this? I might add, ''to review for the review and updating of school policies,'' whatever that means.

Title 3 in this bill includes alcohol and drug abuse prevention. That is already part of our bill. We have worked on this for 2 solid years. We have made every dime count and we have added plenty of money for prevention. Better than half of this bill is prevention money. It makes you wonder; you would never be able to outspend some of these people around here. It doesn't make any difference what is in the best interests of taxpayers; it is what is in the best interests of the political people who push these things.

Mental health prevention and treatment and early childhood development is something they want to do. This proposal includes a grant to address violence-related stress. Another element includes grants to ''the development of

knowledge on best practices for treating disorders associated with psychological trauma.''

Mr. President, mental health treatment is a very important area and one in which a lot of Members, including myself, have done a lot of work through the years. However, I have a concern about using this bill on school violence for a major new Federal mental health system at a cost of hundreds of millions of dollars when we have better than half of the bill now going for prevention purposes.

The final title of this bill is a $600 million increase in afterschool programs. I am not categorically opposed to directing more Federal resources to promote afterschool programs. I am concerned that this section is overly bureaucratic. We can better help schools by freeing them up from regulatory hoops. I think that is what we ought to do instead of doing this. I have been around here for 23 years. When committees work 2 solid years on this matter, the way we have, and we work with a leader on crime issues such as Senator BIDEN and with others on the committee in a bipartisan way to come up with prevention moneys that actually exceed the money for law enforcement itself, and do so to the tune of well over a half billion dollars a year, there is no need for this type of amendment which is just ''let's throw money at it'' and call it nice things—general things at that, if you will—even though almost everything this amendment proposes to do we already do in our bill and we do it in a fiscally responsible way and in a fiscally restrained way.

I am almost amazed that this amendment has been brought forth. At first I thought I might support it, because I thought they were talking about doing these things within the framework of what we have already done. But when I look at it and read it and understand it, it is just another way of throwing more money and beating our breasts, saying we have done something for prevention in the juvenile justice area when in fact we are doing plenty for prevention.

It needs to be known there is already $4 billion in the pipeline on prevention now, without the bill we have brought to the floor, the bipartisan bill we have brought to the floor. Now they want to add another $1.4 billion for these generalized programs that, literally, the States are taking care of in most instances, and if they have not, we have taken care of them in the underlying bill.

So I hope my colleagues will vote against this amendment, and at the appropriate time I will make a motion to table.

Mr. President, I yield the floor.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his steadfast leadership, his skill, and efforts on behalf of this legislation on which we have been working for 2 years. I hope now we are at a point where we can bring it to a conclusion. It passed last year out of committee with bipartisan support, 12 to 6.

We continue to have problems getting the bill up. I believe we will this time. There is support across the aisle. But I know there are those who believe we can somehow pass out a few billion dollars and we can prevent all crime in America. That is an awfully broad category, just to say ''prevention.'' What does that mean? How do you spend that money wisely?

My concept, as a prosecutor of 15 years, was to try to have the money where, first of all, our first focus would be to make sure the juvenile judges, who are seeing these kids come before them, have a full panoply of options with which to deal with them. They need to be able to drug test them. They need to be able to have them get drug treatment if need be. If they need to go to work camps, they ought to go to work camps or weekend work programs. If they need to have a boot camp, they ought to have that option. If they need to have detention, they should have that. Some do. I wish it were not so. So we have helped craft a bill to have the judge intervene effectively in the life of those youngsters when they first start getting arrested, when they first get in trouble with the law.

We have had a lot of talk and created this dichotomy, saying those kinds of programs are not prevention. I believe they are. I believe a program which has a school-based boot camp, like the one in my hometown of Mobile, that I have visited where kids go and have physical exercise, they have discipline, and they have intensive schoolwork on their level—it is working for them. They have after-care to make sure they do not slide back into bad habits after they leave. So I think we have a lot of good things going. I believe that is prevention.

We, in this legislation, have half the money going for what they, on the other side of the aisle, would say is prevention.

I want to show this chart. It says some things that are important. It was done by the University of Maryland at the behest of the U.S. Department of Justice. They did a prevention evaluation report. We have billions of dollars being spent on programs for high-risk youth to try to keep them from heading down the road of a life of crime. A lot of those programs work. A lot of them are not very effective. Our bill, Senator HATCH's bill, has $40 million to research programs to see if they are working.

They have already done some research. This is the study the Department of Justice, President Clinton's Department of Justice, did. They found most crime prevention funds are being spent where they are needed least. Is that not a horrible thing to say? We do not have unlimited budgets. I have learned that here. We talk in big numbers but there is a limit to how many millions of dollars we can spend on projects. The conclusion of their own study was, these prevention moneys are being spent where they are needed least. Second, they concluded most crime prevention programs have never been evaluated. Third, among the evaluated programs, some of the least effective receive the most money.

That is a real indictment of us. I hope this research and evaluation money we have put in this legislation will help confront that problem.

The amendment that has been offered to spend over $1 billion more on prevention—that effort is pretty troubling to me. There have not been intensive hearings on these proposals, as the Senator from Utah noted. We have not evaluated them carefully. In effect, it appears to me we would be throwing money at the problem. Our history tells us that is precisely what we ought not to do.

What we have found is there are $4.4 billion now in juvenile prevention money from 117 different programs, according to the General Accounting Office study done very recently on our behalf —117 programs. I used to be in the 4–H Club. Being in the 4–H Club was probably a good thing for me. I got to go to Auburn one time. That was big for me. I had the award for the best hog in Wilcox County. But now they have 4–H Club programs in inner cities, for crime prevention. It may work. But the Department of Agriculture has programs to build 4–H Clubs in the inner cities as some sort of crime prevention program. I have my doubts about whether those are the best ways to spend that money. We need to evaluate these programs.

What we found is that money actually dedicated to law enforcement programs for juvenile justice, a juvenile justice system which is in a state of collapse in America, is zero.

The PRESIDING OFFICER. All time for the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 2 extra minutes.

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

Mr. SESSIONS. Mr. President, this is what we are doing today. The juvenile justice system in America really does need to be strengthened. When young people are being picked up on burglaries, small-time offenses, they are treated as if they are in a revolving door. The court systems are overwhelmed. There is no detention. There is no alternative to schools. There is no treatment for many of them. As a result, we are not intervening effectively in these young peoples' lives. To say money spent—as we do in about half of this bill—to strengthen the court system and strengthen its ability to intervene effectively with young people is not prevention is an error. It is prevention. Almost every one of these mass-murdering young people who has gone into these schools—not almost, I believe every single one of them, because I have watched it—has had some prior

criminal record. Had they been effectively dealt with then, maybe they would not have gone on to these more serious offenses.

That is where we are. I wish we could afford to spend as much as the Senator would like to on this panoply of prevention programs. We simply are not able to do that. We battled for every dollar we could as the bill is today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, this bill is designed to address problems that are not being met at this particular point. The distinguished Senator from Utah makes the point that there are duplicative programs. There are many programs in many areas of the country, some statewide, some local, some in jurisdictions that can afford to provide the kind of services that this Senator would provide, but what this bill attempts to do and would do, if approved, is provide a national center which will provide the hotline services that many school districts simply cannot afford.

Many States are indeed putting hotlines together.

In my State yesterday, the Governor announced the establishment of a hotline, but a number of States do not have them; many local jurisdictions do not have them. This will provide for the States that do not have the resources to meet these needs, not only with respect to the hotline, but with respect to providing technical assistance, providing any kind of help that the particular school or students who recognize a need for assistance might designate.

It will not require anything. It will not compel any jurisdiction to take on any new responsibilities, nor use any of the facilities that are available. But it will provide at one place the kind of technical response which can respond to these emergencies when they occur so that we have the expertise immediately available in terms of emergency response, we have the type of expertise that can assist school systems and other districts in putting together their own plans to deal with problems that fall into this particular area.

With respect to the other part of the bill, I yield now to the distinguished Senator from Massachusetts, who is the author of that particular provision.

Mr. KENNEDY. Mr. President, as the Senator from Virginia has pointed out, this particular proposal reflects a total of less than a billion dollars. It will be another $722 million. It has in it the National Resource Center for School Safety and it also has the Safe Schools and Healthy Students Program.

There are Members of this body who think the solution to the challenges we are facing in our schools can be solved by putting more kids in prison and keeping them there. That may be the view of some Members of this body, but it is not the view of those law enforcement officials who are working in school districts across the country who are making meaningful progress.

We have not heard from those people in the Judiciary Committee because they have not been asked to testify. We ought to at least be willing to look at the results of some of the cities and communities across this country that have reduced violence, not only in schools, but in the communities and ask them what has worked. That might be a useful test around here for a change. That is just what Senator ROBB and I have done. We have asked what has worked, and we have tried to make a recommendation to this body about programs that work, that are supported by students, supported by parents, supported by teachers, and supported by law enforcement officials.

If this body does not want to invest in those programs, if it thinks that we can just provide more cops and they are going to provide the answers to the problems in our schools, vote this amendment down. But if you want to look at the experiences of cities and communities like we have seen in our own city of Boston where there has been only one youth homicide with a gun in the last 2½ years in 128 schools—that is the record—these are the programs that are working. It is very easy to listen to our colleagues talk about bureaucracy, saying: we don't want to have programs; we don't want to deal with all these other issues; let's just throw them in jail and throw away the key.

One of the most profound comments I heard yesterday in the Jeremiah Berg School in Boston, MA, is one of common sense and one that everybody in this body understands: You either pay for it early on or you pay for it later on. That is the question: Are we going to support those programs that are tried and tested and are working in our schools and working in our communities, or are we going to say, no, we are just going to dismiss them because they deal with mental health, because they deal with violence protection, because they deal with mediation, because they deal with things that are happening in schools that can make a difference in reducing violence.

The proposal we have offered, with the Leahy proposal and the one that Senator ROBB has suggested, tries to combine those programs that are going to be effective in law enforcement, as well as those that are going to be supporting children.

I have heard a number of young people in the last several days say, ''We are not interested in someone telling us and yelling at us. We want parents and we want our teachers to talk with us, to listen to us and to give us an opportunity to work with counselors to provide for some of the needs of people in our schools and in our communities.''

This particular amendment is targeted. It is based on an evaluation of programs that are working. The Safe Schools and Healthy Students Program provides for 50 school districts. We have expanded it to 200. I think we can expand it further.

One may say, why 200? Because that is the judgment we made based upon the quality of applications we have had in the Justice Department. That is how we reached these figures.

I reject the arguments made by the Senator from Utah about this program. I reject the suggestion that we are going to solve all these problems just by law enforcement alone, because that is the alternative. I think that is a viewpoint that has been demonstrated to be a vacant attitude based upon where the progress has been made in recent times in the communities that have done something about youth violence.

I hope we will accept the Robb amendment. I withhold the time. How much time do we have?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia be given 2 extra minutes.

Mr. ROBB. Mr. President, I will be happy to yield 2 minutes for a response.

Mr. HATCH. There were 2 extra minutes taken on our side.

Mr. ROBB. The Senator from Minnesota would like to respond as well.

I will say, again, to address the specific concern raised by the Senator from Utah with respect to the duplication, this is an effort to provide one-shot, one-stop assistance to States, localities, individuals and others who need assistance who are currently uncovered by any of the programs that are in effect.

If this program is as effective as we believe it can and will be, it may be that some of the other programs will ultimately be folded into this protection. We do not need 100 or several hundred different hotlines. They are desirable if the local jurisdiction can afford them. In this case, we will have a national clearinghouse, a national hotline. We will have the coordination of the Department of Justice and the Department of Education. That is what we are trying to accomplish in a single bill.

Mr. HATCH. Will the Senator yield on this point?

Mr. ROBB. I am pleased to yield to the Senator from Utah.

Mr. HATCH. Let me respond to my colleague from Massachusetts. Fifty-five percent of the $1.1 billion that we already have in this bill—keep in mind there is already $4.4 billion out there for prevention—is for prevention, and one of the major uses, discretionary uses, is mental health. What I do not want to do is create a whole bunch of new bureaucracies back here that are just duplicative with what is already going on. That is where I have my difficulty with what the Senator from Massachusetts does.

Mr. KENNEDY. Will the Senator yield?

Mr. HATCH. I will be happy to, but let me make one more comment. Go ahead. I yield.

Mr. KENNEDY. How do you think we administer SAMHSA? We are using existing programs. We are not creating new programs. This is the SAMHSA authorization, SAMHSA funding.

Mr. HATCH. Right, and we have well over one-half billion dollars for these purposes now.

Mr. KENNEDY. Under the SAMHSA program?

Mr. HATCH. No, discretionary use.

The Substance Abuse and Mental Health Service Administration is to be reauthorized this year. As I understand it, Dr. FRIST, Senator FRIST from Tennessee, and Senator MIKULSKI——

Mr. KENNEDY. And Senator KENNEDY had reauthorized that.

Mr. HATCH. And I am sure Senator KENNEDY will be helping, too. These people have been working on a bipartisan bill——

Mr. KENNEDY. As a proud supporter of that, this is what is going to work.

Mr. HATCH. S. 976, the SAMHSA reauthorization, is cosponsored not only by Senators FRIST and MIKULSKI but by Senators JEFFORDS, KENNEDY, DODD, DEWINE and COLLINS.

Now, S. 976 is the bill to consider these changes on substance abuse and mental health. I do not want to see juvenile justice go down because we start tinkering around with it here, when we have mental health as one of the permissible uses of this money, by throwing another $1.4 billion at it.

The PRESIDING OFFICER. The Senator from Virginia now controls the time.

Mr. HATCH. I ask unanimous consent that the distinguished Senator from Minnesota be given 2 minutes, and then we will move on to the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Two minutes will be added.

Mr. WELLSTONE. Mr. President, just very briefly, let me thank Senator ROBB and Senator KENNEDY and say to my colleague from Utah, I look forward to that reauthorization. My focus has been on mental health services. But I tell you, for the last 8½ years I have been in a school about every 2 weeks, and students talk all the time about the need to have more support services.

We can no longer view mental health services as icing on the cake. It is part of the cake. If we are serious about juvenile justice and we are serious about prevention, then we need to focus on what we can do.

When I meet with teachers and principals and education assistants, they all say to me, many children, in their very small lives, I say to Senator KENNEDY, even by first grade have been through so much that even the smallest class size, best teachers, and best technology will not do the job.

This effort, at the community level, to put a focus on mental health services and to have the coordination and make sure this is part of our approach to juvenile justice is right on target.

My final point. I have said it a thousand times on the floor of the Senate, and I will shout it one more time from the mountaintop: You can build all the prisons you want to and physical facilities; you will fill them all up, and you will never stop this cycle of violence unless you invest in the health and skills and intellect and character of children.

That is what this has to be about. That is what this amendment speaks to. And the vast majority of people in this country understand that essential truth. That is what this amendment is about. That is what this vote is about.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Is all time yielded back? Has the Senator from Virginia yielded back their time?

Mr. ROBB. How much time remains under the control of the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes 20 seconds.

Mr. ROBB. I yield to the Senator from Massachusetts such time as he may need of that 3 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I once again thank Senator WELLSTONE and others who have spoken on this. I just want to share with the Members of this body what has been happening in my home community with the implementation of the kinds of programs we have supported here, the programs that have been recommended by the chiefs of police in my town and in towns across the country.

Here we have the firearm homicides of people under 24 years of age in Boston: 51 in 1990; 38 in 1991; 27 in 1992; 35 in 1993; 33 in 1994; 32 in 1995. Then, with the implementation of these programs in the Robb amendment, in 1996, down to 21; 7 in 1997; 16 in 1998; and one in 1999.

Are we going to take what is working, what has been requested by law enforcement officials, what is demonstratively effective, or are we going to listen to the same old voices that say what we have to do is spend more time in locking up kids? That is the choice.

We need to say we are going to invest in and provide the kinds of programs that are supported by teachers, parents, schools, and law enforcement officials—programs that are effective and working. That is what the Robb amendment has done, and that is what it will do. It deserves the support of the Members.

We reserve our time.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I see the Senator from Delaware approaching. Does he desire to speak on this?

In that case, I think the differences have been explored. Once again, I suggest to you that this is an attempt to codify and collect in one place the wisdom of those professional agencies and institutions which we look to for guidance in this particular area to address the problem the distinguished Senator from Massachusetts has related to us and which all of us know in terms of our personal experience is a very serious problem that cannot be ignored and simply cannot be solved solely by locking people up, no matter how much we might think that actually addresses the problem.

So I would again observe that this is a desire to make a collective opportunity available for those institutions that may not have the resources to take advantage of the various provisions of this bill and to provide additional funding for a program that has been demonstrated to work.

With that, I yield back——

Mr. KENNEDY. Will the Senator yield?

Mr. ROBB. I yield whatever time remains to the Senator from Massachusetts.

Mr. KENNEDY. I hope the Senator from Utah will refer specifically to what provisions in his legislation refer to mental health, because we have not been able to find them. If he has them there, I would like to hear from him on it.

The PRESIDING OFFICER. All time on both sides has expired.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 322

The PRESIDING OFFICER. There will now be 30 minutes, equally divided, on the amendment of the Senator from Utah.

Mr. HATCH. Mr. President, there are three of us who are going to speak as proponents of the Hatch-Biden-Sessions amendment: Senator BIDEN, Senator SESSIONS and myself.

This amendment contains three major provisions and reflects a hard fought, bipartisan compromise among Senator BIDEN, Senator SESSIONS and myself. It demonstrates that S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, is a bipartisan bill in every sense of the word.

Before I describe the amendment, I remind the Senate of other provisions in S. 254 that are also the product of compromise and concession.

For example, in title I of the bill we included the reverse waiver provision in section 5032, at Senator LEAHY's request. This provision ensures that Federal district judges have the ultimate authority to decide whether a juvenile is tried as an adult in Federal cases.

Another major compromise is the juvenile delinquency challenge grant in title III of the bill. This block grant provides $200 million a year to the States for prevention programs. This provision was included in S. 254 to satisfy demands from some Members for additional funds for prevention programs.

Another compromise in S. 254 concerns the juvenile felony records provision. Last year's juvenile crime bill, S.

10, required States to improve and share juvenile felony records in order to qualify for the accountability block grant. At the urging of Senators BIDEN and LEAHY, we removed the record-keeping provision as a requirement for the accountability block grant. Instead, there is a separate grant for juvenile criminal records for States that choose to upgrade and share their juvenile felony records.

The first provision of the Hatch-Biden-Sessions amendment earmarks 25 percent of the accountability block grant in title III for drug treatment and crime prevention programs. These drug treatment funds will complement and reinforce the drug testing provisions in the accountability block grant.

In addition, this earmark provides funds for additional prevention programs, such as afterschool activities and gang prevention programs. This amendment, by earmarking 25 percent of the accountability block grant for prevention and drug treatment, demonstrates our commitment to prevention funding and ensures a balanced juvenile crime bill.

The second provision of the Hatch-Biden-Sessions amendment provides a $50 million grant to the States to hire prosecutors to prosecute juvenile offenders. The hiring of juvenile prosecutors was a permissible use of grant funds in S. 254 since the bill was introduced. Our amendment merely provides a guaranteed source of funds for State and local prosecutors to target juvenile crime.

The third and last provision of the Hatch-Biden-Sessions amendment extends the Violent Crime Reduction Trust Fund until the year 2005. By extending the Violent Crime Reduction Trust Fund, we will ensure that the Federal Government continues to provide valuable assistance to the States in the war against crime.

Programs such as the truth-in-sentencing grant, the local law enforcement block grant, the COPS program, are funded from the Violent Crime Reduction Trust Fund. I am proud to propose the extension of this trust fund.

I want to personally thank Senator BIDEN for the hard work he has done on this bill and in working with us in a bipartisan and good way. I am very proud to have him on this bill, because he has been a major participant in every crime bill since I have been in the Senate, as have I. I just want to make that clear on the record.

I also particularly express my gratitude and appreciation to Senator SESSIONS, the Youth Violence Subcommittee chairman. He has done a great job on this bill, and I believe he has more than earned his spurs with regard to his work on anticrime matters.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes 10 seconds.

Mr. LEAHY. How much time is remaining on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. HATCH. I am happy to yield to the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator for yielding, on my time, not on the time of the distinguished Senator from Utah.

Just so the distinguished Senator from Utah can hear this, I appreciate the fact that he has included many of the provisions in this bill I had argued for in the last Congress. I compliment him on that. I did that earlier today when I spoke, referring to the Hatch-Biden-Sessions amendment. I tell the distinguished chairman that as he and I are both people who believe in redemption, and I would say this is a long way from redemption, going from 1997 to 1999, but hope springs eternal, and he has included some of my provisions in this bill. I appreciate it.

I note that the original bill provided $15 million for primary prevention. This amendment would earmark another $112.5 million.

I understand the distinguished Senator from California, Mrs. FEINSTEIN, would like to be added as a cosponsor. Mr. President, I ask unanimous consent for that.

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

Mr. HATCH. Mr. President, if the Senator will yield, I am proud to have her as a cosponsor.

Mr. LEAHY. I think this is a positive step, by earmarking the other $112.5 million. I commend Senators HATCH and SESSIONS and BIDEN for this. It shows that our efforts over the last 2 years really have made a difference. Let us put this in context.

The rest of the bill also allocates over $330 million for law enforcement, $75 million for juvenile criminal history records, $20 million for gang fighting, and $50 million for prosecutors. In context, that is a total of $482.5 million for law enforcement compared to $112.5 million for primary prevention. S. 254 also provides $400 million for intervention programs after juveniles come into contact with the juvenile or criminal justice system. It is intervention money, not primary prevention money. It is important money, but it is not directed to primary prevention.

There is $50 million in the prosecutors grant fund. That is a proposal that was accepted in 1997 by the Judiciary Committee. My only concern is the money goes only to prosecutors, not to anyone else in the juvenile system. It doesn't go to counselors. It doesn't go to public defenders. It doesn't go to corrections officers. It doesn't go to juvenile judges. We have to examine closely the effects of this new prosecutors grant.

I want to make sure it doesn't exacerbate overcrowding in the juvenile system and the system does not break down; I pledge to now work with the Senator from Utah to see if there is a possibility of balancing the system in a fair way.

Overall, Mr. President, I thank the distinguished Senator from Utah, as I said, and the distinguished Senator from Alabama, the distinguished Senator from Delaware for adding the things we have requested for a couple years. I did want to point out, however, as I said earlier, anybody who has ever been in law enforcement will always tell you, if you can prevent the crime from happening, you are a lot better off in what you do after it happens. I wish there was more money for prevention. Money for law enforcement is well spent. I wish there was more money for prevention.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As I recall, I have 11 minutes remaining.

The PRESIDING OFFICER. Will the Senator restate the question?

Mr. HATCH. As I understand it, I have 11 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Let me say, prior to sending my amendment to the desk, I had agreed to drop some change that was of concern to the Appropriations Committee. The amendment at the desk does not contain this technical change.

AMENDMENT NO. 322, AS MODIFIED

Mr. HATCH. I ask unanimous consent to amend my amendment to reflect the change I promised Senator LEAHY and others I would make. The modification is at the desk.

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 yield 8 minutes to the distinguished Senator from Delaware and the remaining 3 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I apologize. I did not. Did the Senator yield me a specific amount of time?

The PRESIDING OFFICER. Yes, sir. He yielded you 8 minutes.

Mr. BIDEN. I thank the Senator.

Mr. President, there are a number of revisions that have been worked out here in the core bill that is before us. As the ranking member, Senator LEAHY, knows, and as the chairman knows, this began over 2½ years ago. We have come a long way. We have narrowed the gap between the position held by Senator HATCH and myself and by Senator SESSIONS and myself and many others. Primarily what the Hatch-Biden-Sessions amendment does, it takes the underlying bill and it does three or four, I think, very important things.

No. 1, it adds prevention uses to permissible uses of the so-called accountability block grant. When I am home

sometimes watching this on TV, I wonder how the people understand anything we are saying. What is an accountability block grant? What it means is that there is $450 million in this bill that we give to given States to be able to use for various purposes. One of those chunks of money, the $450 million, prior to the Hatch-Biden amendment, did not allow the money to be used for prevention. This allows, earmarks, requires 25 percent of it to be used for prevention. You have about $113 million that is to be used for prevention out of that grant.

In addition to that, it adds other allowable uses that we hope the States will do. That is, it allows them to use money for drug treatment, alcohol treatment, drug and alcohol treatment, school counseling, school-based prevention programs. Then, in addition, what it does is—in the Biden crime bill, which became the crime law of 1994, what we didn't do was we did not put in money for prosecutors. We found out, as the former Governor of Nebraska knows, what happens in a lot of these courts is we add more cops and they arrest a lot more people. There are not enough prosecutors, there are not enough judges, and there are not enough facilities. So the cops do their job, but the process gets bottlenecked. So we have $50 million in here, which was initially resisted, $50 million for prosecutors at a State level, State prosecutors, money for the States to hire prosecutors to prosecute juvenile justice cases and for the States to train them to in fact prosecute crimes in juvenile court, because that always takes the hind quarter of these cases. One of the things is, there is not enough resources devoted to pursuing these cases.

The prosecution of the case doesn't mean we are just putting more prosecutors here to send kids to jail. We are putting more prosecutors in here to resolve these sets of graduated sanctions the States have set up so there is a prosecutor following through and saying, this kid is going to go on a work project, this kid is going to go to the State reform school, this kid is going to have to pay restitution for what he did, this kid is going to, in fact, follow through on the sanction that the court is imposing on him. And we, the State, are going to be able to pursue this—we, the prosecutor in such-and-such a county or such-and-such a State.

Finally, and perhaps most important of all, I think the best thing we did in the crime bill we passed in 1994, the thing that people paid the least attention to but the thing I worked the hardest on was setting up a crime trust fund, a violent crime trust fund.

I remind everybody that we made a commitment with this administration and when the crime bill passed we would reduce the workforce of Federal employees. We would reduce that workforce, but instead of taking their paycheck and returning it to the Treasury, we were going to put it in a trust fund. So we reduced the Federal workforce by 300,000 people—the smallest Federal workforce since John Kennedy was President of the United States of America. We took that money and we put it in a trust fund that can only be used for the purposes outlined in the crime bill—for prevention, for enforcement, and for incarceration. It stopped us from bickering over how we are going to fund the programs.

We are not raising any new taxes to pay for this. We are not giving money back. We can. We could take this money that we are no longer paying the Federal employees in the Department of Education, or in the Department of Energy, or wherever—we could take their paycheck and give it back in terms of a tax cut, or we could take it and put it in this trust fund.

That is what has kept the funding of the 100,000 cops, that is what has kept the funding of the prison system, and that is what has kept the funding of the prevention programs. That expires in the year 2000. This will extend that violent crime trust fund to the year 2005.

Once we cut through all the specific things we could legislatively do, it is probably the single most significant thing we will do.

I thank my colleagues for agreeing to the compromise which includes extending that trust fund.

There are a number of pieces of this legislation that understandably—because this is a moving target—have in fact confused people.

My friend from Nebraska asked me the question about whether or not this federalizes juvenile crime, whether or not it sets a Federal aid limit at which you could try a young person as an adult that preempts State law. No, we don't do that.

It does say that in a Federal court, if a Federal prosecutor brings a case within Federal jurisdiction against a minor, they can in fact seek to try that minor as an adult under a certain set of circumstances. But it doesn't go in and say to the State of Nebraska or Delaware that you must in your State treat minors in terms of whether or not they can be tried as adults the same way the Federal system treats them. Some States try minors as adults at a much younger age. Some States don't allow minors under the age of 18 to be tried as adults unless it is under the most extraordinary circumstances.

The original legislation in iteration of four or five bills ago probably did do that. But we are not federalizing this notion of under what circumstances a person under the age of 18 can be tried as an adult. We are not allowing for Federal preemption where there is State and Federal jurisdiction. It is not an automatic preemption to the State by the Federal Government. We have built into this legislation a rational way of approaching that.

In the interest of time, I am not going to take the time to explain that now.

The PRESIDING OFFICER (Mr. CRAPO). The Senator's time has expired.

Mr. BIDEN. Let me sit down and thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I want to say that I am excited about where we are at this point with this legislation. It has been a 2-year struggle. Senator BIDEN is a great advocate and strong believer in his views. I have some strong views about it. I believe that at this point we have made a compromise, an agreement that both of us can live with, which will allow us to effectively respond at this time to assist State and local governments, State and local court systems and juvenile systems, and educational systems to better focus and better prevent and deter crime by young people.

I firmly believe we have seen over the last 20 years an extraordinary increase in the amount of juvenile crime in America. Hopefully, it will plateau out a bit. But between 1993 and 1997, juvenile crime was up another 14 percent and has been increasing even more rapidly than prior thereto. What we have is a piece of legislation which I believe will allow us to effectively deal with that.

Prevention: What is prevention?

A good, consistent court system that has credibility and respect among young people helps prevent crime. A court system that is known for not being credible does not prevent crime. Police officers tell me: They are laughing at us. They know we can't do anything to them. We have no place to put these kids. We have no detention, no punishment that we can impose. Nothing happens to them. We arrest them and they are let go.

That is what is happening too often in America. This bill will begin to turn the tide on that.

We will spend more money also on trying to prevent crime. I think we are making a good step forward. The House passed this bill. We passed it with bipartisan support last year in committee. I believe we will have a strong vote this time.

Thank you, Mr. President.

I again congratulate Senator HATCH for the outstanding leadership he has given as chairman of the Judiciary Committee and for his efforts to make this bill a reality. I thank him for his leadership.

Mr. HATCH. I thank the Senator.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 20 seconds.

Mr. HATCH. How much time in the opposition?

The PRESIDING OFFICER. Ten minutes 38 seconds.

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

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

Mr. LEAHY. Mr. President, I am not aware of anybody on this side who wishes to speak further. I am willing to yield back our time.

The PRESIDING OFFICER. All time is yielded.

Mr. HATCH. Mr. President, parliamentary inquiry: As I understand it, you have the yeas and nays on the Gregg amendment and on the Hatch-Biden-Sessions amendment but you do not have it on the Robb amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. When we get the yeas and nays on the Robb amendment, the amendments will be voted on, first the Gregg amendment, then Robb, and then Hatch-Biden-Sessions?

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I move to table the Robb amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to table will then be the second vote.

The first vote is on the amendment of the Senator from New Hampshire.

VOTE ON AMENDMENT NO. 324

The question is on agreeing to the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—94

Abraham	Byrd	Edwards
Akaka	Campbell	Enzi
Allard	Chafee	Feingold
Ashcroft	Cleland	Feinstein
Baucus	Cochran	Fitzgerald
Bayh	Collins	Frist
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bingaman	Craig	Gramm
Bond	Crapo	Grams
Boxer	Daschle	Grassley
Breaux	DeWine	Gregg
Brownback	Dodd	Hagel
Bryan	Domenici	Harkin
Bunning	Dorgan	Hatch
Burns	Durbin	Helms
Hollings	Lincoln	Sarbanes
Hutchinson	Lott	Schumer
Hutchison	Lugar	Sessions
Inouye	Mack	Shelby
Jeffords	McCain	Smith (NH)
Johnson	McConnell	Smith (OR)
Kennedy	Mikulski	Snowe
Kerrey	Murkowski	Specter
Kerry	Murray	Stevens
Kohl	Reed	Thurmond
Kyl	Reid	Torricelli
Landrieu	Robb	Warner
Lautenberg	Roberts	Wellstone
Leahy	Rockefeller	Wyden
Levin	Roth	
Lieberman	Santorum	

NAYS—5

Inhofe	Thomas	Voinovich
Nickles	Thompson	

NOT VOTING—1

Moynihan

The amendment (No. 324) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, so everybody will know, I ask unanimous consent that the remaining votes in this series be limited to 10 minutes each in length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. There will be 10 minutes per vote.

Mr. HATCH. Also, so everybody will know, immediately after the ending of the votes, Senator LEAHY will call up his amendment. That will be the pending amendment we will start on tomorrow.

VOTE ON AMENDMENT NO. 325

The PRESIDING OFFICER (Mr. ENZI). The question is on agreeing to the motion to table amendment No. 325. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Moynihan

The motion was agreed to.

VOTE ON AMENDMENT NO. 322, AS MODIFIED

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to amendment No. 322, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—96

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Allard	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Fitzgerald	McCain
Bayh	Frist	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burns	Helms	Roth
Byrd	Hollings	Santorum
Campbell	Hutchinson	Sarbanes
Chafee	Hutchison	Schumer
Cleland	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
Crapo	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden

NAYS—3

Kyl	Thompson	Voinovich

NOT VOTING—1

Moynihan

The amendment (No. 322), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 327

(Purpose: To promote effective law enforcement)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of myself, Mr. DASCHLE and Mr. ROBB.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for himself, Mr. DASCHLE, and Mr. ROBB, proposes an amendment numbered 327.

Mr. LEAHY. 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 printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Mr. President, I understand that under the previous unanimous consent request, when we come in tomorrow morning this will be the pending amendment. Is that correct?

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. LEAHY. Mr. President, I understand that when the Senate reconvenes in the morning, the Leahy amendment be the pending amendment with 1 hour equally divided with no other amendments in order. Mr. President, I understand this will be agreed to by unanimous consent in closing tonight.

I ask unanimous consent the pending amendment now be set aside.

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

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

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

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that Pete Levitas, a fellow assigned to the Antitrust Subcommittee from the Justice Department, be granted the privilege of the floor during the Senate's consideration of S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act.

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

Mr. DEWINE. Mr. President, I rise this evening in strong support of the bill before us. This juvenile justice legislation is a product of bipartisan work and bipartisan compromise. I believe it is a very valuable and long overdue measure that will tackle a major national problem.

Last week I spoke on the Senate floor on the need to find ways to reach out to young people and to hopefully save young lives. I said at that time that youth violence presents us with very difficult issues, really, for a public official to talk about because people, once you start talking about this issue, may think you, as the person who is talking, believe that you have ''the'' answer. So let me say again, right up front, I do not claim to have the answer. Evil is a mystery that exists deep in the human heart.

But if we do not have all the answers for the problems we see—what we saw happening in Littleton, for example—that should not stop us from trying to do something. I believe the juvenile justice bill we have before us, as well as many of the amendments which will be offered, will in fact save lives. The fact, the brutal fact of human existence, that we cannot come up with the answer does not excuse us from our moral responsibilities—our moral responsibilities, as legislators, as parents, as citizens. In fact, it increases our responsibilities. If we do not have ''the'' answer, we have to work harder to find answers, things we can do to make a difference, child by child by child.

This juvenile justice bill provides the Senate the opportunity to find some of these answers. Some of the things in the bill before us are certainly not glamorous, but I believe they will all be helpful. I believe they will save lives. In essence, the bill before us is designed to make sure our juvenile justice system and those who make decisions in that system have the tools they need to meet the challenge of a juvenile population that, tragically, is becoming more violent. I will focus briefly on some of the provisions I have been most involved in in putting together this bill and highlight how I believe they will make a real difference, addressing real problems facing juvenile justice systems across this country.

First, Senator SESSIONS and I have worked long and hard, along with the chairman, to provide $75 million to help States upgrade their juvenile felony record systems. I believe this is an especially important provision. As a former county prosecuting attorney, I can tell you, the decisions made by judges in our juvenile courts on juvenile offenders are only as good as the information on which they are based. The same is certainly true for judges in our adult criminal system. The problem is, the information that is available is not as complete, many times, as it should be. In fact, many times the information about the offender, about what the offender has done in the past, is simply nonexistent.

What am I talking about? We have had a tradition in this country that juvenile courts would all operate behind closed doors and the records of those courts would never be available. The reason, the rationale, was we wanted to protect young people; that young people could change and they should have a second chance, sometimes a third chance. All that makes sense and there is nothing wrong, even today, 1999, with that basic philosophy.

That philosophy, though, does not work when we are dealing with a 17-year-old, who is still a juvenile, who has committed a violent crime—let's say a rape—or a 16-year-old who has committed an aggravated robbery. It makes no sense to say that information about that individual will always be hidden.

Let me give Members of the Senate, my colleagues, a specific example. Let's say a 15-year-old in Xenia, OH, commits a serious offense. Let's say it is a violent offense. That 15-year-old is dealt with by the court and later moves, at the age of 17, to Adams County, Ohio. That juvenile then commits another offense. Under our current system, there is really no effective central depository of that information. There is one, but there is very little information in it. So the arresting officials in Adams County might not know that individual, several years before, had committed a serious offense in Greene County.

Let's take another example. Let's say the juvenile is 16 and commits an offense in Cincinnati, OH; several years later moves to Indiana and, as an adult, commits another violent offense in Indiana. The Indiana authorities may not necessarily know that juvenile—the person who was a juvenile, who is now 18, an adult—committed a violent crime several years before across the State line in bordering Ohio.

What this bill does is commit $75 million to local law enforcement agencies, to States to help them develop their criminal record system for juveniles.

We are not, by this provision, saying what a State should do. What we are saying, though, is that the State, by putting that information into a central computer system, will enable another State where that juvenile shows up, 2, 3, 5, or 10 years later, to be on notice as to what type individual this is, or at least they will know what crime, what serious crime, what violent crime this juvenile has committed. It simply makes sense.

It has been my experience that when we read about what I call horror stories in the newspapers, where we see someone who has been picked up by the police, and he is let out on bond, or she is let out on bond, and that person commits another offense or has been charged with an offense and has been convicted and gets a light sentence, and they commit another offense, most of those horror stories come from the fact that the police or the judge or the probation officer or the parole officer did not have the available information, didn't know what they were dealing with, didn't know what the criminal record was of that individual. Our bill goes a long way to address this problem. It gives local law enforcement the tools, it gives the judge the tools, so he or she can make a rational decision about bond or a rational decision about sentencing.

We need to make these records more accessible so law enforcement can keep closer track of kids who have been convicted of violent crimes. The tracking

provision I wrote, along with Chairman HATCH and Senator SESSIONS, will help do this.

If a State uses Federal funds to upgrade their juvenile records under this bill, all records of juvenile felonies will have to be accessible from the National Criminal Information Center. When it comes to making key decisions about juvenile offenders, judges, probation officers, police officers, need to make judgments based on the best possible information, and that is what this bill will give them.

One of my key priorities as a Senator, and as someone who started his career as a county prosecuting attorney in Greene County, Ohio, one of my priorities is to make sure the Federal Government does more to help law enforcement. That is where the action is. Mr. President, 95 to 96 percent of all Federal prosecutions is done at the local level by counties and States. They are the ones who do it—the police, the sheriffs' deputies, the local prosecutors. Anything we can do to help them will make a difference.

Helping set up a good system of records, good information on juvenile felons is one of the most important things we can possibly do to help them do their jobs more effectively, and this bill does it.

Let me turn to a second provision. We need to provide incentives to local governments to coordinate the services they offer to the kids who are most at risk, kids who may have already gotten into a little trouble, but who we believe can still be saved. This is prevention, and it is very, very important.

Here is the problem. Many times, juveniles who find themselves in juvenile court have multiple problems. Some of these problems may not come to the attention of the juvenile court judge, or if they do come to his or her attention, many times that judge does not have the resources, does not have the ability to treat that young person.

For example, a child may have both a psychiatric disorder and a substance abuse problem. A child may have been sexually abused, a child may have been physically abused, or any combination of four or five things. Many times, juvenile courts do not have the resources to detect or appropriately address these types of multiple problems. As a result, for too long, many children have been falling between the cracks of the court system. Many times these children are identified as the ''juvenile court's child.'' Many times we refer to them as a ''children services' child,'' or a local protection services agency child or maybe the child is under the auspices of the mental health system and sometimes the substance abuse system.

What we aim to do under this provision is allow the local community to come together with the juvenile judge and coordinate all of these services so that we can help these children. It is cost-effective and it is the right thing to do.

My proposal, which is included in this bill, will promote all across this country an approach that has been very successful in Hamilton County, Ohio, near Cincinnati; an approach that gives our most problematic children the multiple services they need under the overall coordination of the court system. These kids should not fall victim to bureaucratic turf conflicts. All of these children are our children.

The purpose of this initiative is to leverage limited Federal, State and local agencies and community-based adolescent services to help fill the large unmet need for adolescent mental health and substance abuse treatment in the juvenile justice system.

One of the things I learned when I started as a county prosecutor was that there is, in fact, many times a turf battle. There is a turf battle that occurs between the criminal justice system, in this case the juvenile justice system, the judge, his probation officer or her probation officer, and the social services agency—children's service is what we call it in Ohio—that protects children, or maybe the local mental health agency or maybe the local substance abuse agency. We have made progress in breaking down these walls, but what our provision in this bill does is accelerates that process and that progress.

If you talk to the judges, if you talk to the substance abuse counselors in most counties, they tell you there is a finite number of children who they have already identified who are the most problematic, who have the most problems, who need the most resources, who, if we do not deal with them now at the age of 13 or 14 or 15, are going to grow up and graduate into our adult system and are going to pose monumental problems for society for the rest of their lives.

Bringing the resources of the community together in a coordinated fashion to address the needs of these children is the right thing to do. We will not save all of them. We know that. But many of them can, in fact, be saved, and they can be saved if we care and if we approach this issue from an intelligent point of view.

The juvenile judge is key because the juvenile judge has the ability to get the attention of that young person. The juvenile judge has the ability to use the carrot and the stick in the sense of simply saying to the young person: Fine, if you don't want to go into drug treatment, I am going to commit you to the department of youth services for an indefinite period of time; I am going to put you, in essence, in prison. Or that judge can say to that young person: If you don't stay free of drugs for the next 2 years, and we are going to monitor you every 2 weeks and we are going to know whether you are on drugs or not on drugs —that type of approach where the juvenile court works with the substance abuse people, the experts in the field, or works with the mental health people. That coordination is absolutely essential when we deal with our most problematic children.

The idea for this, as I indicated, came from Hamilton County, Ohio. They have tried this. It works. They have identified 200, 300, 400 of the most problematic children. They meet regularly to talk about these kids and what they can do to get services to them. There is only so much money available. There are only so many services that can be provided. What we do with this provision is encourage local communities to get together and use that money in the most efficient and most effective way. It is the right thing to do. It is the most cost-effective thing to do.

In bringing this piece of legislation to the floor—and I congratulate Senator HATCH, Senator LEAHY, Senator SESSIONS, Senator BIDEN, and all those who have worked on this bill—we are making an important contribution to meeting a major challenge facing our communities.

I have mentioned just two key initiatives that will help our communities meet these challenges. Over the last several days, I have been working with several of my colleagues, including the Senator from Colorado, Mr. ALLARD; the Senator from Alabama, Mr. SESSIONS; the Senator from Idaho, Mr. CRAIG, and others on other initiatives that will help these children. These initiatives will be offered in the form of amendments over the next few days. These amendments will help, I believe, those people who are closest to troubled children—parents and teachers in particular.

I look forward to working on this bill and passing it and seeing it signed into law. Will it solve all the problems with juveniles? Of course not. Will it prevent all the Littletons that may occur or other tragedies that we have seen? No, there is no guarantee of that, but we do know, just to take one statistic, that the Littletons are replicated every single day in this country, quietly, silently, but tragically, because on average 13 children die every day just because of contact with guns. Most of them are homicides, a few of them are suicides, and some are accidents. That does not include all the other children who die violent deaths.

Our objective in this bill should be to try to reduce the number of children who die and who die needlessly. I believe we can do it. I believe we can make a difference.

We should not judge this bill, nor every amendment that is offered, by the test of would it have prevented one of the tragedies that is foremost in our minds. Some of the amendments would have, I think, but we will never know.

A more rational approach and more logical approach is simply this: Will the amendment that is being debated or the provision we are talking about or the bill itself save lives? I think the evidence is abundantly clear that this bill, as is written right now, will save lives. It will make a difference. I think we can improve it in the course of the next several days.

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. DEWINE. 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. FRIST. Mr. President, much of the Robb amendment (#325) to S. 254 is based on S. 976, the Youth Drug and Mental Health Services Act, which I introduced this past Thursday, May 6, 1999. Furthermore, the Robb amendment does not include S. 976 in its entirety, but rather includes portions of S. 976 along with several new provisions which I have not yet had a chance to carefully consider in the context of other provisions of S. 976. Therefore, I voted to table this amendment. As chairman of the Subcommittee on Public Health which has jurisdiction over these Public Health Service programs, my intent is to allow the Committee on Health, Education, Labor, and Pensions full consideration of S. 976.

I look forward to moving S. 976 through the normal legislative channels to ensure that we pass a balanced, commonsense measure to provide for greater flexibility in treatment services for children.

STATE DMV DIRECTORS' VIEWS ON TITLE BRANDING LEGISLATION

Mr. LOTT. Mr. President, the American Association of Motor Vehicle Administrators recently provided me with letters it has received from state motor vehicle administrators across the country on title branding legislation. As a collective group, DMV directors are looking to Congress to enact a balanced and responsible measure to combat title fraud. Legislation that is based on real world experience. Legislation that they can implement.

As my colleagues know, I reintroduced the National Salvage Motor Vehicle Consumer Protection Act, S. 655 back in March. This legislation is similar to the bipartisan title branding bill Senator Ford and I coauthored during the 105th Congress. Legislation that received 57 cosponsors and which overwhelmingly passed the House of Representatives with some modifications last October.

S.655 is an appropriate legislative solution to a growing national problem. A problem that costs millions of unsuspecting used car buyers billions of dollars and places motorists in every state at risk. Everyday, severely damaged cars are put back together by unscrupulous rebuilders who sell these vehicles without disclosing their previous damage history. They are able to shield the vehicle's history due to significant advances in technology and, in large part, because their is a hodgepodge of titling rules throughout the nation. They take repatched vehicles, or their titles, to states that have minimal or no salvage vehicle rules and have them retitled with no indication that the vehicle previously sustained significant damage.

The National Salvage Motor Vehicle Consumer Protection Act would help curtail title washing by encouraging states to adopt a model title branding program for salvage, rebuilt salvage, flood, and nonrepairable vehicles. The bill provides states with incentives to establish minimum titling definitions and standards. This is key. It is particularly aimed at that those states which need to bring their rules and procedures to a universally accepted minimum standard.

In 1992, as part of the Anti-Car Theft Act, Congress mandated the establishment of a Motor Vehicle Titling, Registration, and Salvage Advisory Committee to devise a model salvage vehicle program. The Salvage Advisory Committee, led by the U.S. Department of Transportation, issued its findings in February 1994. Its report recommended specific uniform definitions and standards for severely damaged passenger vehicles. It included a 75% damage threshold for salvage vehicles, anti theft inspections for salvage vehicles before they could be placed back on the road, and the permanent retirement of vehicles that are unsafe for operation and have no value except as a source of scrap or parts. The report recommended the branding of titles as the most appropriate method for disclosing a severely damaged vehicle's prior history.

Mr. President, Senator Ford and I simply drafted legislation that would largely codify the Salvage Advisory Committee's recommendations. Recommendations that encompassed the wisdom of all of the experts on titling matters. This committee of key stakeholders, led by the U.S. Department of Transportation, provided real world solutions to address title fraud and automobile theft. Solutions based on state motor vehicle titling trends—uniform titling definitions and standards that states would be willing to accept.

Senator Ford and I introduced a sound, reasonable, and appropriately balanced measure during the 105th Congress. It did not take sides. It did not codify the recommendations of one particular interest group. It did not benefit one group at the expense of another. Instead, it reflected a balanced, bipartisan consensus. Even so, a number of significant changes were incorporated during the last Congress to accommodate the concerns raised by certain State Attorneys General, consumer groups and others. I would like to highlight some of the revisions made by me in a good faith effort to satisfy the concerns expressed and to advance the bill.

The "Salvage" vehicle threshold was lowered from 80% to 75%—so that if a late model vehicle has sustained damage exceeding 75 percent of its pre-accident value, it would be branded "salvage. The bill also allowed a state to cover any vehicle regardless of its age.

The original bill did not allow conforming states to use synonymous terms. That has been stricken from the bill—so now states may use additional terms to define damaged vehicles. For example, a state can use the bill's "nonrepairable" definition and can also use another term such as "junk" if it wants to have a different definition to describe parts only vehicles.

The revised bill included a new provision granting state attorney's general the ability to sue on behalf of citizens victimized by fraud and to recover monetary judgements for consumers.

It included two new prohibited acts—failure to make a flood disclosure and moving the vehicle or its title into interstate commerce to avoid the bill's requirements.

Another new provision makes it clear that the bill will not affect any private right of action available under state law.

The bill clearly established that states could provide additional disclosures beyond those identified in the legislation.

At the request of Senator HOLLINGS, a new provision was added regarding the Secretary of Transportation advising automobile dealers of the prohibition on selling vans as school buses.

Instead of penalizing states for nonparticipation by withholding National Motor Vehicle Titling Information System (NMVTIS) funding, my bill now provides states with incentive grants to encourage their participation. This was a very good recommendation offered by the U.S. Department of Transportation. It takes into account the fact that 20 or more states will have received their NMVTIS funding by the time the bill becomes effective. These new grants can be used by participating states to issue new titles, establish and administer theft or safety inspections, and enforce titling requirements.

This voluntary approach also gets around the very real concerns that states and the Supreme Court have raised about Congress requiring states to legislatively adopt federal regulations. Remember, motor vehicle titling has been, up to this point, almost exclusively a state function. This revised approach also overcomes the strong possibility that preemptive federal titling rules and procedures would impose a significant federal unfunded mandate on states.

The revised bill also incorporates a change made by the House of Representatives last year which allows states to adopt an even lower salvage threshold if it chooses. It simply does not start the threshold at 65% which, while advocated by some, has been expressly rejected by states. I think it would be irresponsible for Congress to establish a minimum federal salvage threshold that is not in use anywhere and which states have maintained that

they do not want. S.655 provides a very reasonable compromise. Those who want a lower salvage threshold than 75% are free to work with state legislatures to convince them that a lower threshold in their states is warranted.

Also, at the request of the National Association of Attorney's General, S.655 includes provisions which require: the retail value of a ''late model vehicle'' to be adjusted by the Secretary of Transportation every five years; flood vehicle inspections to be conducted by an independent party; and the Secretary's establishment of a publicly accessible national record of conforming states.

Mr. President, I believe S.655 is the right legislative solution to address title fraud. It creates a model program based on balanced titling definitions and standards for salvage, rebuilt salvage, flood, and nonrepairable vehicles.

It does not violate the Supreme Court's rulings on federal versus state roles and responsibilities. Instead it establishes a voluntary titling framework.

It is not a federal unfunded mandate. Instead it provides states with seed money to encourage their participation.

It does not take away a state's NMVTIS funding or jeopardize the implementation of this system. Instead, it fosters maximum state participation in this important national title information system.

It does not harm consumers who own low value vehicles or cause motor vehicles to be branded unnecessarily. Instead, it adopts the reasonable thresholds recommended by the Salvage Advisory Committee and it focuses on severely damaged vehicles and pre-purchase disclosure.

It does not force otherwise repairable vehicles to be junked because of arbitrary thresholds. Instead, it subjects vehicles to a rational vehicle retirement standard based on a case-by-case determination. A standard employed by California, Illinois, and a number of other states.

It leaves intact state criminal penalties and causes of action without imposing significant additional burdens on the already overwhelmed federal court system.

Mr. President, the National Salvage Motor Vehicle Consumer Protection Act is a sound, reasonable, and workable title branding measure. This is not just my opinion, but the view of state motor vehicle administrators. These are the experts on the front line. The very people who would be responsible for administering the provisions of the National Salvage Motor Vehicle Consumer Protection Act.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters from state motor vehicle administrators on the issue of title branding legislation.

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

(See Exhibit 1.)

Mr. LOTT. I ask my colleagues to take heed of the wisdom offered by the many DMV directors who submitted comments on S.655 and other title branding proposals.

Congress needs to pass S.655, the National Salvage Motor Vehicle Consumer Protection Act, for America's used car buyers and motorists and for the people who have to administer titling rules.

EXHIBIT 1

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, March 22, 1999.

To: Chief Motor Vehicle Administrators, Chief Law Enforcement Officers
From: Kenneth M. Beam, President & CEO
Re: Introduction of Salvage Titling Legislation

I am pleased to report that Senator Trent Lott (R–MS) along with 13 co-sponsors recently introduced S. 655, the National Salvage Motor Vehicle Consumer Protection Act of 1999. This bill establishes national uniform requirements regarding the titling and registration of salvage, nonrepairable and rebuilt vehicles. AAMVA has worked closely with Senator Lott's staff to assure that the bill reflects AAMVA policy on uniform salvage definitions and procedures.

For the most part this bill mirrors language in S. 852, which was introduced by Senator Lott and supported by 57 members of the Senate in the 105th Congress. However, there are two major differences in S. 655 we would like to highlight. First, the bill does not require that states who receive federal funding from the Department of Justice for the National Motor Vehicle Title Information System (NMVTIS) to conform with the requirements of the bill or place a notice on the certificate of title that their state is not in compliance.

Second, the bill includes incentive grants for states that do carry out its provisions. S. 655 authorizes $16 million to states for fiscal year 2000. No state that is eligible for the grant shall receive less than $250,000. The ratio shall be apportioned in accordance with section 402, Title 23 of the U.S. Code. Any state that receives a grant under this section shall use the funds to carry out the provisions of this bill including such performance related activities as issuing titles, establishing and administering vehicle theft or salvage vehicle safety inspections, enforcement and other related purposes.

In addition, AAMVA has worked closely with other interested organizations to respond to concerns raised by the National Association of Attorneys General (NAAG). We are enclosing a copy of our response to those concerns.

If you have questions or comments, please direct them to either Linda Lewis, director of Public & Legislative Affairs or Larry Greenberg, vice president, Vehicle Services at 703–522–4200.

NATIONAL ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, March 31, 1999.

To: Chief Motor Vehicle Administrators, Chief Law Enforcement Officers.
From: Kenneth M. Beam, President & CEO.
Re introduction of companion salvage titling legislation.

A copy of Senator Lott's salvage legislation, the National Salvage Motor Vehicle Consumer Protection Act, S. 655, was recently forwarded to you for review and comment. AAMVA strongly supports this version, which mirrors the Salvage Advisory Committee's recommendations and current AAMVA policy. On March 23, 1999, Senator Dianne Feinstein introduced companion salvage legislation, the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678. We believe this bill will create a tremendous burden on jurisdictions to implement and will increase complexity and costs with regard to salvage definitions and standards without any corresponding gains in uniformity. In addition, many of its provisions are in conflict with AAMVA policy.

Many of AAMVA's concerns were addressed in the response to the National Association of Attorneys General Working Group (NAAG) who support similar provisions that are included in S. 678. Our comments to NAAG were included in the mailing dated March 22, 1999. However, we feel it important to highlight a few areas of major concern with S. 678. The bill: Establishes a 65 threshold for salvage vehicles; establishes a 90% nonrepariable threshold; establishes disclosure requirements for vehicles sustaining $3,000 of damage suffered in one (1) incident; requires states to comply with the legislation to receive federal funding for NMVTIS; and does not include incentive grants to states that implement the legislation as included in S. 655.

AAMVA's comments to NSSG provide more detail on these and other signs. Please review the companion legislation and forward any comments or concerns you have with the bill to Linda Lewis by April 15, 1999. Your comments will help ensure that the Association accurately represents the positions of state motor vehicle administrators. If you have any questions about the bill, please direct them to Linda or Larry Greenberg at 703–522–4200.

MARYLAND MOTOR VEHICLE ADMINISTRATION,
Glen Burnie, MD, April 12, 1999.

MEMORANDUM

To: Linda Lewis, AAMVA
From: Anne S. Ferro, Administrator
Re: National Salvage Act—SB 655

Attached please find Maryland's review of S. 655 as it relates to salvage laws in our state. Based on the review by several key program managers, we have affirmed Maryland's support for this bill. Although numerous consumer advocate groups and the National Association of Attorneys General (NAAG) appear to oppose the bill, it is in the best interest of law enforcement and consumers to have a bill that establishes national uniform regulations governing salvage.

We oppose S. 678 introduced by Senators Feinstein and Levin. As you state in your cover memo, the alternate salvage bill has constraints which would be very difficult to enforce.

Maryland also favors NMVTIS as the project will benefit law enforcement and Motor Vehicle Administrations in combating title fraud. Maryland is committing to reevaluating its participation in the program once the pilot program is up and running. Our withdrawal from the project last year was due to current costs involved and constraints relating to our title and registration system as well as Y2K.

Thank you for the opportunity to voice our support for S. 655.

Enclosure.

MEMORANDUM

To: Thomas M. Walsh, Director, Driver and Vehicle Policies and Programs
From: Eltra Nelson, Chuck Schaub, Victoria D. Whitlock
Date: April 7, 1999
Subj: AAMVA Legislative Alert: Introduction of S. 655: National Salvage Motor Vehicle Consumer Protection Act of 1999

As requested, we have reviewed the above-referenced Lott Bill S. 655 and, although there are differences between Maryland's laws relating to salvage vehicles and this bill, we are generally in agreement with the goals of the proposed legislation. As urged by Congress in the Anti Car Theft Act of 1992, there needs to be more uniformity in state title branding laws if we are to defer the criminal activities of the fraudulent rebuilders, who are thriving under the current patchwork system. We offer the following comments:

If Maryland intends to support this initiative, a decision must be made on the best way to proceed, as Maryland's current law is inconsistent with the provisions of the federal bill. Guidance from the Attorney General's Office would be helpful in charting our course.

Maryland MVA was one of the National Motor Vehicle Title Information System's (NMVTIS) pilot states, but due to technical problems (Y2K, plans to reengineer TARIS) we temporarily discontinued participation. It is the MVA's intention to resume participation once these problems are resolved.

S. 655 definition 33301(a)(1) ''passenger motor vehicle'' includes multi-purpose passenger vehicles, and certain trucks including a pickup truck of not more than 10,000 pounds for purposes of the salvage law. We agree with the rationale for expanding the definition in the context of what constitutes a ''salvage vehicle'' (see next bulleted item). MD TR law has separate definitions (11–144.1, 11–136.1, 11–171, 11–176).

S. 655 term ''salvage vehicle'' 33301(a)(2) means any ''passenger motor vehicle'' other than a flood vehicle or a nonrepairable vehicle which has been wrecked, destroyed, or damaged . . . Conversely, MD TR 11–152 definition of ''salvage'' refers to ''any vehicle that has been damaged by collision, fire, flood, accident, trespass, or other occurrence.'' Flood and nonrepairable vehicles are defined separately (3301(a)(6) and (12)) and do not qualify for a salvage certificate. As recommended by the Federal Advisory Committee, the definitions of salvage vehicles, nonrepairable vehicles, and flood vehicles should be mutually exclusive to promote consumer awareness and uniformity. The bill specifies that once branded, a ''nonrepairable vehicle'' can never be titled or registered for use on roads or highways. (Comparably, Maryland vehicles branded ''Not Rebuildable, Parts Only'' also cannot be converted into a title.) The bill also specifies that to avoid subsequent branding as a ''flood vehicle'', the owner or insurer must have the vehicle inspected by an independent party.

S. 655 permits any individual or entity to certify the amount of damage and costs of repairs to rebuild or reconstruct. MD Law allows only insurance companies to make this certification.

S. 655 ''late model vehicle'' means model year designation of or later than the year in which the passenger motor vehicle was wrecked, etc. or any of the six preceding years; OR, has a retail value of more than $7,500. To be classified as a salvage vehicle, the cost of repairs to rebuild or reconstruct the vehicle must exceed 75 percent of the retail value of the vehicle. Maryland brands vehicles less than 7 years old when damage is greater than fair market value as ''rebuilt salvage.'' Regarding the bill's 75 percent threshold, we agree with AAMVA's rationale: ''. . . the rule of thumb level of damage used by insurers in making a determination of whether to 'total' a wrecked vehicle is damage that exceeds 75% of a vehicle's pre-accident value.'' The bill permits states to use the term ''older model salvage vehicle'' to designate a wrecked, destroyed, or damaged vehicle that does not meet the definition of a ''late mode vehicle.''

S. 655 (33302) requires states who receive funds under 33308 to disclose in writing on the certificate of title, when ownership is transferred and when indicated by ''readily accessible'' records, that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was ''salvage, older model salvage, unrebuildable, parts only, scrap, junk, nonrepairable, reconstructed, rebuilt, damaged by flood, and the name of the State that issued that title.

Inspection decal—S. 655 requires the inspection official to affix a permanent decal to the driver's door jam after a passenger motor vehicle titled with a salvage title has passed the state required inspections. According to Corporal Dupczak, the Maryland State Police oppose the placement of a decal, because it can be removed; however, the law specifies the decal shall comply with the ''permanency requirements'' established by the Secretary.

Disclosure and Label: S. 655 (33303) A person, prior to transfer of ownership, shall give the transferee written disclosure that the vehicle is a rebuilt salvage vehicle. A label shall be affixed by the individual who conducts the applicable state anti-theft inspection in a participating state to the windshield or window of a rebuilt salvage vehicle before its first sale at retail. Note: We assume that the ''brand'' notation on the front of the title certificate would serve as the ''written disclosure.''

S. 655 (33302(c)) requires the USDOT to establish a National Record of Compliant States. The Secretary shall work with States to update the record upon the enactment of a State law which causes a State to come into compliance or become noncompliant with the requirements of this law.

Section 33308 provides for incentive grants of not less than $250,000 for each state that demonstrates it is taking appropriate actions to implement the provisions of this law.

Effect on State law: Unless a state, that receives funds under section 33308, is in compliance with 33302(c), effective on the date the rule is promulgated, the provisions shall preempt all state laws to the extent they are inconsistent with the provisions of this law, which:

Set forth the form of the passenger motor vehicle title.

Define, in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms ''salvage'', ''nonrepairable'', or ''flood'', or apply any of those terms to any passenger motor vehicle (but not to a part or part assembly separate from a passenger motor vehicle); (this requirement does not preempt state use of the terms ''passenger motor vehicle'' or ''older model salvage'' in unrelated statutes.

Set forth titling, recordkeeping, anti-theft inspection, or control procedures in connection with a salvage, rebuilt salvage, nonrepairable, or flood vehicle.

Nothing is this law may be construed to affect any private right of action under state law.

Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in this law, shall not be deemed inconsistent.

States receiving funds shall make titling information maintained by the state available for use in operating the National Motor Vehicle Title Information System (NMVTIS). Participating states, before issuing a certificate of title, shall perform instant title-verification checks.

Maryland designates the following brands:

SALVAGE BRAND	TITLE BRAND
Damage is greater than fair market value	This will cause the title to be branded REBUILT SALVAGE. Only vehicles less than 7 years old are to be branded when converted to a title. Once branded, the brand is to be carried through to subsequent titles.
Damage is equal to or less than fair market value	The title will not be branded. DO NOT ENTER XSALVG IN THE BRAND FIELD. THE TITLE IS NOT TO BE BRANDED.
Not Rebuildable, Parts Only, Not to be Retitled	Cannot be converted into a title.
Abandoned Vehicle Note: S. 655 does not provide for this category	This will cause the title to be branded REBUILT SALVAGE. This applies to all vehicles regardless of subsequent titles.
Out of State Salvage Certificate	This will cause the title to be branded XSALVAGE. The brand is to be carried through to subsequent titles.
Out of State Titles Branded; SALVAGE, XSALVAGE, FLOOD, etc	XSALVAGE will show in the brand field or the brand from the out-of-state title will be entered in the brand field. The brand is to be carried through to subsequent titles.

MICHIGAN DEPARTMENT OF STATE,
Lansing, MI, April 16, 1999.

Re: comments on companion salvage titling legislation.

LINDA LEWIS,
Legislative Director, American Association of Motor Vehicle Administrators, Arlington, VA

DEAR MS. LEWIS: After receiving Kenneth Beam's Legislative Alert last Friday regarding the recently introduced Companion Salvage Titling legislation (S. 678), we did our best to quickly review and compile comments from a variety of areas within our Department. We agree with AAMVA's assessment that this bill could be very problematic for states to implement, for a variety of reasons. Michigan feels very strongly that this bill should not move forward, and that any action on the subject of Salvage Titling should follow the direction of the AAMVA-sponsored Salvage bill (S. 655). However, given the tight timeframes for response and our need to solicit input from many areas of our Department, we have only had time for a very cursory review of this legislation. If this bill has any chance of moving forward, we would appreciate prompt notification, so that we can prepare a more detailed summary of our concerns and suggestions.

An over-riding problem with S. 678 is the lack of detail regarding the specific requirements that would be imposed. In its current version, S. 678 creates new terminology, categories, enforcement requirements, and other implementation language that seriously lacks detail with regard to actual requirements. This type of approach would leave definition of critical details up to the rules promulgation process, which is a major timing problem in that detailed concerns would not be addressed until after passage of the bill.

The proposed changes appear to be quite complex, as well as costly overall, and there is no provision for State funding. In addition, many issues would require State legislation that would be difficult to obtain, and difficult to implement, without a corresponding need or significant improvement as compared to the AAMVA-supported bill. Also, our Department is unable to take on any new initiatives requiring major data processing changes, due to Year 2000 and

other priorities, so these changes would frankly not be able to be implemented in Michigan within any reasonable timeframe.

Other more specific concerns include:

The companion bill would make substantial changes to Michigan's current definitions of ''salvage'' and ''scrap'' vehicles, adds requirements related to leased vehicles, and includes a definition of ''flood'' vehicles different from what AAMVA proposes. We see all of these issues as very problematic for Michigan, requiring State legislation that would prove difficult to pass, and would cause a variety of problems from an implementation standpoint—including major overhauls to our computer system, which is an unrealistic expectation.

Sellers of salvage, flood, or non-repairable vehicles would be required to provide written disclosure of these facts, which would have to be signed by the seller and the buyer. This is another issue that would require passage of State legislation, and would also be very difficult from an enforcement standpoint.

There are several potential title format issues, including requirements for attachments, that we see as being unworkable and quite difficult from an implementation standpoint.

As AAMVA has already pointed out, the new 65% threshold for salvage vehicles and the disclosure requirement for damages greater than $3,000 are both unworkable and unrealistic, especially given current vehicle values. These portions of the proposal also create problems related to those already mentioned, such as title format and computer programming issues, without providing a justifiable improvement to the system.

This proposal also allows a person who rebuilds a salvage or flood-damaged vehicle to certify its road-worthiness. This raises conflict of interest concerns. (By comparison, Michigan law requires a rebuilt salvage vehicle to be inspected by a specially trained law enforcement officer.)

Again, Michigan feels very strongly that the Companion Salvage Titling legislation introduced by Senator Feinstein has serious flaws, lacks crucial detail regarding implementation options, and poses nothing that would present improvements to the Lott bill already introduced and supported by AAMVA.

Please do whatever possible to ensure we are informed of any positive action on this bill. If you need additional details or have any questions on our position, please do not hesitate to contact me.

Sincerely,

JUDITH OVERBEEK,
Deputy Secretary of State,
Service Delivery Administration.

OFFICE OF MOTOR VEHICLES, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
Baton Rouge, LA, May 3, 1999.

AAMVA, Arlington, VA.

Attention: Linda Lewis

DEAR MS. LEWIS: In regard to the Salvaged and Damaged Motor Vehicle Information Disclosure Act. S. 678, the State of Louisiana has very serious concerns regarding many provisions, as follows:

The 65% threshold for salvage vehicles.

Definitions regarding non-repairable and major damage.

Secure paper disclosure requirements.

Lack of grant funds for implementation.

We believe that Louisiana has a good salvage title law in place. As a state that has been branding salvage and rebuilt vehicles for a number of years, it is frustrating to see legislation that will result in problems for our state. We've come so far in this area, the thought of increasing an already complex, cumbersome procedure is disturbing. This Act is another attempt to ''punish the bad guys'' with something that will, in reality, only ''punish the good guys.''

Thank you for the opportunity to respond, and I know you will convey our opinion that this legislation will not increase uniformity among the jurisdictions. It will merely place unnecessary burdens on state agencies who are already force to ''do more with less'' and trying to eliminate bureaucratic red tape, not create it.

Please keep us posted of any additional developments regarding this issue.

Sincerely,

KAY COVINGTON,
Commissioner.

S. 678—SALVAGE AND DAMAGED MOTOR VEHICLE INFORMATION DISCLOSURE ACT

No grant monies include, provision that if State does not comply State may not receive grant funds under 30503(c).

Definitions: Salvage—65% damage of retail value*; Non-Repairable—90% damage of retail value; and Major Damage—$3000.00 damage on one incident.

*Salvage can also be defined when designated by owner or when vehicle is transferred to insurance carrier in connection with damage.

Disclosure Requirement: Requires States to place a disclosure on title, within one year of passage of law, stating whether vehicle is salvage, flood damaged, non-repairable or substained major damage.

Disclosure must be on secure paper and must be treated like the conforming title and odometer law.

Dealers and lessors must retain disclosure for 5 years.

State must be notified of all vehicles that are unrepairable.

Requirements for Rebuilt Vehicles: (1) Certification of inspection from rebuilder stating condition of vehicle (must be on secure paper), and

(2) decal placed on door jam stating.

Non-Repairable cannot go back on road. May only be transferred to an insurance carrier, automobile recycler or dismantler.

After State receives disclosure of unrepairable that vehicle may not be licensed for use in that State.

Proposed law states that a person who owns motor vehicles that are used for personal, family, or household use shall not be liable for failure to provide disclosure, unless they have actual knowledge of requirement for disclosure.

STATE OF NEW YORK,
DEPARTMENT OF MOTOR VEHICLES,
Albany, NY, April 15, 1999.

LINDA LEWIS,
AAMVA, Arlington, VA

DEAR MS. LEWIS: In a March 31, 1999 memo to Chief Motor Vehicle Administrators and Chief Law Enforcement Officers, Mr. Kenneth Beam requested that comments and concerns regarding the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678, introduced by Senator Dianne Feinstein, be forwarded to your attention. This legislation is companion legislation to the National Salvage Motor Vehicle Consumer Protection Act, S. 655, introduced by Senator Lott.

Referring to S. 678 introduced by Senator Feinstein, the New York State Department of Motor Vehicles agrees with the concerns raised by AAMVA in their response to the National Association of Attorneys General Working Group (NAAG), specifically: The 65% threshold for damage in order to declare a vehicle a salvage vehicle; the 90% non-repairable threshold; the $3,000 limit of damages attributable to one (1) incident; the requirement of compliance in order to receive federal funding for NMVTIS; and the lack of incentive grants for states that implement the legislation.

The 65% threshold for damage in order to declare a vehicle a salvage vehicle is much lower than the 75% that we established through extensive discussions with the insurance industry and others in New York. Further, it is also lower than the recommendation made by the Presidential Commission established in 1992 from the Anti-Car Theft Act.

Due to the ever-rising expense of owning a new vehicle, the $3,000 limit for damages attributable to one (1) incident would result in a remarkably high number of vehicles labeled as salvage. With the average cost of a new vehicle approximately $22,000, a $3,000 limit for damages is less than 15%.

Lastly, Senator Feinstein's proposal requires states to comply in order to receive funding for NMVTIS and does not include incentive grants for states implementing the legislation. The Lott proposal does not call for compliance-based NMVTIS funding, and does offer incentive grants for implementation.

In short, the New York State Department of Motor Vehicles does not support the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678 introduced by Senator Dianne Feinstein, due to the concerns identified above.

Sincerely,

RICHARD E. JACKSON, JR.,
Commissioner.

IDAHO DMV,
April 15, 1999.

Lewis, Linda,
'lindal@aamva.org'.

Subject: S. 678 Diane Feinstein Proposal

Idaho's current statutes do not conform to the requirements of S. 678, and it is unlikely that legislation could be enacted to conform. Therefore, funding to implement NMVTIS in Idaho would be jeopardized.

It appears that he documentation requirements of S. 678 are onerous, much more all-inclusive than the implementation of the secure power of attorney processes. If disclosure documents are required to issue every title transfer, many transactions would be delayed, customers would be turned away and inconvenienced. Public perception of the DMV would suffer.

We are also concerned about the public resistance to non-registration of vehicles that have sustained damage that is 90% of the fair retail market value before it was damaged. For many older vehicles one dent would require that the vehicle go the crusher, even though it may be a fully operational and safe vehicle.

EDWARD R. PEMBLE,
Vehicle Services Manager.

OREGON DEPARTMENT OF TRANSPORTATION, DMV SERVICES,
Salem, OR, April 30, 1999.

LINDA LEWIS
Director of Public & Legislative Affairs, American Association of Motor Vehicle Administrators, Arlington, VA.

DEAR MS. LEWIS: Brendan Peters requested a letter from Oregon DMV regarding Senate Bill 678 and Senate Bill 655 pertaining to salvage of motor vehicles.

We are taking no position on either bill, but I hope the following comments on both bills will be helpful in your up-coming meetings with legislators.

SENATE BILL 678

1. Requires excessive paperwork for both the public and state agencies. For example, forms must be maintained for five years.

2. There is no allowance for any type of electronic process.

3. The 65% threshold for salvage vehicles is lower than all states' current threshold. Oregon has a threshold for salvage vehicles of 80% and many customers feel 80% is too high.

4. The definition of ''major damage'' may impact the majority of recent year model vehicles.

5. Requires compliance with this legislation in order to receive any funding for NMVTIS (National Motor Vehicle Title Information System). Tying NMVTIS funding to this legislation has potential to reduce the NMVTIS benefits if lack of funding prevents states from participating in NMVTIS.

SEANTE BILL 655

1. Has a lower impact to the public and state agencies.

2. Allows for an electronic process.

3. The anti-theft inspection, if required, could have significant workload impact.

4. There is no tie to the funding for NMVTIS.

5. There are provisions for an incentive grant to provide money to states to implement legislation.

We hope these comments can be used to assure that federal legislation on the salvage of motor vehicles accomplishes its intended purpose without undo hardships on the public and the states that must implement the law.

Sincerely,

MARI MILLER,
Manager, Program Services.

WISCONSIN DEPARTMENT OF TRANSPORTATION,
Madison, WI, April 14, 1999.

LINDA LEWIS,
AAMVA, Arlington, VA.

DEAR LINDA: I'm writing on behalf of the Wisconsin Division of Motor Vehicles to respond to your request for comments on the bill titled ''Salvaged and Damaged Motor Vehicle Information Disclosure Act'' (S. 678) introduced by Senator Feinstein.

Our concerns with this bill are:

DEFINITIONS

It applies to all motor vehicles; no limit on age or value.

Flood damage definition is water-line based like the Lott bill, but it doesn't go on to specify that electronic components must actually have been damaged.

The whole concept of ''major damage'' being defined strictly as a dollar amount ($3,000) with no provision for rising prices seems problematic. A late model luxury car could have very minimal damage with $3,000 repair costs, while an old economy car could be considered nonrepairable with $3,000 damage.

Like the Lott bill, salvage is defined both as a percentage of fair market value (65% in S. 678 and 75% in S. 655) and anything an insurance company pays a claim on and acquires ownership of. The Lott bill excludes theft recoveries unless damaged 75%. When we worked on Wisconsin's title branding law, insurance companies were very upset at salvage-branding what they called ''convenience totals.'' The insurance industry will probably object to that in these bills, too.

DISCLOSURE

S. 678 requires: written disclosure on secure paper of salvage, flood, nonrepairable or major damage (plus a description of each occurrence—attached to the title. Each reassignment needs its own disclosure statement. We've been trying to avoid attachments to the title and make all required disclosures on the title itself.

It looks like the disclosure statement could be made in the title assignment area if the format conforms with federal regulations (when they are promulgated).

It appears we'd need to have the attached disclosures whether or not there is something to disclose, which could mean lots of go-backs for incomplete applications.

REBUILDING AND INSPECTION

The restrictions imposed by this bill would seem to significantly reduce interest in rebuilding flood or salvage vehicles. The rebuilder is also the inspector in this bill and he or she must: Sign and attach to the title, a secure inspection certificate attesting that ''original manufacturer established repair procedures or specifications'' were followed in making the repairs and inspections; affix a decal to the door jamb or other conspicuous place; follow ''regulations promulgated'' describing qualifications and equipment required to do inspection certifications; follow ''regulations promulgated'' that establish minimum steps for inspection; and post up to a $250,000 bond (if required) to protect the public against unsafe or inadequate repairs or improper inspection certification.

So, the person who repairs a flood or salvage vehicle also inspects it for safety and quality of repair—but not anti-theft. There doesn't seem to be a provision for anti-theft inspection.

NONREPAIRABLE VEHICLES

Nonrepairable vehicles can't be registered and can only be transferred to an insurance company, automotive recycler or dismantler—and only for the purpose of dismantling or crushing.

So, the owner of a classic car that's damaged more than 90% of its fair market value has no choice but to have it dismantled or crushed—even if willing to pay whatever it costs to get it back to legal operating condition.

PENALTIES

A civil penalty of up to $2,000 may be charged for ''a violation''—the violation doesn't have to be ''knowingly and willfully'' performed.

However, if it is ''knowingly and willfully'' performed, the penalty is the $2,000 fine, or three years in prison, or both.

MISCELLANEOUS

We'd have to revise any of our laws that are inconsistent with this. We would be able to keep our other brands (manufacturer buyback, police, taxi, non-USA standard and insurance claim—if we revised the percentage to 30-65% damage).

Thank you for this opportunity to offer comments on the ''Salvaged and Damaged Motor Vehicle Information Disclosure Act.'' On behalf of the Wisconsin DMV, I hope our ideas prove useful. Please do not hesitate to contact me or Carson Frazier (with our Bureau of Vehicle Services at 608–266–7857) if you have any questions.

Sincerely,

ROGER D. CROSS,
Administrator.

STATE OF ALABAMA,
DEPARTMENT OF REVENUE,
Montgomery, AL, April 14, 1999.

MS. LINDA LEWIS,
Public and Legislative Affairs, AAMVA, Arlington, VA.

DEAR MS. LEWIS: Pursuant to President Beam's memo of March 31, 1999, we have reviewed S. 678 to ascertain its possible effects on Alabama. Below is a listing of problems observed.

1. The bill establishes a 65% threshold for salvage vehicles. Alabama has a 75% threshold to determine when a vehicle is declared salvage. In addition, the proposed legislation states that ''if the full cost of the damages suffered in 1 incident is attributable only to cosmetic damages, those damages shall not constitute major damage.'' Alabama has no such exemption for cosmetic damage when determining whether a vehicle qualifies as a salvage vehicle.

2. The bill has a specific definition for a ''flood vehicle.'' Alabama law does not distinguish between salvage vehicles that have been declared salvage due to flood damage and vehicles that have been declared salvage due to other events. Vehicles that suffer flood damage in Alabama are subject to the 75% threshold for a salvage vehicle and receive a salvage title if damage to the vehicle is equal to or greater than 75% of the retail value for the vehicle. Alabama law does not require a vehicle to be branded as a ''flood vehicle.''

3. The bill provides a definition for a leased vehicle that differentiates the vehicle from a non-leased motor vehicle. Alabama law makes no such distinction.

4. The written disclosure requirements mandated by the bill would be difficult to comply with when transfers involves repossessions, disposal of an abandoned motor vehicles, situations where ownership passes as a result of the death of an owner, non-voluntary transfers by operation of law and other situations where the transferor may not have personal knowledge of previous vehicle damage.

5. The bill's prescribed use of a secure power of attorney could prove to be burdensome in situations where there was a transfer between individuals who do not have access to the secure document.

6. The bill would be an unfunded mandate that would require a costly re-design of the Alabama certificate of title and the design and implementation of a new secure power of attorney document and secure inspection form. Additional costs would include: training costs for designated agents and reprogramming costs for county offices, automobile dealers, financial institutions, and insurance companies.

7. The disclosure requirements in the bill do not address vehicle damage that occurred prior to the proposed implementation date of the legislation. Therefore, it is unlikely that this information would not be readily accessible to transferor of the vehicle for a subsequent disclosure statement.

8. The bill does not clearly specify who is responsible for conducting a rebuilt salvage vehicle inspection.

In summary, the bill would be an administrative nightmare for the State of Alabama to implement. In addition, based upon the past experience of implementing the federal truth in mileage act, the gains in uniformity among states would be minimal for a substantial period of time and the costs would be both immediate and significant. If additional input is desired, please feel free to contact me at the address listed below or at telephone (334) 242–9013.

Sincerely,

MIKE GAMBLE,
Assistant Supervisor, Motor Vehicle Division/Title Section.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 10, 1999, the federal debt stood at $5,571,919,882,068.64 (Five trillion, five hundred seventy-one billion, nine hundred nineteen million, eight hundred eighty-two thousand, sixty-eight dollars and sixty-four cents).

Five years ago, May 10, 1994, the federal debt stood at $4,571,813,000,000

(Four trillion, five hundred seventy-one billion, eight hundred thirteen million).

Ten years ago, May 10, 1989, the federal debt stood at $2,765,710,000,000 (Two trillion, seven hundred sixty-five billion, seven hundred ten million).

Twenty-five years ago, May 10, 1974, the federal debt stood at $469,195,000,000 (Four hundred sixty-nine billion, one hundred ninety-five million) which reflects a debt increase of more than $5 trillion—$5,102,724,882,068.64 (Five trillion, one hundred two billion, seven hundred twenty-four million, eight hundred eighty-two thousand, sixty-eight dollars and sixty-four cents) during the past 25 years.

CONTINUING CAMPAIGN OF TERROR IN EAST TIMOR

Mr. FEINGOLD. Mr. President. I am dismayed to report to the Senate that the situation in East Timor continued to deteriorate over the weekend. The violence has become so bad that courageous human rights activists, lawyers, health workers and others have been forced to go into hiding. There are reports that thousands of East Timorese are trapped inside what one observer has called a ''concentration camp.''

This situation comes on the heels of several new developments. Last week, we had the unfortunate and ironic coincidence of several events on one day, Wednesday, May 5. On that day, the governments of Portugal and Indonesia, under the auspices of the United Nations, signed an agreement regarding the modalities of the planned August 8, 1999, vote on autonomy in East Timor. On that same day, the New York Times published a very significant op-ed by a key human rights lawyer, Aniceto Guterres Lopes, while at the same time, his house was surrounded by armed militias. And, still on the same day, I and several other Senators introduced S. Res. 96, a resolution to push for the Government of Indonesia to make a top priority the disarming of the very militias that seem to be terrorizing the region, among other actions.

Mr. President, on Sunday, May 9, 1999, the Washington Post published an excellent article that explains in horrifying detail just how bad the situation has become in East Timor. I ask unanimous consent that the text of the article be printed in the RECORD, and I thank the Chair.

[From the Washington Post, May 9, 1999]

A CAMPAIGN OF TERROR; ARMY-BACKED MILITIAS USE VIOLENCE TO SWAY VOTE ON E. TIMOR INDEPENDENCE

(By Keith B. Richburg)

The Indonesian military, through armed surrogates and paramilitary groups, is using intimidation, violence and the forced relocation of thousands of people to ensure that residents of East Timor do not vote for independence in a referendum Aug. 8, according to relief workers, human rights groups, Western military analysts and independent reporting here.

The actions of the paramilitary groups stand in sharp contrast to the central government's commitment in a U.N.-brokered agreement last week to allow East Timor's 800,000 people to choose their own future in a referendum, even if they decide to sever ties with Indonesia and become the world's newest independent nation. The government promised a free and fair vote.

Hundreds of Timorese independence activists have been killed or have gone into hiding after receiving death threats from army-backed militias. The main independence group, the National Council for Timorese Resistance has been wiped out in the capital, Dili; its downtown office is shut and its leaders are on the run. Militia members armed with machetes and homemade rifles roam the streets, carrying what is believed to be a death list with the names of prominent activists, human rights lawyers and even Catholic priests.

And in the most ominous sign yet that the military intends to engineer the outcome of the vote, 20,000 people have been herded from their mountain villages and are being held in this town as virtual hostages of the militia—creating a captive bloc of votes in favor of Timor remaining a part of Indonesia. Each day, the men are separated from the women, are forced to stand and sing the Indonesian national anthem and to wear red-and-white armbands and scarves, the colors of the Indonesian flag.

The police say these people are refugees fleeing the pro-independence guerrillas in the hills, who have been waging a low-level insurgency against Indonesian occupation for 24 years. But local relief workers in Dili—no foreign aid workers are allowed here—say they have been barred from traveling to Liquica to check on the condition of these people, who are living in makeshift tents, under tarps or in abandoned buildings. What little food they have is provided by the local government, and water is scarce.

Last week, a small group of reporters was allowed into Liquica to see the detainees and take pictures. But interviews outside the presence of the police or militia were forbidden, and most of the people seemed too frightened to speak. A few times, someone in the crowd shouted to the journalists a line not in the official script—one shouted, for example, that they did not have enough to eat—but they were quickly silenced by militia members who raced into the crowds after them.

The police commander for East Timor, Col. Timbul Silaen, had said in Dili earlier that reports of people being held captive in Liquica were untrue. ''At most, there are 100 [people being held], and they are from the pro-independence faction,'' he said in an interview.

LIKE A CONCENTRATION CAMP

But when journalists arrived in Liquica, they saw what appeared to be at least 20,000 people. The Liquica police commander, Lt. Col. Adios Salova, put the number at 10,000, but he insisted, ''They can go back to their homes if they want.''

''They've got Liquica like a concentration camp,'' said Dan Murphy, an American physician from Iowa working at a church-run clinic in Dili. ''They need help. These people are in desperate shape. . . . They're just sitting out in the open. It's a perfect setup for massive amounts of death'' from disease, with so many people without access to clean water and medical care.

Other Timorese relief workers said the kind of forced relocation seen in Liquica is being repeated on a large scale elsewhere in the territory. The goal, they said, appears to be to hold the detainees captive until the referendum, to create a large bloc of voters who will support a government-sponsored package that would give broad autonomy to East Timor, but keep it as a part of Indonesia.

''Their plan is to keep the people there and make sure they vote for'' autonomy, said Estanislau Martins, an official of the Catholic charity Caritas.

East Timor, a former Portuguese colony, has been a nettlesome problem for Indonesia since its troops invaded in 1975 on the pretext of stopping a civil war between rival Timorese factions. East Timor was annexed the following year as a province of Indonesia, but the United Nations never recognized the annexation.

For much of the past 24 years, Indonesia refused to budge on recognizing Timorese demands for independence. Displays of defiance were crushed, including a series of army massacres that are now etched in the psyche of Timorese. Human rights groups and Timorese activists estimate the conflict has killed as many as 200,000 Timorese. But for the most part, Timor has simmered on the back burners of international diplomacy.

All that changed this year, when President B.J. Habibie, who took power last May after the fall of longtime ruler Suharto, suddenly announced that Timorese could have independence if they rejected one last, broadened autonomy offer.

But while the civilian government in Jakarta was eager to rid itself of the East Timor problem, the Indonesian military apparently has other concerns. Senior military officers are known to fear that granting the territory independence will fuel separatist movements across the sprawling archipelago, particularly in the mineral-rich province of Irian Jaya, and in the troubled, Muslim fundamentalist-dominated province of Aceh on Sumatra Island. Troops have been fighting insurgencies in both those provinces, and the rebels have been emboldened by the government's concessions to the Timorese.

''It's national unity, and fear of national disintegration,'' said a Western military analyst.

The armed forces created the militias ostensibly to help keep the peace. But Timorese activists, human rights lawyers, and Western military analysts point to a more sinister purpose—to use them to create the appearance of a civil war in East Timor, while embarking on a campaign to terrorize and intimidate enough people to ensure a vote against independence.

WEAPONS OF TERROR

In recent weeks, the militias have rampaged unchecked in East Timor, killing and maiming suspected independence supporters and sympathizers. ''Ever since [Secretary of State] Madeleine Albright came [in March], it's been terrible,'' said Murphy, the American physician. ''Since then, they've decided to take a hard line, and bring out all the weapons of terror and intimidation.''

The most brazen attack was here in Liquica on April 6, when militiamen stormed a Catholic church sheltering hundreds of refugees. Tear gas forced the refugees into the open, where they were shot and hacked with axes and machetes; human rights groups recorded 57 deaths.

On the weekend of April 17, militias rampaged through Dili, driving out most of the independence supporters after a rally at the offices of Timor's Jakarta-appointed governor. The militia members burned down homes and shops in Dili's Becora market area, injuring scores of people.

''The militia is the military; they didn't do this on their own,'' said a man named Mateus, whose house was spared but who saw his neighbors' houses reduced to smoldering rubble. ''We saw their cars, and behind them was the military.''

The Western military analyst agreed that the armed forces control the militias, and are using them as surrogates. ''There's a big disconnect between what the leadership in Jakarta is saying and what's going on on the ground,'' he said. ''If [Defense Minister Wiranto] was unhappy with what's going on in East Timor, he would have fired some people.''

There are now at least 13 militia groups in East Timor, one for each of the territory's 13 districts, with names like Red and White Iron and Aitarak. The Western military analyst said the number now could be as high as 20. The Dili police commander, Col. Timbul, said each militia has about 5,000 members.

One tactic of the militia groups is intimidation of independence supporters. Militia posts have been set up just yards from the homes of human rights activists and other independence sympathizers.

Last Wednesday night, the Portuguese consul general in Jakarta, Ana Gomes, telephoned journalists in Dili to tell them that the Aitarak militia had surrounded the home of a prominent human rights lawyer, Aniceto Gutteres Lopes, director of the Legal Aid, Human Rights and Justice Foundation. The journalists, arriving in taxis just before midnight, found about two dozen militiamen outside Gutteres' empty home.

Gutteres and his family were discovered hiding in his back yard. He whispered to the reporters to stay and make sure he was not found, and to try to persuade the militia that he was not at home. He escaped, and has gone into hiding.

That episode was not unique; dozens of independence supporters, human rights workers and others have been threatened, have fled East Timor or have gone into hiding. Those who remain say they sleep in different houses each night.

Relief workers and foreign military analysts in Jakarta say the militias have a death list, with the names of prominent independence sympathizers to be killed between now and the vote, to guarantee the result the military brass prefers.

Matins, of Caritas relief agency, said he knows his name is on the list. ''It's all the key persons they say have to be killed,'' he said, cowering in his office after receiving an early morning warning of an imminent attack.

''They believe if they kill them all, they can win the elections.'' He said four priests are on the list, including the Rev. Francisco Barreto who heads the Caritas office. A man stands in front of bullet holes that riddled his home during an attack by a militia group in the East Timor town of Liquica. The militias, who are believed to have the support of the Indonesian armed forces, also rounded up an estimated 20,000 villagers who are being detained in the town. Members of this family are among thousands of East Timorese being held in tents and abandoned buildings in Liquica. It is believed that they will be pressured to vote against independence.

TAX FREEDOM DAY

Mr. MACK. Mr. President, I am here today because finally, Tax Freedom Day has arrived—the day the average American has earned enough income to cover his or her Federal, State and local taxes for the year. Only today—after one-third of the year has already passed—have our working men and women earned enough money to pay their taxes for the year! This is truly amazing, and it is also truly wrong.

Tax Freedom Day has moved successively later into the year for the past 7 years, as the Federal Government seeks to claim a larger and larger portion of the American family income. Since 1993, Federal tax revenues have grown 52 percent faster than personal income growth. And last year alone, Federal revenues grew 80 percent faster than personal income.

Florida's Tax Freedom Day is even later—Floridians will not finish earning enough to pay their taxes for the year until Friday, May 14. They also shoulder the 5th heaviest total tax burden in the country.

In 1999, Federal, State and local governments are projected to collect an average of $10,298 in tax revenue for every person in the country. This year, the Federal Government will collect more tax revenue as a share of GDP—that is 20.7 percent—than at any time since 1944. This is the highest level in peacetime history.

If that isn't enough to put the high Federal tax take into perspective, let me share with you a few examples of just how much taxes impede our freedom every day of the year.

I brought with me a daily tax clock to illustrate just how many different times we are taxed in ways we may not even realize. Think about the different things you do in the course of your average day. Planning your family's summer vacation? Forty percent of the cost of an airline ticket is taxes! When you drive to and from work today, 54 percent of the price of a gallon of gasoline is taxes. Did you call your mother on Mother's Day? Fifty percent of the cost of your phone bill is due to taxes.

Taxes infringe on our freedom—our freedom to work, our freedom to invest and our freedom to provide for our families. It is more apparent than ever that the mammoth Federal Government we have created will never be satisfied—if there is money to be had, the Federal Government will take it.

That is why it is more important than ever to provide tax relief to our families. We have a balanced budget, and soon we will be working with a Federal surplus. If the Federal Government has its way, this overpayment of taxes by the American people will be spent in Washington on new Federal programs. We need to give the American people their money back. I have proposed a tax plan which will do just that by, No. 1, providing tax relief for all American income taxpayers, No. 2, encouraging economic growth and, No. 3, ensuring U.S. technological leadership in the 21st century.

We need to ensure the United States keeps its status as an economic powerhouse in the next millennium. The Federal Government's role in ensuring this happens is to cut taxes and get out of the way to give the American people the freedom to pursue their own dream—not Washington's.

SOCIAL SECURITY LOCK BOX

Mr. FITZGERALD. Mr. President, twice, the Senate has failed to invoke cloture on the Social Security Lock Box. I am a cosponsor of this important amendment and I encourage all of my colleagues to join me in support for a Social Security lock box.

For several years, Congress has taken all the money out of the Social Security Trust Fund and spent it on other programs. In fact, through the end of last year, Congress has taken over $730 billion out of the trust fund and spent it all on other programs.

I believe that it is wrong to spend Social Security Trust Fund money on other programs. If a private corporation were to take money out of an employees' pension plan and spend it on something else, the executives of that corporation would, under Congress' own laws, be subject to prosecution and imprisonment. Why do we allow Congress to raid Social Security, the pension fund for all Americans?

Each time our government takes money out of the Social Security Trust Funds, it incurs a debt to these funds. To date, the government has incurred total debts of over $730 billion to the Social Security Trust Funds. The debts owed to these funds are included in the calculation of our total national debt which now stands at roughly $5.5 trillion. This debt, along with the program's massive unfunded liabilities, will ultimately have to be paid by future taxpayers.

The lock box proposal would ban Congress from spending Social Security Trust Fund monies on other programs (unless there is a super-majority vote to do so). Those who oppose the lockbox proposal want to continue spending Social Security Trust Funds on other new and unrelated programs.

While I believe that we need to take other steps to protect Social Security, I nevertheless believe that this lockbox provision is an important first step in ensuring the long-term fiscal health of our nation. By making it more difficult to spend Social Security Trust Funds on other programs, we will make it easier for ourselves to meet our obligation to Social Security in the future.

FINANCIAL SERVICES MODERNIZATION ACT

Mr. ENZI. Mr. President, I rise to speak briefly about the historic legislation passed in the Senate last week, S.900, Financial Services Modernization Act. I want to again commend Chairman PHIL GRAMM, the Senator from Texas for the outstanding work that he did leading us through the process of passing that landmark piece of banking reform legislation. Senator GRAMM is perhaps the most knowledgeable person on U.S. banking law. He was diligent in seeing that the action began last year in the Banking Committee came to fruition this year. He also took to heart the admonition we've given to the entire banking community to keep things in plain English. He simplified last year's bill, reduced it from 308 pages to 150 pages. Before we

began the debate on the Senate floor, he even had to undergo a massive demonstration at his house that was aimed not only at him, but at his wife. Which brings me to the subject I wanted to discuss—the Community Reinvestment Act.

Mr. President, I ask unamious consent that the May 11, 1999, article in the Wall Street Journal by former Federal Reserve Governor Lawrence B. Lindsey be printed in the RECORD.

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

(See Exhibit 1.)

Mr. ENZI. Mr. Lindsey points out quite correctly that the CRA provisions in S.900 are very modest. In spite of this, I continue to be amazed that the Administration and its supporters have demonized the bill because of the minor changes it makes to the Community Reinvestment Act, CRA. Yes, included in the bill are changes to the CRA. However, it does not dismantle, destroy or otherwise diminish the CRA. In fact, the amendments included in the bill should only strengthen the legitimacy of CRA.

You wouldn't suspect this, though, from the comments of the Administration. They claim that these provisions would utterly destroy the CRA. Since the Administration does not support the bill's structure that favors the Federal Reserve over the Treasury Department, they have instead garnered opposition to the bill over the CRA issue. They have gotten the community development industry to oppose a bill that the Administration opposes primarily because it does not expand the banking policy authority of the executive branch.

What I have become concerned about is a government policy that encourages a bank, as Lawrence Lindsay stated, ''to simply pay for a problem to go away.'' S.900 attempts to correct the abuse of the CRA by declaring a bank in compliance with the law if it has earned a ''satisfactory'' rating for three consecutive years. It would require individuals or groups to present some form of evidence to the contrary in order to prevent a merger or acquisition. This will help eliminate extortion, which only amounts to lining the pockets of a few select individuals. It should help ensure that the CRA is preserved for helping the communities instead of funding the extortionists.

I urge all to read the whole Wall Street Journal editorial.

EXHIBIT 1

[From the Wall Street Journal, Mary 11, 1999]

CLINTON'S CYNICAL WAR ON BANKING REFORM

(By Lawrence B. Lindsey)

Last week the Senate passed a bill overhauling the regulation of banks, including a provision sponsored by Sen. Phil Gramm (R., Texas), chairman of the Banking Committee, to reform the Community Reinvestment Act. Mr. Gramm's provision has stirred controversy, to say the least. Last month hundreds of ''community activists'' descended on his house, where they pounded on the windows, trampled the landscaping and left the yard covered with garbage.

The 20-year-old CRA requires banks to serve their entire community. Regulators take banks' CRA compliance into account when deciding whether to approve applications for mergers or expanded services. In the recent wave of bank consolidation, banks have made billions of dollars of loan commitments and signed agreements with numerous community organizations in order to be seen as complying with CRA.

HEAVY-HANDED TACTICS

Sen. Gramm has complained that many of these payments amount to little more than extortion sanctioned by federal bank regulators, a claim bolstered by the protesters' behavior at the senator's house. While the great majority of CRA activity is legitimate, some banks and their executives have been subjected to similar personalized and heavy-handed tactics with a demand that they sign agreements that, in effect, fund the protesters. Other banks find their mergers held up by legalistic protests until they pay up.

I helped write the current CRA regulations when I was a governor of the Federal Reserve, and I part company with Mr. Gramm on the degree to which the CRA encourages extortion. In fact, those regulations, implemented in 1996, were designed to reduce the potential rewards for such behavior. Most bankers and community development professionals agree that the regulations have been successful in that regard. Yet I think Mr. Gramm is getting a bum rap.

Mr. Gramm's proposed reforms are quite modest. You wouldn't know it, though, from listening to the Clinton administration and its supporters. President Clinton himself attacked the Gramm proposal in a February meeting with the nation's mayors. Treasury Secretary Robert Rubin, the Rev. Jesse Jackson and Ralph Nader all joined the chorus. The attack strategy worked. Regulators with whom I spoke said they believed Mr. Gramm was out to destroy CRA, although when pressed, they admitted they didn't know the details of his proposal.

When I spoke to a group of community-development professionals, there was stunned silence when I described how mild Mr. Gramm's proposals actually are. First, he proposes that a bank that has earned ''satisfactory'' ratings from the regulators for three years running be presumed in compliance with the law, unless evidence is presented to the contrary.

Second, he proposes that small rural banks be exempt from CRA. The banks that would be excluded under this plan have a total of 2.8% of all U.S. bank assets; the banks with the remaining 97.2% would remain subject to CRA. When we wrote the current CRA regulations, we recognized the burden they placed on small banks and carved out a streamlined examination procedure for them. Mr. Gramm takes this principle only a little further.

Why, then, is the administration demonizing Mr. Gramm? As with similar disinformation campaigns in the past, the attack is meant to draw attention away from an issue on which the administration is vulnerable. What is really at stake here is a separate provision of the banking-reform bill, concerning the question of which agency should regulate most banks—the Fed, which is independent of the administration, or the comptroller of the currency, who reports to the Treasury secretary. Mr. Gramm's bill, which passed on a near-party-line vote, favors the Fed.

Such a bureaucratic turf struggle is not the stuff over which nonbureaucrats go to the barricades. So the administration has instead rallied the troops with a campaign of exaggeration about the CRA. In short, the community-development industry is being used as a pawn by the administration in a power struggle with the Fed.

The worst part of this is that the community-development industry is finally coming of age. All around the country, community-development professionals are engaged in exciting partnership with forprofit organizations to rebuild the physical and social infrastructure of some of America's blighted areas. The best of these are run in a very professional and businesslike fashion; their management teams could compete with any in corporate America.

Unfortunately, much of the industry is still quite insecure, with deep memories of being caught between widespread private-sector indifference and an unresponsive federal bureaucracy led by the Department of Housing and Urban Development. And some of the more flamboyant leaders in community development, who cut their teeth in the radicalism of the 1960s, are quick to lead protest marches and demonstrate their feelings. They have been coopted as unwitting foot soldiers in bigger wars, such as the Comptroller-Fed battle and the feud between the mortgage-insurance industry and the secondary mortgage market.

In the long run, there is no alternative to a zero-tolerance policy with regard to extortion in CRA or the type of protest that occurred at Sen. Gramm's house. Such behavior poisons the well of goodwill that makes community reinvestment possible. The time has come for those responsible for the success of CRA to break their silence and make clear whether they want community development to be a business success story or just some politician's sound bite.

What is needed is a clear way to demarcate those who deliver real community development from those who deliver a mob outside a bank branch or senator's house. The best people to do this are the leaders of community groups themselves. In private, some of the most accomplished practitioners have told me how embarrassed they are about the events at Mr. Gramm's house. They have not shied away from using the term ''extortion'' to describe activity that clearly fits the definition. These people know that their good efforts are made more difficult by the extortionists; who misuse resources and give community development a bad name.

PET CAUSES

Banks themselves must also make clear that they will not pay for political favors or meet extortionists' demands. The intent of CRA is to ensure that an adequate number of loans are made in low- and moderate-income neighborhoods and that those areas have access to bank branches and other banking services. There is no requirement that civic or community leaders must say nice things about the bank or that the bank must contribute to those leaders' pet causes or even their own organizations.

It is often too easy for bank management to simply pay for a problem to go away. Regulators should make sure that this doesn't happen, by insisting that CRA-type payments made by bank management go for services rendered—such as loan referrals—and are not de factor political contributions or extortion payments. Regulators would not tolerate a bank management that violated the Foreign Corrupt Practice Act by bribing foreign officials. Nor should they allow bribes to community groups in the U.S. The administration, meanwhile, should stop using America's developing communities as pawns in its own bureaucratic battles.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

REPORT ON CERTIFICATION OF EXPORTING TO THE PEOPLE'S REPUBLIC OF CHINA SATELLITE FUELS AND SEPARATION SYSTEMS—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

In accordance with the provisions of section 1512 of Public Law 105–261, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, I hereby certify that the export to the People's Republic of China of satellite fuels and separation systems for the U.S.-origin Iridium commercial communications satellite program:

(1) is not detrimental to the United States space launch industry; and

(2) the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1999.*

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–2964. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Electronic Funds Transfer (EFT)'', received on April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2965. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Administrative Revisions to the NASA FAR Supplement'', received on April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2966. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled ''National Aeronautics and Space Administration Authorization Act, 2000''; to the Committee on Commerce, Science, and Transportation.

EC–2967. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a ''Request for Proposals for the Ecology and Oceanography of Harmful Algal Blooms Project'' (RIN0648–ZA60) received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2968. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report regarding bluefin tuna, for calendar years 1997 and 1998; to the Committee on Commerce, Science, and Transportation.

EC–2969. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report regarding highly migratory species; to the Committee on Commerce, Science, and Transportation.

EC–2970. A communication from the Chairman, National Transportation Safety Board, transmitting, a draft of proposed legislation entitled ''National Transportation Safety Board Amendments of 1999''; to the Committee on Commerce, Science, and Transportation.

EC–2971. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled the ''Voluntary Seafood Inspection Performance Based Organization Act of 1999''; to the Committee on Commerce, Science, and Transportation.

EC–2972. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to various transportation matters; to the Committee on Commerce, Science, and Transportation.

EC–2973. A communication from the Acting Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Americans with Disabilities Act Accessibility Guidelines; Detectable Warnings'' (RIN3015–AA24), received March 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2974. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–2975. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''The Performance and Registration Information Systems Management Project'' dated March 1999; to the Committee on Commerce, Science, and Transportation.

EC–2976. A communication from the Secretary of Transportation, transmitting, a report entitled ''Development of Plans For Responding to Aviation Disasters Involving Civilians on Government Aircraft'', dated March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2977. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Status of Activities which Respond to National Transportation Safety Board's Recommendations to the Secretary of Transportation'' for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–2978. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report of a vacancy; to the Committee on Commerce, Science, and Transportation.

EC–2979. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Implementation of the International Safety Management (ISM) Code''; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–84. A resolution adopted by the Land Use and Zoning Authority, City of Dearborn Heights, Michigan relative to pending federal land use and zoning legislation; to the Committee on the Judiciary.

POM–85. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, ongoing depressed prices at the market place for agricultural products have created an economic emergency for rural America; and

Whereas, an investigation into the causes of the crisis in the agricultural economy, including a full investigation of market competitiveness in livestock and crops and a reexamination of trade agreements is warranted and necessary; and

Whereas, action is necessary at the federal state level to stabilize this nation's food producers, main street businesses, and rural America as a whole: Now, therefore, be it

Resolved, by the Senate of the Seventy-fourth Legislature of the State of South Dakota (the House of Representatives concurring therein), That the South Dakota Legislature requests the following actions by the Congress and the executive agencies of the federal government:

(1) The commencement of vigorous antitrust investigations into the concentration of ownership in meat packing, grain handling, and retail agricultural operations;

(2) A block of the proposed Cargill-Continental Grain merger;

(3) Country-of-origin labeling of meat and meat products and a limitation of the USDA label to United States production;

(4) Mandatory price reporting for livestock and grain;

(5) Shift the responsibility for the regulation of packers and stockyards and enforcement of the Packers and Stockyards Act from the United States Department of Agriculture to the Justice Department;

(6) Inspections of imported agricultural products to ensure that such products have met standards equivalent to United States standards for food safety and environmental and worker protection; and

(7) Actions to ensure that farm and ranch producer interests are represented at the 1999 World Trade Organization negotiations.

POM–86. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 440

Whereas, federal legislation entitled the ''Conservation and Reinvestment Act of 1999'' has been introduced in the 106th Session of Congress which would provide financial assistance to meet the outdoor conservation and recreation needs of the American people; and

Whereas, funds received pursuant to the Act may be used for projects and activities related to air quality, water quality, fish and wildlife, wetlands, or other coastal resources, including shoreline protection and coastal restoration; and

Whereas, this measure, if enacted, would divert 50 percent of the Outer Continental Shelf Lands Act funds from the federal treasury directly to states to meet their outdoor conservation and recreation needs; and

Whereas, it is estimated that Virginia's allocation, if such legislation is enacted, would be $27 million;

Whereas, the money is to be allocated to both the Commonwealth and its eligible political subdivisions; and

Whereas, Virginia, as evidenced by its laws and the allocation of financial resources, has remained committed to protecting its environment and conserving its natural wildlife resources; and

Whereas, a partnership between the federal government and the states would further enhance the various efforts that states have made to protect their land, water, and wildlife resources; and

Whereas, the Land and Water Conservation Fund Act of 1965 embodied a visionary concept that a portion of the proceeds from Outer Continental Shelf leasing revenues and the depletion of nonrenewable natural resources should result in a legacy of public places accessible for recreation; and

Whereas, the demand for recreation and conservation areas, at the state and local level, remains a high priority for Virginians; and

Whereas, compleition for limited federal moneys has resulted in the states not receiving an equitable proportion of funds for land acquisition; and

Whereas, to develop a comprehensive conservation legacy that will not only protect open space but will also provide funding for sustaining the wildlife that use the lands, it is essential to establish a permanent funding source for state-level wildlife conservation, conservation education, and wildlife-related recreation programs that promote wildlife diversity; and

Whereas, through enactment of the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act, hunters and anglers have for more than 60 years willingly paid user fees in the form of federal excise taxes on hunting and fishing equipment to support wildlife diversity and abundance; and

Whereas, state, programs, conducted in coordination with federal, state, tribal, and private landowners and interested organizations, must serve as a vital link in a nationwide effort to protect and enhance wildlife diversity through comprehensive wildlife-management programs that benefit both game and nongame species; and

Whereas, the investment of these Conservation and Reinvestment Act funds in wildlife-related programs would support natural resources related to tourism and wildlife viewing that generate millions of dollars annually to the economy of Virginia: Now, therefore, be it

Resolved by the Senate (the House of Delegates concurring), That Congress be urged to enact the ''Conservation and Reinvestment Act'' which will provide federal matching funds for such projects; and, be it

Resolved further, That Congress be urged to enact the proposed House of Representatives version of the Act, House Resolution No. 701, that would raise the total diversion of Outer Continental Shelf Lands Act revenues to 60 percent by increasing the allocation of such revenues in the proposed Title II provisions from 16 to 23 percent and Title III provisions from 7 to 10 percent; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

POM–87. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 1616

Whereas, Economic sanctions hinder the export of agricultural products, exacerbating the transportation of such products and possibly lowering the price received by the Kansas farmer for such agricultural products; and

Whereas, The export of agricultural commodities has provided the United States the only positive return on its balance of trade; and

Whereas, The only way to ensure that a positive return on the balance of trade continues is to allow international markets to remain open; and

Whereas, The use of unilateral economic sanctions rarely achieves its goal, but cause substantial harm to the producers of products; and

Whereas, Not only do the sanctions imposed by the United States cause lost market opportunities for the Kansas farmer, but so do the unfair trade barriers and sanctions imposed on agricultural products by other countries; and

Whereas, The storage of grain on the ground in Kansas is just one example of the adverse affects sanctions have on agricultural products: Now, therefore, be it

Revolved by the Senate of the State of Kansas (the House of Representatives concurring therein): That Congress remove or restrict the use of trade sanctions as they apply to agricultural products and that Congress ensure that the use of trade sanctions will result in meaningful results;

Whereas, The export enhancement program is one tool which can expand foreign market opportunities; and

Whereas, If the Kansas farmer is to have the opportunity to prosper and grow, the agricultural products produced by the farmer must be able to reach foreign markets; and

Whereas, The stockpiling of grain is just one example of where the lack of access to foreign markets hurts not only the Kansas farmer but all American farmers and the economy of the United States in general: Now, therefore, be it

Resolved; That the secretary of the United States department of agriculture is urged to take greater advantage of the export enhancement program; and be it further

Resolved: That Congress work for the reduction and elimination of trade barriers and sanctions imposed by other countries against agricultural products; and

Whereas, Foreign meat and dairy products must be raised or produced under the same regulatory standards to ensure consumer health and safety as meat and dairy products raised and produced in the United States; and

Whereas, Numerous cattle producers have testified before the Kansas Legislature that this issue needs to be investigated and decided in Congress: Now therefore, be it

Resolved: That Congress pass laws that require country of origin labeling on foreign meat and dairy products with such labeling on the final consumer product; and

Whereas, Pork and beef associations presented resolutions and testimony on the need and value of mandatory price reporting; and

Whereas, Discriminatory pricing and retaliatory actions are unacceptable in an open market system; and

Whereas, Pork and beef associations also support a marketing system free from unnecessary government regulations; and

Whereas, Producers should consider participating in marketing alliances, cooperatives and other innovative methods of marketing livestock in order to focus on changing consumer demands and to regain market share; and

Whereas, Pork and beef associations support a system free of government restrictions on livestock ownership, unless such livestock ownership restricts free and competitive markets or is a violation of antitrust laws; Now, therefore, be it

Resolved: That Congress continue to investigate mandatory price reporting in the livestock industry and, if warranted, pass appropriate legislation that will assure a free and open market for our independent farmers and ranchers; and

Whereas, Concentration of segments of the beef and pork industries is occurring; and

Whereas, Such concentration must not result in lower commodity prices for Kansas farmers and ranchers and higher food prices for American consumers; and

Whereas, Pending mergers of grain companies could result in disproportionate control of the grain market; and

Whereas, Renewed investigative efforts, including enforcement of the antitrust laws, must be generated by the justice department and the packers and stockyards division of the United States department of agriculture to ensure the competitive market structure: Now, therefore, be it

Resolved: That the justice department and the packers and stockyard division of the United States department of agriculture enforce the antitrust laws in the livestock and grain industry; and be it further

Resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the Vice-President of the United States, Majority Leaders and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, the Secretary of the United States Department of Agriculture, the Attorney General of the United States and to each member of the Kansas Congressional Delegation.

POM–88. A resolution adopted by the Southern Governors' Association relative to the pricing of imported steel; to the Committee on Finance.

POM–89. A resolution adopted by the Southern Governors' Association relative to political self-determination for Puerto Rico; to the Committee on Energy and Natural Resources.

POM–90. A resolution adopted by the Southern Governors' Association relative to deepwater ports and inland waterways; to the Committee on Environment and Public Works.

POM–91. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION NO. 245

Whereas, Article I, Section 8 of the Constitution of the United States grants to the Congress the power to coin money; and

Whereas, many Americans are unaware of the provisions of the Constitution, one of the most remarkable and important documents in world history; and

Whereas, an abbreviated version of this essential document, consisting of the Preamble and the Bill of Rights could easily be placed on the reverse of the one-dollar bill; and

Whereas, placing the Preamble and the Bill of Rights on the one-dollar bill, a unit of currency used daily by virtually all Americans, would serve to remind the people of the historical importance of the Constitution and its impact on their lives today; and

Whereas, Americans would be reminded by the Preamble of the blessings of liberty and by the amendments of the historical changes to the document that forms the very core of the American experience; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the Congress of the United States be urged to direct that the United States one-dollar bill be redesigned to place the Preamble of the Constitution of the United States and the Bill of Rights on its reverse side; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–92. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 499

Whereas, the 10th Amendment of the Constitution of the United States specifies that ''the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people''; and

Whereas, the founders of this Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all other powers to the states and the people through the 10th Amendment; and

Whereas, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations and restrictions upon state and local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

Whereas, in 1995 the General Assembly of Virginia passed several resolutions strongly urging the federal government to observe the principles of federalism embodied in the 10th Amendment and to cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally delegated powers; and

Whereas, despite the General Assembly's admonitions, another attempt to disrupt the delicate balance between the powers of the federal government and the states occurred on May 14, 1998, when President Clinton issued Executive Order No. 13083, which dramatically changed the way the federal government deals with state and local governments; and

Whereas, the effect of Executive Order No. 13083 was to revoke previous protections for states from federal agency action and widen the areas for preemption and the imposition of federal mandates; and

Whereas, on August 6, 1998, in response to negative reaction from congressional, state, and local officials, President Clinton retreated from his position and announced the suspension of Executive Order No. 13083 on federalism; and

Whereas, Congress took further action to ensure the effective repeal of Executive Order No. 13083 by amending H.R. 4328, the omnibus appropriations act, to provide that no federal funds could be used to implement, administer, or enforce the executive order; and

Whereas, although a major assault on the principles of sovereignty was averted, the attack by the federal government on the principles of federalism does not appear to be abating; and

Whereas, many Virginia citizens, disturbed by these recent events and the federal government's unwillingness to limit its powers as required by the 10th Amendment, are calling for Virginia to reassert its constitutional right of sovereignty; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the General Assembly of Virginia reaffirm its notice to the federal government that the Commonwealth strongly opposes any effort to weaken the powers reserved to the states and the people by the 10th Amendment of the Constitution of the United States; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–93. A joint resolution adopted by the Legislature of the Commonwealth of Virginia to the Committee on Health, Education, Labor, and Pensions.

Whereas, the McCarran-Ferguson Act, passed by the Congress of the United States in 1945, established a statutory framework whereby responsibility for regulating the insurance industry was left largely to the states; and

Whereas, the Employee Retirement Income Security Act (ERISA) of 1974 significantly altered this concept by creating a federal framework for regulating employer-based health, pension and welfare-benefit plans; and

Whereas, the provisions of ERISA prevent states from directly regulating most employer-based health plans that are not deemed to be ''insurance'' for purposes of federal laws; and

Whereas, available data suggests that self-funding of employer-based health plans is increasing at a significant rate; among both large and small businesses; and

Whereas, between 1989 and 1993, the General Accounting Office estimates that the number of self-funded plan enrollees increased by about six million; and

Whereas, approximately 40–50 percent of the employer-based health plans are presently self-funded by employers, who retain most or all of the financial risk for their respective health plans; and

Whereas, as self-funding of health plans has grown, states have lost regulatory oversight of this growing portion of the health insurance market; and

Whereas, the federal government has been slow to enact meaningful patient protections such as mechanisms for the recovery of benefits due plan participants, recovery of compensatory damages from the fiduciary caused by its failure to pay benefits due under the plan, enforcement of the plan-participant's rights under the terms of the plan, assurance of timely payment, and clarification of the plan-participant's right to future benefits under the terms of the plan; and

Whereas, in the absence of federal patient protections, state-level action is needed; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the Congress of the United States be urged to either enact meaningful patient protections at the federal level with respect to employer self-funded plans or, in the absence of such federal action, amend the Employee Retirement Income Security Act (ERISA) of 1974 to grant authority to all individual states to monitor and regulate self-funded, employer-based health plans; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Department of Labor, the Congressional Delegation of Virginia, and to the presiding officer of each house of each state's legislative body so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–94. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 568

Whereas, the air transportation needs of the metropolitan Washington region are addressed through a finely balanced, comprehensive regional airport plan; and

Whereas, under that plan, Ronald Reagan Washington National Airport and Washington Dulles International Airport each perform a separate and unique function in that regional airport plan; and

Whereas, Ronald Reagan Washington National Airport functions as the local and regional airport, serving cities within a 1,250-mile radius; and

Whereas, Washington Dulles International Airport serves as the national and international airport; and

Whereas, significant local decisions about airport investment and development plans have been based on this locally and federally endorsed balance of traffic; and

Whereas, the allocation of roles to each airport under the plan has stimulated the growth and development of Washington Dulles International Airport; and

Whereas, the development of Washington Dulles International Airport has improved the quality of regional, domestic, and international air transportation for all citizens of the region; and

Whereas, the improvement in air transportation alternatives has brought to local passengers the benefits of increased competition in the form of competitive fares and a broad array of new service options between these two airports; and

Whereas, the region has benefited from investments by many new firms in Northern Virginia that have located to this area because of the presence of a major international airport, Washington Dulles International Airport, and the strength and continued viability of competitive air service offerings at both Washington Dulles International Airport and Ronald Reagan Washington National Airport; and

Whereas, the increased business activity has produced substantial economic benefits for the region; and

Whereas, a linchpin of this balanced regional air transportation system is the rule at Ronald Reagan Washington National Airport limiting flights to 1,250 miles from the airport; and

Whereas, as one of only four high-density airports in the country, Ronald Reagan Washington National Airport is subject to a ''slot rule'' reservation system which limits the total number of flights per hour to sixty; and

Whereas, changes to the perimeter rule would threaten air service to smaller communities within the perimeter that now enjoy convenient access to Northern Virginia by air; and

Whereas, the perimeter rule and the slot rule were enacted as Section 6012 of the Metropolitan Washington Airports Act of 1986; and

Whereas, legislation is being considered in the Congress of the United States that would provide for exemptions from the perimeter rule and slot rule; and

Whereas, any change in the current perimeter rule and slot rule would threaten the benefits now enjoyed by citizens of the region as a result of the balance of services among the regional airports, as well as threaten the existing noise mitigation policy that is provided with the slot rule; and

Whereas, maintaining the perimeter rule and the slot rule is critical to the continued effectiveness of the balanced regional air transportation plan; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the retention of the 1,250-mile perimeter rule and slot rule at Ronald Reagan Washington National Airport be supported and that any relaxation of, exemption from, or amendment to Section 6012 of the Metropolitan Washington Airports Act of 1986 or the regulations promulgated pursuant thereto be opposed; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, United States Senator John McCain, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–95. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 581

Whereas, on November 23, 1998, the Attorneys General and other representatives of forty-six states, Puerto Rico, the U.S. Virgin Islands, Northern Mariana Islands, Guam, and the District of Columbia signed an agreement with the five largest tobacco manufacturers which ended a four year legal battle with the states and the industry which began in 1994 when Mississippi became the first state to sue the tobacco industry; and

Whereas, the four other states had previously settled with the tobacco manufacturers which means that now all fifty states have settled with the largest tobacco companies; and

Whereas, over the next twenty-five years starting in June 2000, the states will receive an estimated $206 billion under the Master Settlement Agreement; and

Whereas, the states' agreement with the tobacco manufacturers focused on public health and youth access issues by prohibiting youth targeting, advertising, marketing and promotions, by banning cartoon character advertising, by restricting brand name sponsorship of events with significant youth audiences, by banning outdoor advertising and youth access to free samples, and by creating a national, foundation and a public education fund; and

Whereas, this agreement also changed the corporate culture of the tobacco industry by requiring the industry to make a significant commitment to reducing youth access and consumption, by disbanding tobacco trade associations, by restricting industry lobbying, and opening the industry records and research to the public; and

Whereas, the tobacco settlement provided for court jurisdiction for the implementation and enforcement of the Tobacco Settlement Agreement amount the states; and

Whereas, federal legislation was not required or needed to implement the Master Settlement Agreement which has been reached by the five largest tobacco manufacturers and all fifty states; and

Whereas, certain elements of the federal government in the U.S. Department of Health and Human Services have attempted to stake claim to the states' Tobacco Settlement dollars under the existing Medicaid law claiming recovery made on behalf of Medicaid clients should be shared with the federal government based on the federal Medicaid match in the states; and

Whereas, the states have settled with the tobacco industry with no help from the federal government; and

Whereas, there may be a temptation by some to seize this large sum of dollars that has been agreed to by the states and the tobacco industry; now, therefore, be it.

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact legislation to prevent the seizure of state tobacco settlement funds by the federal government, and that the federal government be urged not to interfere in the tobacco settlement which has been reached between the fifty states and the largest tobacco manufacturers; and, be it.

Resolved further, That the Congressional Delegation of Virginia introduce legislation to ensure that this occurs; and, be it

Resolved Finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Congressional Delegation of Virginia so they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–96. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 598

Whereas, Virginia ranks second in the nation in the amount of municipal waste imported from other states and the tonnage imported is likely to increase as other states close landfills; and

Whereas, Virginia has ample public and private municipal waste disposal capacity for waste generated in the Commonwealth; and

Whereas, the negative impacts of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occur not just at the location of final disposal but also along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

Whereas, the importation of waste runs counter to the repeatedly expressed strong desire of Virginia's citizens for clean air, land, and water and for the preservation of Virginia's unique historic and cultural character, and it is essential to promote and preserve these attributes; and

Whereas, the Commonwealth has demonstrated the ability to attract good jobs and to promote sound economic development without relying on the importation of garbage; and

Whereas, in 1995, 23 governors wrote to the Commerce Committee of the United States Congress urging passage of legislation allowing states and localities the power to regulate waste entering their jurisdictions; and

Whereas, legislation is pending before the Commerce Committee that would provide states and localities with the authority to control the importation of waste, a power that is essential to the public health, safety, and welfare of all citizens of Virginia; therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact legislation giving states and localities the power to control waste imports into their jurisdictions. The study shall include: (i) a ban on waste imports in the absence of specific approval from the disposal site host community and governor of the host state; (ii) authorization for governors to freeze solid waste imports at 1993 levels; (iii) authorization for states to consider whether a disposal facility if needed locally when deciding whether to grant a permit; and (iv) authorization for states to limit the percentage of a disposal facility's capacity that can be filed with waste from other states; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–97. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 640

Whereas, areas are now capable of having more than two cellular service providers in a single area; and

Whereas, the northern sections of Buchanan County and the section of Dickenson County that includes the Breaks Interstate Park are not currently included in the local cellular calling area administered by ALLTEL Corporation; and

Whereas, the communication system must be considered as highways that separate those parts of Buchanan County and Dickenson County from the Cumberland Plateau Planning District, the Virginia Coalfield Coalition, the Coalfield Economic Development Authority, and the Coalfield Regional Tourism Authority; and

Whereas, the current local cellular calling area divides Buchanan County and removes it from the planning and growth activities of surrounding localities in regional Southwest Virginia; and

Whereas, significant efforts to bolster the lifestyle and prosperity of this region are underway and depend on the availability of reliable and affordable telecommunications, with such service especially needed for the Appalachian School of Law, which is beginning its second year of training attorneys, and the Breaks Interstate Park, which attracted over 420,000 visitors last year; and

Whereas, these and other developments require telecommunications service that will enable the region to continue to grow; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to direct the Federal Communications Commission to study the feasibility of including all of Buchanan County, Virginia, and all of Dickenson County, Virginia, into the Southwest Virginia Network; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional District of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–98. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 649

Whereas, encryption technology plays a pivotal role in protecting and enhancing the privacy and security of communications over the Internet, especially those containing personal information or information of commercial value, from criminal and other unwarranted intrusion or interference; and

Whereas, each citizen should be free to employ the level of encryption technology he sees fit to protect the privacy and security of his communications over the Internet; and

Whereas, the ability to use encryption technology will provide safe, secure, and private transactions via the Internet; and

Whereas, because such transactions will enhance electronic commerce, the use of encryption technology by private and corporate citizens should not be curtailed for any legitimate purpose; and

Whereas, there is pending in the United States House of Representatives the Security and Freedom through Encryption Act, which substantially eases federal export controls on American cryptographic products; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That availability and unfettered usage of strong encryption technology for any legitimate purpose will enable and facilitate the growth of the information economy and therefore should be encouraged and supported by government at all levels; and, be it

Resolved further, That the Congress and the President of the United States be urged to take immediate action to revise the current federal export controls on the export by American companies of cryptographic products; and,be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives and the President pro tempore of the United States Senate, and to each member of the Congressional Delegate of Virginia that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–99. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 650

Whereas, the federal Individuals with Disabilities Education Act (IDEA) governs the delivery of education services to disabled students; and

Whereas, disabled students are entitled to ''free and appropriate education,'' which includes special education and related services and requires the development and implementation of an individualized education plan; and

Whereas, procedural safeguards are provided to students with disabilities who have been identified as eligible for special education, including a variety of notice, hearing and appeals requirements; and

Whereas, the majority of students with disabilities behave well in school; and

Whereas, there are, however, some students with disabilities who have serious behavior problems, resulting in violence and disruption in the educational environment; and

Whereas, prior to the early 1990s, students with disabilities were subject to expulsion for the same infractions as other students if there was no causal connection between the student's behavior and the student's disability and the student was appropriately placed at the time of the misconduct; and

Whereas, in the first half of the decade, Virginia was in litigation with the federal Department of Education as a result of federal demands that the Commonwealth's plan for special education include a provision requiring continuation of educational services to students with disabilities upon expulsion from school attendance, even if the discipline resulted from behavior unrelated to the child's disability; and

Whereas, pursuant to the Individuals with Disabilities Education Act, federal funds are conditioned on compliance with federal law and regulations; and

Whereas, for several years, Virginia's grant funds under IDEA were in limbo because of the litigation; however, in 1976 the Fourth Circuit Court ruled in favor of Virginia; and

Whereas, after the Fourth Circuit Court decision, Congress amended IDEA during the reauthorization process to require continuation of services to expelled students with disabilities; and

Whereas, it has been Virginia's contention throughout this process that allowing students with disabilities to be exempt from the consequences of their actions is a policy which does not benefit the student with disabilities or the educational environment and is patently unfair to other students; and

Whereas, the school divisions in Virginia have continued to serve students with disabilities who have been expelled from school through a variety of methods, such as visiting teachers, distance learning, and alternative programs; and

Whereas, Virginia's school divisions are dedicated to providing quality education to students with disabilities while maintaining good discipline and an atmosphere conducive to learning; and

Whereas, the Commonwealth would like to have a policy which provides uniform sanctions for violent students; however, federal law prevents the application of standardized disciplinary penalties; and

Whereas, the public schools throughout the nation are seeking to develop mechanisms to prevent the outbreaks of violence, particularly incidences of shootings; and

Whereas, the Commonwealth's education community believes that Congress should examine the consequences of its mandate to continue educational services to expelled students in terms of fairness to all students, school safety for all students and the maintenance of a positive educational atmosphere; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to reconsider federal restrictions on discipline of certain students with disabilities; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–100. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Indian Affairs.

HOUSE JOINT RESOLUTION NO. 754

Whereas, by resolution of the General Assembly, eight Indian tribes have been recognized by the Commonwealth; and

Whereas, the Chickahominy; the Chickahominy, Eastern Division; the Mattaponi; the Upper Mattaponi; the Pamunkey; and the Rappahannock tribes were recognized by House Joint Resolution No. 54 (1983); the Nansemond tribe by House Joint Resolution No. 205 (1985); and the Monacan tribe by House Joint Resolution No. 390 (1989); and

Whereas, the existence of those tribes has been recognized by the Virginia Council on Indians, since they were indigenous to and occupied a specific site in what is now Virginia the time of the arrival of the first European Settlers; the current members are Indian descendants of those tribes as demonstrated by various records; the tribes have established tribal organizations with appropriate records and historical documentation; and other similar criteria; and

Whereas, the members of the Indian tribes have expressed the desire, through their leadership, for greater autonomy and local authority to deal with issues affecting tribal members and have represented that they have no intent in operating commercial gaming on their lands; and

Whereas, among these local issues are housing, health care, and education; and

Whereas, the preservation of tribal identity, culture, and tradition is also a concern of the leadership of the several tribes; and

Whereas, historic congressional federal recognition of the tribal status of these Virginia Indian tribes would greatly enhance the ability of the tribes to preserve their tribal cultures and address pressing local problems affecting tribal members; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to grant historic congressional federal recognition to the Chickahominy; the Chinkahominy, Eastern Division; the Mattaponi; the Monacan; the Nansemond; the Pamunkey; the Rappahannock; and the Upper Mattaponi as Indian tribes under federal law; and, be it

Resolved, further, That the Congressional Delegation of Virginia be requested to take all necessary steps forthwith to gain historic congressional federal recognition for the eight Virginia Indian tribes; and , be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–101. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Foreign Relations.

H. CON. RES. NO. 6

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated in December 1997 in Kyoto, Japan, potentially requiring the United States to reduce emissions of greenhouse gases by seven percent from 1990 levels during the period from 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, developing nations are exempt from greenhouse gas emission limitation requirements in the FCCC, and refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitation through the Kyoto Protocol; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require a thirty-eight per cent reduction in projected United States greenhouse gas emissions during the period from 2008 to 2012; and

Whereas, the legally binding goals to reduce emissions to the levels stipulated in the Kyoto Protocol would weaken the economy of the United States, impair the competitiveness of its industries in the growing global market, and cause economic dislocation in the United States, including job loss, major

economic restructuring, and increased levels of poverty; and

Whereas, if the requirements of the Kyoto Protocol were implemented, Americans would experience increased prices for energy, emergency services, education, finished goods, and transportation; and

Whereas, the economic consequences of complying with the Kyoto Protocol merit rejection of the treaty and consideration of policies that promote a more studied, balanced, and constructive approach; and

Whereas, the results of scientific studies evaluating greenhouse gas emissions and their effect on the earth's environment are inconclusive; and

Whereas, the ratification of the Kyoto Protocol will allow foreign interests to control and limit the growth of the United States economy; now therefore be it

Resolved, That we, the members of the 123rd General Assembly of the State of Ohio, respectively memorialize the members of the United States Senate not to ratify the Kyoto Protocol related to the control of greenhouse gases; and be it further

Resolved, That we, the members of the 123rd General Assembly of the State of Ohio, strongly recommend that the United Stated protect and improve the environment by adopting incentives for the development, commercialization, and use of technologies that promote energy efficiency and reduce pollution rather than through coercive and excessive government regulation; and be it further

Resolved, That the Clerk of the House of Representatives transmit copies of this resolution to the President Pro Tempore and the Secretary of the United States Senate.

POM–102. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, the Legislature works tirelessly to improve the quality of life for the citizens of the Mountain State; and

Whereas, coal mining has been, and continues to be, one of the primary industries responsible for the economic success of West Virginia and its citizens; and

Whereas, thousands of West Virginians are employed, either directly or indirectly, by the coal mining industry which generates payrolls totaling over $2 billion; and

Whereas, surface coal mining, including the practice of mountaintop removal, currently represents one third of the total coal production in West Virginia; and

Whereas, surface mining currently accounts for the payment of millions of dollars in severance taxes, millions of dollars in income taxes, and millions of dollars in other related taxes paid to the State of West Virginia; and

Whereas, county governments and county school systems throughout the state rely on the taxes from coal companies and coal miners to fund many valuable programs, including public education, ambulance services and law enforcement; and

Whereas, the loss of any of West Virginia's coal mines and the loss of any mining-related employment ultimately results in significant harm to all West Virginians; and

Whereas, the world marketplace for coal is severely competitive and supports only mining companies that are dependable, low cost sources of coal; and

Whereas, concerns have been raised about the method of mining known as mountaintop removal and the Governor and the Legislature have responded to those concerns; and

Whereas, by executive order, the Governor did appoint a task force to explore the issue of mountaintop removal mining and related practices. That task force conducted numerous public meetings and collected significant amounts of information prior to issuing a comprehensive report containing numerous recommendations to the Governor and the Legislature; and

Whereas, the Legislature did request a study of the issues surrounding blasting to be conducted by a joint interim subcommittee of the Joint Standing Committee on Government Organization and that subcommittee recommended numerous bills to address the concerns of blasting; and

Whereas, the 1999 Legislature, through the passage of Senate Bill No. 681, has considered the reports and recommendations of the Governor's task force and the interim subcommittee and has affirmatively responded to concerns which have been raised about the issue of mountaintop removal mining by doing the following:

Strengthening the laws and regulations which are designed to control blasting by extending the pre-blast survey areas, requiring site-specific blasting plans when blasting is to occur near structures, imposing new penalties for blasting violations causing damage to property, establishing a presumption of liability where damage is done to water wells within certain distances of water wells and establishing an economical and efficient claims process for those aggrieved by blasting operations; and

Establishing the office of blasting to review and regulate blasting operations in surface mining;

Establishing the office of coalfield community development to require the various stakeholders in the mining process to address the issues of community development, regional development, property acquisitions and other issues relevant to the future of the areas of the state where coal mining occurs;

Repealing the provisions of legislation which was enacted during the 1998 session of the Legislature thereby restoring the stream mitigation program to its previous status; and

Addressing other issues of concern in the areas of mountaintop removal mining; and

Whereas, actions and inactions by federal regulatory agencies which have had the effect of closing surface coal mines are more frequent and result in the loss of hundreds of mining and other jobs in West Virginia; and

Whereas, in an effort to address these problems and to solicit cooperation with the federal agencies, the Governor, the President of the Senate and the Speaker of the House of Delegates jointly prepared and sent to Carol M. Browner, Administrator of the United States Environmental Protection Agency, a letter inquiring about mining standards and agency actions. At the present time, there has been no response to the letter; therefore, be it

Resolved by the Legislature of West Virginia, that

The Legislature hereby recognizes the importance of the coal mining industry and encourages all federal and state agencies regulating the coal mining industry to demonstrate affirmative responsiveness by returning to fair and objective behavior, particularly in the issuance of mining permits and other regulation of the coal industry; and, be it

Further Resolved, That the Legislature supports the continued mining of coal in West Virginia, including surface mining by all methods recognized by state and federal law, and is prepared to cooperate with all federal agencies in an effort to resolve quickly any outstanding issues which are preventing the mining of coal and which are contributing to the loss of jobs in West Virginia; and, be it

Further Resolved, that the Legislature requests West Virginia's congressional delegation to join in the efforts to support the coal industry in West Virginia and to make every effort possible to assist in securing the needed cooperation from federal agencies to allow the continuation of the mining of coal and to protect the jobs of coal miners and others who derive their employment from coal mining; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Vice President of the United States, the Governor of West Virginia, members of West Virginia's congressional delegation and the directors of each of the federal and state agencies that regulate the coal mining industry in West Virginia.

POM–103. A resolution adopted by the Okanogan Horticultural Association relative to the financial plight of the apple grower; to the Committee on Agriculture, Nutrition, and Forestry.

POM–104. A resolution adopted by the Okanogan Horticultural Association relative to agricultural water rights; to the Committee on Energy and Natural Resources.

POM–105. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 1

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (''FCCC''); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated (''Kyoto Protocol'') in December, 1997, in Kyoto, Japan, potentially requiring the United States to reduce emissions of greenhouse gases by seven percent (7%) from 1990 levels during the period of 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, the Kyoto Protocol would require other major industrial nations to reduce emissions from 1990 levels by six percent (6%) to eight percent (8%) during the period 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, President William J. Clinton pledged on October 22, 1997, that the ''United States not assume binding obligations unless key developing nations meaningfully participate in this effort''; and

Whereas, Article 2, Section 2 of the Constitution of the United States requires a two-thirds concurrence of the United States Senate before any treaty may be ratified; and

Whereas, on July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95 to 0, expressing the sense of the Senate that ''the United States should not be a signatory to any protocol to or other agreement regarding the Framework Convention on Climate Change . . . which would require the advice and consent of the Senate to ratification, and which would mandate new commitments to mitigate greenhouse gas emissions for the developed country parties unless the protocol or other agreement also mandates specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions for developing country parties''; and

Whereas, developing nations are exempt from greenhouse gas emission limitations in the FCCC refused, in the Kyoto negotiations, to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol; and

Whereas, manmade emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal and natural gas fuels by industries, automobiles, homes and other uses of energy; and

Whereas, the United States relies on carbon-based fossil fuels for more than ninety percent (90%) of its total energy supply; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require a thirty-eight percent (38%) reduction in projected United States carbon emissions during the period of 2008 to 2012; and

Whereas, developing countries exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuel use over the next two (2) decades and surpass the United States and other industrialized countries in total emissions of greenhouse gases; and

Whereas, studies prepared by the economic forecasting group, WEFA, estimate that legally binding requirements for the reduction of United States greenhouse bases below 1990 emission levels would result in the loss of many Wyoming jobs, while also experiencing higher energy, housing, medical and food costs. Since Wyoming government is so highly reliant on taxes and royalties from the production of fossil fuels such as oil, gas and coal, the result of decreasing the production of these minerals would result in economic hardships; and

Whereas, the failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries;

Whereas, increased emissions of greenhouse gases by developing counties would offset any environmental benefits associated with emissions reductions achieved by the United States and other industrial nations.

Now, Therefore, Be It Resolved By The Members of the Legislature of the State of Wyoming:

Section 1. That the President of the United States not attempt to use federal activities to initiate strategies to mitigate greenhouses gases until and unless the Kyoto Protocol is amended or otherwise revised so that it is consistent with United States Senate Resolution No. 98 to including specific scheduled commitments for developing countries to mitigate greenhouse gas emissions within the same compliance period required for industrial nations.

Sec. 2. That the United States Senate reject any proposed protocol or other amendment to the FCCC that is inconsistent with this resolution or that does not comply fully with the United States Senate Resolution No. 98.

Sec. 3. That the Secretary of State of Wyoming transmit copies of the resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–106. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 1

Whereas, the livestock industry continues to play a vital role in the culture and the economy of Wyoming; and

Whereas, both the cattle industry and the sheep industry are struggling to survive in the face of unprecedented prolonged price decline for cattle, lambs and wool; and

Whereas, there is compelling evidence that the decline in cattle and lamb prices are being caused in strong part by growing levels of imports of both live animals and meat products; and

Whereas, significant increases in imports may be occurring in violation of the fair trade provisions of both the North American Fair Trade Agreement (NAFTA) and the General Agreement on Trade and Tariffs (GATT).

Now, Therefore, Be it Resolved By The Members of the Legislature of the State of Wyoming:

Sect. 1. That the Wyoming State Legislature fully supports the antidumping and the countervailing duty petitions against Canada as filed by the Ranchers-Cattlemen Action Legal Foundation (R-CALF); and

Sect. 2. That the Wyoming State Legislature fully supports the Section 201 Trade Action as filed by the American Sheep Industry Association with the United States International Trade Commission; and

Sect. 3. That the Wyoming State Legislature petitions the United States Department of Commerce and the United States International Trade Commission: (1) to act quickly to determine the extent of any trade violations by countries exporting cattle or lamb into the United States; and (2) if violations are found, to take decisive steps to protect Wyoming and other domestic cattle and sheep producers from the negative effects of this unfair and unlawful competition.

Sect. 4. That the Wyoming State Legislature requests that the Governor act to the full extent of his authority to support the actions filed by the Ranchers-Cattlemen Action Legal Foundation (R-CALF) and the American Sheep Industry Association.

Sect. 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of Commerce, to the United States International Trade Commission and to the Wyoming Congressional Delegation.

POM–107. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

RESOLUTIONS

Whereas, the Federal Communications Commission (FCC) and the North American Numbering Council (NANC) have been unable and/or unwilling to address the area code crises throughout the United States; and

Whereas, the Department of Telecommunications and Energy, should, after being given any and all appropriate waivers by the FCC, be permitted to examine, test, and implement number conservation initiatives to alleviate the necessity of adding additional area codes, including but not limited to: Number pooling, number utilization audits, and rate center consolidation; and

Whereas, the failure to immediately address this issue will result in increased costs and inconvenience to telecommunication customers in Massachusetts; and

Whereas, the Federal Communications Commission (FCC) should re-evaluate its procedures for granting waivers to individual states for the purpose of implementing number conservation initiatives as soon as possible; and

Whereas, the Massachusetts Congressional Delegation should take all appropriate action to convince the Federal Communications Commission (FCC) to grant to Massachusetts the necessary waivers to independently implement number conservation measures which are critical to telecommunications customers in Massachusetts; therefore be it

Resolved, That the Department of Telecommunications and Energy make initial reports of its investigation and subsequent initiatives undertaken to address the area code crises to the Governor and the Legislature no later than June 30, 1999; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to his Excellency, Governor Argeo Paul Cellucci, the Members of the Massachusetts Congressional Delegation, the President of the Massachusetts Senate and the Department of Telecommunications and Energy.

POM–108. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Finance.

RESOLUTION

Whereas, the export of agricultural commodities has provided the United States the only positive return on its balance of trade; and

Whereas, the only way to ensure that a positive return on the balance of trade continues is to allow international markets to remain open; and

Whereas, the use of unilateral economic sanctions rarely achieves its goal, but causes substantial harm to the producers of products; and

Whereas, not only do the sanctions imposed by the United States cause great harm to the Georgia farmer, but so do the unfair trade barriers and sanctions imposed on agricultural products by other countries; and

Whereas, economic sanctions hinder the export of agricultural products, exacerbating the transportation of such products and possibly lowering the price received by the Georgia farmer for such agricultural products.

Now, therefore, be it

Resolved by the General Assembly of Georgia, That Congress is urged to remove or restrict the use of trade sanctions as they apply to agricultural products and that Congress ensures that the use of trade sanctions will result in meaningful results and to work for the reduction and elimination of trade barriers and sanctions imposed by other countries against agricultural products.

Be it further resolved, That the Secretary of the Senate is directed to send enrolled copies of this resolution to the President of the United States, the Vice President of the United States, Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, the secretary of the United States Department of State, the secretary of the United States Department of Agriculture and to each member of the Georgia Congressional Delegation.

POM–109. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION

Whereas, if the Georgia farmer is to have the opportunity to prosper and grow, the agricultural products produced by the farmer must be able to reach foreign markets; and

Whereas, the export enhancement program is one tool which can expand foreign market opportunities; and

Whereas, the stockpiling of grain is just one example of where the lack of access to foreign markets hurts not only the Georgia farmer but all American farmers and the economy of the United States in general.

Now, therefore, be it resolved by the General Assembly of Georgia, That the Secretary of the United States Department of Agriculture is urged to take greater advantage of the export enhancement program.

Be it further resolved, That the Secretary of the Senate shall forward appropriate copies of this resolution to the President of the United States, the Vice President of the United States, Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority

Leader of the United States House of Representatives, the Secretary of the United States Department of Agriculture and to each member of the Georgia Congressional Delegation.

POM–110. A resolution adopted by the City Council of Cincinnati, Ohio relative to Round II Urban Federal Empowerment Zones: ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 579: A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia (Rept. No. 106–45).

H.R. 669: A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes (Rept. No. 106–46).

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Special Report entitled ''Activities of the Committee on Environment and Public Works for the One Hundred Fifth Congress'' (Rept. No. 106–47).

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 625: A bill to amend title 11, United States Code, and for other purposes (Rept. No. 106–49).

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. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, Ms. MIKULSKI, Mr. LEVIN, Mrs. BOXER, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. REED, and Mr. KERRY):

S. 995. A bill to strengthen the firearms and explosives laws of the United States; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, and Mr. MCCAIN):

S. 997. A bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and protect and encourage donations to charitable organizations, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of such assistance, to allow such organizations to accept such funds to provide such assistance without impairing the religious character of such organizations, to provide for tax-free distributions from individual retirement accounts for charitable purposes, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. HARKIN, Mr. FEINGOLD, and Mr. KOHL):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MACK (for himself and Mr. BREAUX):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the medicare program; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. CRAPO, and Mr. BRYAN):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. INHOFE):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. LAUTENBERG):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mrs. BOXER):

S. 1007. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. LEVIN):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

By Mr. SHELBY:

S. 1009. An original bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

By Mr. FRIST:

S. 1011. A bill to amend the Internal Revenue Code of 1986 to provide that trusts established for the benefit of individuals with disabilities shall be taxed at the same rates as individual taxpayers; to the Committee on Finance.

S. 1012. A bill to amend the Internal Revenue Code of 1986 to use the Consumer Price Index in addition to the national average wage index for purposes of cost-of-living adjustments; to the Committee on Finance.

S. 1013. A bill to amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts within Roth IRAs and by allowing the savings to be used for education, first time home purchases, and retirement, to expand the availability of Roth IRAs to all Americans and to protect their contributions from inflation, and for other purposes; to the Committee on Finance.

S. 1014. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the individual income tax and the number of tax brackets; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 99. A resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

STUDENTS LEARNING IN SAFE SCHOOLS ACT

Mr. CAMPBELL. Mr. President, today I introduce the Students Learning in Safe Schools Act of 1999.

This legislation would build on the successes of two bills I sponsored in the 105th Congress and that were signed into law, S. 2235, which established the Cops in Schools program and S. 1605, the Bulletproof Vest Partnership Grant Act of 1998.

Juvenile crime prevention, of course, is on all of our minds, particularly since the recent tragedy in Littleton. I think all of us know that violence has

gone up among youngsters and it threatens a safe learning environment for our students at school. As a former teacher, a deputy sheriff, and parent, I developed a special sensitivity long before I came to the Senate.

On April 20, in my home State, 13 innocent victims, 12 students and 1 very heroic teacher, were murdered at Columbine High School. This town is a very nice town. Littleton is a wonderful community. The school of Columbine is a nice school with few problems. I guess people are prone to say if it could happen there, it certainly could happen anywhere.

Clearly, no student should have to go to school where they fear for their lives. Statistics on violence in schools are startling. In fact, recent reports indicated there were 173 violent deaths in U.S. schools between 1994 and 1998 and that 31% of children know someone their age who carries a gun. The National Education Association estimated that 100,000 youngsters carry guns to school and 160,000 children miss class every day because they fear physical harm.

We know that government cannot fix it all. We are being leaned on, of course, to pass more and more laws to correct all these problems, but most of us know there has to be teamwork involving students and parents and families and communities and religious leaders and school administrators.

This teamwork should also include law enforcement officers working closely with schools. Teachers and principals simply do not have the training or equipment or resources to deal with the problem. And they shouldn't have to, they should be focusing on teaching our kids.

That's why I introduced S. 2235 last year, the School Resource Officers Partnership Grant Act of 1998, to help stop school violence. S. 2235, which was signed into law last October, will create thousands of vital partnerships between state and local law enforcement agencies, and the schools, parents and children they serve and protect. Schools that establish these partnerships would be eligible to receive federal funding through the Justice Department to hire School Resource Officers, also known as SROs. SROs are career law enforcement officers, with sworn authority, within the Community Policing program, and will work in and around our schools.

Working in cooperation with youngsters, parents, teachers and principals, these SROs would be able to keep track of potentially dangerous kids and effectively deal with them before things escalate, violence errupts, and youngsters get hurt. These SROs would work in our schools, not as armed guards, but primarily as people who would help resolve conflicts.

There is $60 million in Cops in School grants which will be distributed this year alone. In fact, the Justice Department has just announced the first round of grants with hundreds of schools in 42 states benefiting.

The bill I am introducing today, the Students Learning in Safe Schools Act of 1999, would build on the Cops in Schools program to help improve school safety. The Students Learning in Safe Schools Act would provide federal matching grants to help schools buy metal detectors, metal detecting wands, video cameras, and other equipment needed to help make our schools safer. This bill calls for a matching grant of $40 million for each of the 3 fiscal years from fiscal year 2000 through fiscal year 2002. The grants would be easily accessible to States, local governments, and school districts with a minimum of redtape. This is not a mandate, however. It is an opportunity for school districts to get some additional resources.

This legislation calls for posting this new school safety equipment grant program on the Internet right next to the Cops in Schools program which can now be found on the Justice Department's web sight. This would help provide one stop shopping where people can go for help in getting both the safety personnel and safety equipment they need to help make their schools safer.

I do not expect this legislation, of course, to solve all our problems but certainly it is another tool I hope will go a long way in reducing juvenile violence in schools.

I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

S. 996

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 ''Students Learning in Safe Schools Act of 1999''.

SEC. 2. MATCHING GRANT PROGRAM FOR SCHOOL SAFETY EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS

"Subpart A—Grant Program For Armor Vests";

(2) by striking ''this part'' each place that term appears and inserting ''this subpart''; and

(3) by adding at the end the following:

"Subpart B—Grant Program For School Safety 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, Indian tribes, and local educational agencies to purchase school safety equipment for use in and near elementary and secondary schools.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, Indian tribe, or local educational agency, as applicable; and

''(2) used for the purchase of school safety equipment for use in elementary and secondary schools 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 school safety equipment, based on the percentage of elementary and secondary schools in the jurisdiction of the applicant that do not have access to such equipment;

''(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 0.50 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 .25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, Indian tribe, or local educational agency 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.—Not less than 50 percent of the total amount made available to carry out this subpart in each fiscal year 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, Indian tribe, or local educational agency 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.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Students Learning in Safe Schools Act of 1999, 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, Indian tribes, and local educational agencies must meet) in submitting the applications required under this section.

''(2) INTERNET ACCESS.—The regulations promulgated under this subsection shall provide for the availability of applications for,

and other information relating to, assistance under this subpart on the Internet website of the Department of Justice, in a manner that is closely linked to the information on that Internet website concerning the program under part Q.

''(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 school safety equipment, but did not, or does not expect to use such funds for such purpose.

''SEC. 2513. 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 'school safety equipment' means metal detectors, metal detecting wands, video cameras, and other equipment designed to detect weapons and otherwise enhance school safety;

''(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, school district, 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; and

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part.''.

SEC. 3. SENSE OF CONGRESS REGARDING AMERICAN-MADE PRODUCTS AND EQUIPMENT.

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 by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, unless such equipment or products are not readily available at reasonable costs.

SEC. 4. SENSE OF THE SENATE REGARDING SCHOOL SECURITY.

It is the sense of the Senate that recipients of assistance under subpart B of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this Act, should, to the maximum extent practicable, seek to achieve a balance between school security needs and the need for an environment that is conducive to learning.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I 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) SCHOOL SAFETY TECHNOLOGY DEVELOPMENT.—The Institute shall conduct research and otherwise work to develop new weapons detection technologies and safety systems that are appropriate to school settings.''.

Mr. LEAHY. Mr. President, I was happy to yield to the Senator from Colorado. He and I have had discussions of the terrible events that took place in Colorado. The distinguished Senator from Colorado and I wrote legislation on another area of law enforcement, relying on his experience and my experience in law enforcement. That was the bulletproof vests legislation which is now working very, very well.

I mention this while the distinguished Senator from Colorado is still on the floor because we have had many discussions about law enforcement matters—most recently an event at the White House. It has been my experience, time and time again, the Senator from Colorado has given pragmatic and realistic solutions to law enforcement problems at a time when we can all get carried away by philosophical arguments. I found most law enforcement people tell me to save the philosophy for them to read in their retirement years—give them the pragmatic solutions today when they have to uphold the law.

So I thank the Senator from Colorado.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. HARKIN, Mr. FEINGOLD, and Mr. KOHL):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

BETTER NUTRITION FOR SCHOOL CHILDREN ACT OF 1999

Mr. LEAHY. Mr. President, I am proud to be joined by Senators JEFFORDS, HARKIN, KOHL, and FEINGOLD, and Representative HINCHEY in the House of Representatives, in introducing the ''Better Nutrition for School Children Act of 1999.'' This bill seals a loophole undermining our children's nutritional health.

One of the most important lessons we can teach our children is good health. Good health includes keeping our children tobacco and drug free, and includes nutrition education for healthy living.

Every day, more than 26 million children participate in the National School Lunch Program. One-quarter of those children—approximately seven million—also participate in the National School Breakfast Program. According to a United States Department of Agriculture study, school children may consume between one-third and one-half of their daily nutrient intake at school. Knowing how important school meal programs are to the nutritional health of children, I am extremely concerned by reports of soft drinks being given to children before or during lunch.

Current law prohibits the sale of soft drinks during lunch. This prohibition has been around for a long time. However, some schools are now getting around this prohibition by giving soda to children for free. This is a loophole—big enough to drive a soda truck through—that hurts our children. The bill which we are introducing today would close this loophole so that soft drinks cannot be distributed—for free or for sale—during mealtime at schools participating in the National School Lunch Program. Also, the bill would prohibit giving away sodas before lunch.

As a parent, I would be outraged to discover that my efforts at teaching my child good nutrition were being undermined by free sugar and caffeine laden soft drinks at school.

Studies based on statistics from the USDA Continuing Surveys of Food Intakes by Individuals have shown that heavy soft drink consumption correlates with a low intake of magnesium, calcium, ascorbic acid, riboflavin and vitamin A. The loss of calcium is particularly alarming for teenage women, as calcium is crucial for building up bone mass to reduce the risk of osteoporosis later in life, and women build 92 percent of their bone mass by age 18.

Many sodas also contain caffeine, which is not only an addictive stimulant, but which also increases the excretion of calcium.

In its Food Guide Pyramid for Young Children, which recommends good dietary habits for children, the United States Department of Agriculture continues to recommend serving children fruits, vegetables, grains, meat and dairy, while limiting children's intake of sweets - including soft drinks.

Statistics regarding children's intake of soft drinks are alarming. For instance, teenage boys consume an average of 2½ soft drinks a day—which equals approximately 15 teaspoons of sugar—every day.

While children's consumption of soft drinks has been on the rise, their consumption of milk has been on the decline. Statistics from the USDA demonstrate that whereas 20 years ago teens drank twice as much milk as soda, today they drink twice as much soda as milk. Unlike milk, soft drinks have minimal nutritional value and they contribute nothing to the health of kids. One need only compare the ingredient and nutrition labels on a Coke can versus a milk carton to see what a child loses when milk is replaced by a soft drink.

The consequence of replacing milk with soda is clear: the declining nutritional health of our children. In her book Jane Brody's Nutritional Book, Jane Brody articulates this point in saying:

Probably the most insidious undermining of good nutrition in the early years comes

from the soft drink industry. Catering to children's innate preferences for a sweet taste, the industry has succeeded in drawing millions of youngsters away from milk and natural fruit juices and hooking them on pop and other artificially flavored drinks that offer nothing of nutritional significance besides calories.

The Vermont State Board of Education's School Nutrition Policy Statement actually touches on this very issue. Among its recommendations to school districts for dietary guidelines and nutrition, the Board of Education advises:

Certain foods which contribute little other than calories should not be sold on school campuses. These foods include carbonated beverages, nonfruit soft drinks, candies in which the major ingredient is sugar, frozen nonfruit ice bars, and chewing gum with sugar.

It was only a few years ago that, as Chairman of the U.S. Senate Committee on Agriculture, Nutrition and Forestry, that I fought the soft drink behemoths—Coca-Cola and Pepsi—over vending machines in schools. I felt that schools should be encouraged to close down vending machines before and during lunch. I was unprepared for the wealth of opposition which ensued.

However, despite the well-financed opposition by soda companies, the Nutrition and Health for Children Act was met with bipartisan support in Congress. Former Senator Bob Dole noted that ''too often a student gives up his half dollar and his appetite en route to the cafeteria'' and criticized the ''so-called plate waste, where young students and other students decide it is better to have a candy bar and a soft drink rather than eat some meal that is subsidized by the Federal Government.''

Just as the Better Nutrition and Health for Children Act passed with bipartisan support in 1994, I am sure that the Better Nutrition for School Children Act of 1999 will pass with bipartisan support this year.

I ask unanimous consent that the text of the Better Nutrition for School Children Act of 1999 be printed in the RECORD.

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

S. 998

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 ''Better Nutrition for School Children Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to close the loophole that allows competitive foods of minimum nutritional value that cannot be sold during meals in schools participating in the school breakfast and lunch programs to instead be donated or served without charge to students during or before breakfast or lunch;

(2) to protect 1 of the major purposes of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the National School Lunch Act (42 U.S.C. 1751 et seq.), which is to promote better nutrition among school children participating in the school breakfast and lunch programs; and

(3) to promote better nutritional habits among school children and improve the health of school children participating in the school breakfast and lunch programs.

SEC. 3. PROHIBITION ON DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking ''(b) The'' and inserting the following:

''(b) DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.—

''(1) SALES.—The''; and

(2) by adding at the end the following:

''(2) DONATIONS OR SERVICE WITHOUT CHARGE.—The regulations shall prohibit the donation or service without charge of competitive foods not approved by the Secretary under paragraph (1) in a school participating in a meal service program authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) before the end of the last lunch period of the school.''.

Mr. JEFFORDS. Mr. President, I am pleased to join Senator LEAHY, Senator FEINGOLD, Senator KOHL, and Senator HARKIN as an original cosponsor of the Better Nutrition for School Children Act of 1999. This issue is so important to the health and well being of our nation's school children.

The Better Nutrition for School Children Act of 1999 is about good nutrition—and a little about milk. The Vermont and Wisconsin Senators at times have a hard time agreeing on federal milk policy, but we all agree that good nutrition plays an important role in the health and education of our children.

As chairman of the Health, Education, Labor, and Pensions Committee, I recognize the importance of having a proper and nutritionally balanced diet in our school lunch programs. A well nourished child is a child more healthy, energized, focused and able to learn.

When school children receive a large amount of their daily caloric intake from sugary soft drinks, they are not receiving the fruits, vegetables, vitamins, minerals, and perhaps most importantly—calcium that they need.

Soda and other sugary junk foods squeeze more nutritious foods out of their diet. Since many school children may consume between one-third and one-half of their daily intake at school, it is important that we do not allow them to substitute good nutrition with empty calories.

Mr. President, teens, in particular, should be drinking milk instead of soft drinks. Twenty years ago, teens drank twice as much milk as soda. Today, the average teenager drinks twice as much soda as milk.

The Better Nutrition for School Children Act of 1999 helps close the empty calorie loophole. Soft drinks, sugar candies, cotton candy and the like are already banned from being sold during lunch. This bill would simply ban the free distribution of these ''competitive foods not approved by the Secretary'' before and during lunch at schools participating in the federal school lunch or breakfast programs.

Mr. President, I commend Senator LEAHY for his continued leadership in improving the nutrition of America's school children and will work with him and others to see that this bill becomes law.

• Mr. FEINGOLD. Mr. President, I rise to join Senator LEAHY, Senator KOHL, and Senator JEFFORDS to introduce this important legislation, the Better Nutrition for School Children Act of 1999. The Better Nutrition for School Children Act of 1999 will make our kid's nutrition—not some economic bottom line—the priority when it comes to our nation's school meal program.

Mr. President, some schools in this country, particularly high school, are providing school-aged children with free soda as part of the school lunch program. This trend is troublesome for a number of reasons: One, it is contrary to the intent of the 1946 National School Lunch Act; Two, numerous studies have demonstrated that teenagers, particularly girls, are not consuming enough calcium to prevent osteoporosis in their later years; And, three, as a representative of Wisconsin, ''America's Dairyland,'' I am concerned that the increase in school time soda consumption will inevitably mean that our children drink less milk at school.

Mr. President, in 1946, Congress first made nutrition for school aged children a priority when it passed the National School Lunch Act. This measure was designed to provide school children with high quality nutritious food during the school day. In 1977, because of concerns that our country's nutritional habits had begun to slide, Congress directed USDA to take steps to restrict school children's access to foods of low nutritional value when at school.

The legality regulations USDA promulgates under the 1977 law, with regard to foods of nutritional value was challenged by the National Soft Drink Association. This law banned the sale of soft drink and other ''junk foods'' in school cafeterias during the lunch hour.

Congressional debates on the 1977 law ''convey an unmistakable concern that 'junk foods,' notably various types of candy bars, chewing gum and soft drinks, not be allowed to compete in participating schools.'' The Federal judge observed the ''logic and common sense, as well as several studies in the [rulemaking] record, suggest that irregular eating habits combined with ready access to junk food adversely affect federal nutritional objectives.''

USDA current regulations prohibit the sale of foods of ''minimal nutritional value''—which include sodas, water ices, chewing gum, and certain candies—in the food service area during the lunch period in any school. The current regulations do not mention the distribution of free sodas, because, Mr. President, this idea never entered the

minds of lawmakers during consideration of the measure.

Mr. President, we have found that in schools all over the country, free sodas are being passed out as part of the school lunch program. This practice evades the current Federal ban on the sale of sodas as part of school lunches. It's bad for kids, bad for farmers who are watching milk consumption and prices decline, and bad for teachers and school administrators who are left to deal with unruly and fidgety children during the day. As a matter of fact, Mr. President, giving away free sodas in school doesn't help anybody except soda companies.

Mr. President, in a report published last year by the Center for Science in the Public Interest (CSPI) it was documented that one quarter of teenage boys who drink soda consume more than two 12-ounce cans per day, and that five percent drink five or more cans daily. This report was based on survey data from USDA and also indicated that in average, girls drink about one-third less—but the risks of soda consumption are potentially greater for girls. The report claims that doctors say soda has been pushing milk out of teenage diets and making girls more likely candidates for osteoporosis when they're older.

The data indicated that these doctors are right. Choosing a soft drink instead of milk means that teens will have a lower level of calcium in their diets. Soft drinks provide 0% of a persons recommended daily allowance for calcium, while milk provides 30%. Low calcium intake contributes to osteoporosis, a disease leading to fragile and broken bones. Currently, 10 million Americans have osteoporosis while another 18 million have low bone mass and are at increased risk of osteoporosis. Women are more frequently affected than men. Considering the low calcium intake of today's teenage girls, osteoporosis rates may well rise in the near future.

As I understand it, the risk of osteoporosis depends in part on how much bone mass is built early on in life. The CSPI report states that girls build 92 percent of their bone mass by age 18, but if they don't consume enough calcium in the teenage years, they cannot ''catch up'' later. This explains why experts recommend higher calcium intakes for youths 9 to 18 than for adults 19 to 50. Currently, teenage girls consume only 60 percent of the recommended amount; pop drinkers consuming almost one-fifth less calcium than non-consumers.

The CSPI and a coalition of health advocates reported that 20 years ago, teens drank almost twice as much milk as soda pop; today, they consume twice as much soda as milk.

Since 1973, soft drink consumption has risen dramatically. Americans now drink twice as much soda per person as they did 25 years ago. According to statistics from the Beverage Marketing Corp., annual soda consumption was 22.4 per person in 1970; in 1998, it was 56.1 gallons per person. Unfortunately, milk consumption has been on a steady decline. This trend is likely to continue—however, I do not feel that school administrators should encourage it. This country's dairy farmers have it hard enough. The recently announced Basic Formula Price (BFP) is lower than the cost of production in nearly every region of the country. We in dairy states are very concerned about our struggling producers. How can we stand by and watch as they struggle to locate and enter new markets abroad, while their base market—school meal programs—is being taken away?

And how do the parents feel? Those that limit their children's intake of sodas and sweets at home see their efforts undermined when the school provides these items for free. This is a losing battle for them too!

Mr. President, I'm not here to ban soda for school-age children—only to support a simple, sensible idea that any parent, any nutritionist, and any dairy farmer would favor—and that's giving our kids milk while they are in school. This bill restores common sense back to one aspect of our kids school nutrition programs. I urge my colleagues to support this Better Nutrition for School Children Act of 1999. It is supported by the National Education Association and the University of Wisconsin-Milwaukee School of Education. I ask that their letters of support be inserted into the RECORD.

The material follows:

UNIVERSITY OF WISCONSIN MILWAUKEE, SCHOOL OF EDUCATION DEPARTMENT OF CURRICULUM AND INSTRUCTION,

May 7, 1999.

Senator Russell Feingold,
Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: I am writing to express my strong support for the ''Better Nutrition for School Children Act of 1999.''

My research shows that children are coming under increasing pressure to consume large quantities of soda while in school. For example, exclusive contracts between schools and bottling firms are now popular. These contracts commonly contain provisions that provide financial incentives to school districts that reward them when consumption goals are met. In other words the more of a bottling company's products are purchased the more money the school gets. This places school districts in the ethically dangerous position of promoting the consumption of products that their own health and nutrition curricula discourage students from consuming in large quantities.

The distribution of free soda as part of a school lunch program, at least in my view, violates the spirit and intent of the Child Nutrition Act of 1996. Such distributions are, no doubt, useful to soda bottlers as means of promoting brand recognition and establishing brand loyalty. And as such they are little different from any number of ''free'' promotions that are a common part of product marketing campaigns. However, none of this has anything to do with promoting children's health.

I believe that schools must do their utmost to promote healthful eating habits among their students. The ''Better Nutrition for School Children Act of 1999'' is a useful and necessary step to insure that school lunches are the healthful, nutritious meals that legislators have always intended that they be.

Sincerely,

ALEX MOLNAR, PH.D.
Director, Center for the Analysis of Commercialism in Education.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 7, 1999.

Senator PATRICK LEAHY
Senator RUSSELL FEINGOLD,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND FEINGOLD: On behalf of the National Education Association's (NEA) 2.4 million members, we would like to express our strong support for the Better Nutrition for School Children Act of 1999, which would bar the distribution of free soda in the School Lunch Program. NEA believes that providing free soda to students contradicts the nutritional goals of the School Program and can impede academic success.

Research clearly demonstrates the link between good nutrition and learning. Children who are hungry or improperly nourished face cognitive limitations which may impair their ability to concentrate and learn. Preserving the nutritional integrity of school meals, therefore, is critical ensuring student achievement. This is particularly true for poor children, who often rely on school lunch for one-third to one-half of their daily nutritional intake.

Providing free soda in the School Lunch Program is clearly at odds with congressional intent to restrict access by school children to foods of low nutritional integrity of the School Lunch Program.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.●

Mr. KOHL. Mr. President, I am pleased to be an original cosponsor of the ''Better Nutrition for School Children Act of 1999.'' This legislation will stop the practice of giving students free sodas at lunch—sugar and caffeine filled drinks that are replacing the healthy milk and juices these kids should be drinking. A soda may keep a child awake through fifth period physics, but it will do nothing to fuel their growth into a healthy adult. We've been talking quite a bit lately about keeping our children safe during the school day. We must not forget we also have an obligation to keep them healthy, growing, and alert—an obligation met in great part with the national school lunch and breakfast programs.

The vast majority of schools in Wisconsin and across the nation are our partners in ensuring that children learn to eat healthy, and they are proud to abide by current laws—and the spirit behind those laws— prohibiting the sale of foods of minimal nutritional value in our schools. But while there is a ban on the sale of these sorts of foods during the school lunch period, there is no ban on giving them away for free. The Center for Science in the Public Interest recently cited several schools that are giving away donated sodas to students. This defies common sense. Kids should be drinking milk, water, and natural fruit juices—not sodas and other artificial drinks—as part of the school lunch program.

Statistics from the Department of Agriculture show that 20 years ago,

teens drank twice as much milk as soft drinks; today, that trend has reversed. Teens are drinking 40 percent less milk than they drank 22 years ago. Soft drinks contain a large amount of caffeine and sugar, and the American Medical Association has found that these sweetened drinks squeeze healthier foods out of childrens diets.

The Better Nutrition for School Children Act will simply prohibit the donation of competitive foods of minimal nutritional value, including sodas, before the end of the last lunch period of school. Let me be clear: we are not banning sodas in schools. Students will still be able to purchase sodas, or receive free ones, once the school lunch period is over. But this bill assures that at least during mealtimes, school children will have access to healthy foods and drinks, like milk.

This bill does not address the exclusive marketing contracts between schools and soft drink companies, but I do have concern over these as well. These contracts specify that a school will sell only a certain brand of sodas, and in return, the soda companies give the schools a share of the proceeds. I realize that school districts' budgets are stretched thin, but there has to be a better way of raising funds.

Mr. President, the Better Nutrition for School Children Act will close the current loophole that allows the donation of sodas in our nation's schools. It will ensure that tax dollars invested in the school lunch program are spent wisely on nutritious foods and drinks that children actually consume—rather than throw away to make room for a free soda. I urge my colleagues to join us in passing this simple, yet vitally important legislation.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

TECHNOLOGY TRANSFER ACT OF 1999

Mr. HATCH. Mr. President, I rise to introduce S. 999, the ''Technology Transfer Act of 1999.''

The purpose of this bill is to help ensure that the fruits of federally conducted and supported research will be translated into new products and jobs that can benefit the American public.

This bill is necessary in order to adopt a uniform policy across the federal government concerning the circumstances in which it is appropriate to grant an exclusive or partially exclusive license to intellectual property owned by the federal government. Essentially, this legislation codifies the most prudent, beneficial, and successful agency licensing policies that have evolved over the last few years.

Each year the federal government makes a substantial investment in research and development. This year the federal government will dedicate about $79 billion toward research and development activities. Of this amount, about half—or $39 billion—is devoted to non-defense research. Much of this civilian R&D funding—over $15 billion in FY 1999—is carried out by universities across our country.

Every American citizen should take pride in this considerable financial commitment because it explains why our country is in the forefront in so many areas of basic science and applied technology.

While there is intrinsic value in research for the sake of advancement of knowledge, another, more tangible, benefit occurs when the mysteries of science are translated into new technologies that protect and promote the public health and welfare and create jobs.

While Utah may be a small state in terms of population, I am proud to say that our universities are carrying out a vigorous program of research. For example, the University of Utah, Brigham Young University, and Utah State University each carry out substantial programs of research and in the aggregate received over $200 million in federal research support in 1998.

Last year the research efforts of these three schools resulted in the issuance of patents on 40 inventions.

No doubt this high level of financial support and creative activity are major reasons why our state has developed a thriving medical products industry over the last two decades.

According to a recent survey of the Utah Life Science Association there are currently 116 firms—employing a total of over 11,000 people—engaged in the discovery and production of biomedical products in the state of Utah. Together, these firms produced revenues of $1.641 billion last year.

Not only does this economic enterprise mean jobs for Utahns but also innovative new products for Americans and our neighbors around the world.

To give just one example, researchers at the University of Utah were co-discoverers of the BRCA 1 gene which is implicated in certain kinds of breast cancer. A start-up Salt Lake City biomedical research firm, Myriad Genetics, was also a partner in this ground breaking research, as were intramural researchers at the National Institutes of Health. Building upon this basic research, academic researchers at the Huntsman Cancer Center at the University of Utah and private sector scientists at Myriad are playing a lead role in developing diagnostic tests and therapeutics which are aimed at combating the devastation of breast cancer.

The success we have achieved in institutions of higher learning in Utah is also occurring across our Nation.

According to the latest data available from the Association of University Technology Managers (AUTM), in 1997, the efforts of U.S. universities, academic health centers, and certain other non-profit research entities resulted in over 11,000 invention disclosures, over 4,200 new patent applications being filed, and over 2,600 issued patents.

Also according to AUTM, in 1997, over 3,300 new licenses were executed and total licensing income reached nearly $700 million. An economic model developed by AUTM estimates that about 250,000 jobs are attributable to commercializing academic research.

Government labs have also contributed to this success story. For example, in FY 1998 the National Institutes of Health (NIH) received nearly $40 million in royalty income. Also in 1998, NIH intramural labs reported 287 invention disclosures; filed 132 patent applications; were granted 171 patents; and, executed 215 licenses and 149 cooperative research and development agreements.

In sharp contrast to the vibrant research and technology commercialization activities that are taking place in Utah and across our country today, the situation twenty years ago was vastly different. According to a 1978 survey, the federal government owned 78,000 patents but only 5 percent were ever licensed.

Research and development is expensive, but it has been estimated that R&D accounts for only about 25% of the cost of bringing a new product to the market. Without adequate protection of intellectual property, it is simply not prudent for the private sector to invest in new technologies.

In response to the problem of federally supported science languishing in the laboratory, the Congress passed a portfolio of legislation in the 1980s.

The purpose of these measures was simple: to provide incentives in the intellectual property laws to help assure that federally-conducted and -supported research would be commercially developed so that the seeds of new ideas will be translated into the fruits of new products that can benefit the American public.

My bill, S. 999, shares this goal and builds upon the previous intellectual property legislation in this area.

The ''Patent and Trademark Act Amendments of 1980'' (Public Law 96–517) is commonly termed the Bayh–Dole Act out of the well-earned respect for its two far-sighted cosponsors, Senator Birch Bayh and Senator Bob Dole.

The Bayh–Dole Act created a uniform patent policy among the many federal agencies that fund research and increased incentives for universities to engage in government-supported research. Under the act, small businesses and nonprofit organizations, including universities, were permitted to retain ownership of patents stemming from federal funds. In turn, patent holders could grant licenses to companies to further develop and commercialize the patented invention.

In 1986, Congress enacted the ''Federal Technology Transfer Act'' (Public Law 99–502). This law established new patenting, licensing and partnering policies for government laboratories. In concert with the philosophy of the

Bayh–Dole Act, the FTTA contemplates an activist role for government laboratories in assisting in the journey from the laboratory to the market place. The FTTA amended the earlier ''Stevenson-Wydler Technology Innovation Act of 1980'' (Public Law 96–480), which proved insufficient to meet its intended charge of making transfer of federal technology a duty of all federal laboratories. In addition to mandating a federal role in the technology transfer arena by strengthening the intellectual property laws in the areas of patenting and licensing, the FTTA created and embraced a unique device—the Cooperative Research and Development Agreement (CRADA)—which encourages a government/private sector partnership in the earliest stages of research.

In devising S. 999, I have worked closely with several colleagues, most prominently Representative CONNIE MORELLA, Chairman of the Subcommittee on Technology of the House Committee on Science. Chairman MORELLA, whose district is the home of the National Institutes of Health, has long been a leader in the area of technology policy. Chairman MORELLA and Representative GEORGE BROWN, the thoughtful ranking member of the full Committee have often worked together in a bipartisan manner in this area and are cosponsors of H.R. 209, the House companion to S. 999.

In this Chamber, Senator ROCKEFELLER has a long and distinguished record in the area of technology policy. Together with Senator FRIST, Senator ROCKEFELLER introduced similar legislation last Congress and once again this year.

I am working with all of these Members, as well as with Senator MCCAIN, Chairman of the Commerce, Science, and Transportation Committee, and the Senate and House leadership to secure passage of this important legislation. Working together, I believe that we have succeeded in building upon as well as correcting some problems identified with the legislative proposals made last Congress, S. 2120 and H.R. 2544.

S. 999 amends the patent code to make explicit when federal agencies should, and should not, grant exclusive licenses to its patented inventions.

The bill permits an exclusive or partially exclusive license only if such a license is reasonable and necessary to attract the necessary private sector investment capital or otherwise promote the invention's utilization. The bill requires the agency to evaluate a potential licensee's development plans and level of capacity and commitment so that only the level of necessary exclusivity is granted. Once a license agreement is executed the bill requires a rigorous periodic evaluation of progress under the agreement and allows the government to terminate a license for non-performance of the terms of the license.

The bill also requires that in granting patent licenses the government take into account possible effects on competition including any potential antitrust concerns. In the case of licensing inventions covered by foreign patents, the government is directed to consider the possible U.S. interest in foreign trade and commerce.

In addition, the bill contains a domestic manufacturing requirement that is designed to keep jobs created through newly patented technologies in the United States. As well, the legislation contains a preference for issuing licenses to small businesses—the sector of the economy where most new jobs are created.

Under the bill, the government would retain a nontransferable, irrevocable, paid-up license to practice the invention on behalf of the United States Government in the unlikely event this need should arise.

Before any exclusive or partially exclusive license may be granted under the authority of the patent code, the agency, except in cases of inventions made under an existing CRADA, must give at least 15 days public notice and consider any comments that are submitted.

The bill treats any confidential commercial information as part of an application or periodic performance report under normal Freedom of Information Act principles.

Mr. President, the ''Technology Transfer Act of 1999'' builds upon earlier legislation in this critical area. I am honored to be following in the footsteps of our former Majority Leader, Senator Dole, and the former Member of the Judiciary Committee, Senator Birch Bayh—father of the new member of the Senate from Indiana.

I am also pleased to follow in the footsteps of my predecessors on the Judiciary Committee, which was the locus of activity for the seminal 1980 legislation that amended the patent code and changed our nation's patent licensing policies.

I urge all of my colleagues to support S. 999.

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. 999

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 ''Technology Transfer Act of 1999''.

SEC. 2. LICENSING FEDERALLY OWNED OR PATENTED INVENTIONS.

(a) IN GENERAL.—Section 209 of title 35, United States Code, is amended to read as follows:

''§ 209. Licensing federally patented or owned inventions

''(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

''(1) granting the license is a reasonable and necessary incentive to—

''(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

''(B) otherwise promote the invention's utilization by the public;

''(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

''(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time, which time may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such extension would be unreasonable;

''(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

''(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

''(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

''(c) SMALL BUSINESS.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

''(d) TERMS AND CONDITIONS.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions shall include provisions—

''(1) retaining a nontransferable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

''(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

''(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

''(A) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

''(B) the licensee is in breach of an agreement described in subsection (b);

''(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

''(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

''(e) TREATMENT OF REPORT INFORMATION.—Any report required under subsection (d)(2) shall be treated by the Federal agency as commercial and financial information obtained from a person and is privileged and confidential and not subject to disclosure under section 552 of title 5.

''(f) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

''(g) PLAN.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development or marketing of the invention, except that any such plan shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5.''.

(b) AMENDMENTS TO CHAPTER 18 OF TITLE 35, UNITED STATES CODE.—Chapter 18 of title 35, United States Code, is amended—

(1) in section 200 by inserting ''without unduly encumbering future research and discovery'' after ''free competition and enterprise;'';

(2) by amending section 202(e) to read as follows:

''(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization, small business firm, or a non-Federal inventor, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

''(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization, small business firm, or non-Federal inventor in accordance with sections 200 through 204 (including this section); or

''(2) acquire any rights in the subject invention from the nonprofit organization, small business firm, or non-Federal inventor, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition.''; and

(3) in section 207(a)—

(A) in paragraph (2), by striking ''patent applications, patents, or other forms of protection obtained'' and inserting ''inventions''; and

(B) in paragraph (3), by inserting '', including acquiring rights for and administering royalties to the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention'' after ''or through contract''.

(c) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

''209. Licensing federally patented or owned inventions.''.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

COMMODITY DERIVATIVE DEALERS AND ORDINARY BUSINESS HEDGING TRANSACTIONS

• Mr. BREAUX. Mr. President, I, along with my distinguished colleague Senator DON NICKLES, am introducing legislation today to clarify the tax treatment of commodity derivative dealers and of ordinary business hedging transactions. This legislation, which was proposed by the Administration in its Fiscal Year 2000 budget, is necessary to eliminate the existing tax uncertainties with respect to dealer derivative transactions and hedging transactions.

Specifically, Internal Revenue Code section 1221 would be amended to include business hedging transaction in the list of ordinary assets and clarify that activities that ''manage'' rather than only ''reduce'' risk are hedging activities. In addition, derivative contracts held by derivative dealers would similarly be treated as ordinary assets. Current tax and business practices treat derivative contracts held by commodity derivatives dealers as ordinary property. Nevertheless, such derivative dealers are faced with uncertainties regarding the proper reporting of gains and losses from their dealer activities, unlike dealers in other transactions. Finally, supplies used in the provision of services for the production of ordinary property would be added to the list of ordinary assets in section 1221. Such supplies are so closely related to the taxpayer's business that ordinary character should apply.

The Treasury Department has promulgated numerous regulations that affect derivatives contracts and our bill merely clarifies current law treatment of dealer activities. I urge my colleagues to support this important and much needed legislation.•

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL YOUTH VIOLENCE COMMISSION ACT

Mr. LIEBERMAN. Mr. President, three weeks after the tragic shooting in Littleton, Colorado, we as a national community are still struggling to make sense of this horrific event and the other school massacres that preceded it. We are still searching for reasons why some of our children are slaughtering each other, and why there is generally so much violence surrounding our young people, not just in classrooms and schoolyards but on streetcorners and in homes across the country.

In this discussion, we have heard many factors cited as possible causes, but few definitive conclusions or little consensus on exactly what or who is responsible for this alarming trend. In fact, one of the only things that most Americans seem to agree on is that this is an extremely complicated problem, and that there is not any one answer. They are right.

The search for common ground and common solutions began in earnest yesterday with the summit meeting the President convened at the White House. At that meeting the President opened a much-needed dialogue with the entertainment and gun industries, yielding some important commitments from the gun makers, but little if anything from the entertainment industry. The President also laid out a promising plan for translating this conversation into action, calling for a national campaign to change the pervading culture of violence, to mobilize a sustained response to this threat from every segment of our society, much as we have done in the fight against teen pregnancy.

We are here today to introduce legislation that we believe can make an important contribution to this national campaign, something that will help us better understand as we prepare to act. Our proposal would create a select national commission on youth violence, whose mandate would be to deliberately and dispassionately examine the many possible root causes of this crisis of youth violence, to help us understand why so many kids are turning into killers, and to help us reach consensus on how to curtail this recurring nightmare.

This commission would be composed of a wide array of experts in the fields of law enforcement, school administration, teaching and counseling, parenting and family studies, and child and adolescent psychology, as well as Cabinet members and national religious leaders, to thoroughly study the different dimensions of this problem. After deliberating for a year, the commission would be directed to report its conclusions to the President and Congress and recommend a series of tangible steps we could take to reduce the level of youth violence and prevent other families and communities from feeling the searing pain and grief that has visited the people of Littleton for the last three weeks.

Our proposal is not intended to forestall or preempt a more immediate response to what happened in Littleton. To the contrary, we each believe there are several steps that the Congress and different groups and industries could and should take now that would help us reduce not just the risk of another school massacre, but the daily death toll of youth violence across America. Several of us here, for example, have and will continue to push the entertainment industry to stop glorifying and romanticizing violence, and in particular to stop marketing murder and mayhem directly to kids.

But we also believe that this extraordinary problem is not something that we can solve overnight, or with any single piece of legislation. A commission is no guarantee that we will find all the answers and bridge all the divisions, but we believe it provides as good a hope as any for thoughtfully doing so, and for making this national campaign a success.

In the coming days, we will offer this proposal as an amendment to the juvenile justice bill. We will also be putting forward a companion amendment calling for a Surgeon General's report on the public health aspects of the youth violence epidemic, with a particular focus on the contributing effects of entertainment media violence on children. This proposal, which the President endorsed at Monday's summit, is intended to inform the commission's work and hopefully raise public awareness of the enormous role the entertainment culture plays in shaping the world our sons and daughters inhabit.

I ask unanimous consent that the text of this bill be printed into the RECORD.

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

S. 1001

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 ''National Youth Violence Commission Act''.

SEC. 2. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this Act as the ''Commission''). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 3. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

SEC. 3. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including the means by which they acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(F) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 4(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 4(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 3.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account,

paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 3. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 3. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 3.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this Act such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 3(c).

By Mr. MACK (for himself and Mr. BREAUX):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the Medicare Program; to the Committee on Finance.

MEDICARE PSYCHIATRIC HOSPITAL PROSPECTIVE PAYMENT SYSTEM ACT OF 1999

Mr. MACK. Mr. President, today I am pleased to join my colleague JOHN BREAUX in sponsoring the Medicare Psychiatric Hospital Prospective payment System Act of 1999.

This legislation will ensure the continuance of available impatient psychiatric care by reforming how Medicare pays for services in free-standing psychiatric hospitals and psychiatric units of general hospitals. It will establish a prospective payment system (PPS) Currently psychiatric hospitals are the only institutional providers of care under Medicare not scheduled to move to a PPS system.

The Balanced Budget Act of 1997 (BBA) made major changes in the way psychiatric hospitals are paid. It reduced incentive payments and imposed a limit on what will be paid. The result of this was that many of these providers were hit by a big cut in the first year with no transition period to adjust to the reductions. It is important that these cuts not be continued because patient care may be put at risk. A recent study found that 84% of psychiatric hospitals had payment reductions due to BBA. The average margin went from minus 3% to negative 8.7%.

This legislation proposes to transition psychiatric inpatient providers to a PPS which will allow these institutions to be able to plan and adjust for the future and insure their ability to provide quality care. The proposal also provides a measure of financial relief by limiting payment reductions to no more than 5% in the next two years. This relief will then be paid back in a few years under PPS. After the third year, PPS will be in effect and per diem rates can be adjusted downward by the Secretary of Health and Human Services to pay back savings temporarily lost through the limitation of initial payment reductions. The goal is for the bill to be budget neutral over five years and fully comply with the BBA.

The most important feature of this legislation is that it moves psychiatric facilities out of a cost based system and into a system where they will be paid prospectively, like most other Medicare Providers, and can manage their finances effectively to provide high quality psychiatric care.

I urge my colleagues to join me in cosponsoring this important piece of legislation.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1002

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 ''Medicare Psychiatric Hospital Prospective Payment System Act of 1999''.

SEC. 2. MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC FACILITIES.

(a) ESTABLISHMENT OF PROSPECTIVE PAYMENT SYSTEM.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following:

''(l) PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT PSYCHIATRIC SERVICES.—

''(1) AMOUNT OF PAYMENT.—

''(A) DURING TRANSITION PERIOD.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility (as defined in paragraph (7)(C)) for each day of services furnished in a cost reporting period beginning on or after October 1, 2000, and before October 1, 2003, is equal to the sum of—

''(i) the TEFRA percentage (as defined in paragraph (7)(D)) of the facility-specific per diem rate (determined under paragraph (2)); and

''(ii) the PPS percentage (as defined in paragraph (7)(B)) of the applicable Federal per diem rate (determined under paragraph (3)).

''(B) UNDER FULLY IMPLEMENTED SYSTEM.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility for each day of services furnished in a cost reporting period beginning on or after October 1, 2003, is equal to the applicable Federal per diem rate determined under paragraph (3) for the facility for the fiscal year in which the day of services occurs.

''(C) NEW FACILITIES.—In the case of a psychiatric facility that does not have a base fiscal year (as defined in paragraph (7)(A)), payment for the operating and capital-related costs of inpatient hospital services shall be made under this subsection using the applicable Federal per diem rate.

''(2) DETERMINATION OF FACILITY-SPECIFIC PER DIEM RATES.—

''(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

''(B) UPDATING.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period after the cost reporting period beginning in the base fiscal year and before October 1, 2003, by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(3) DETERMINATION OF FEDERAL PER DIEM RATE.—

''(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

''(B) UPDATING TO FIRST FISCAL YEAR.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period up to the first cost reporting period to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(C) COMPUTATION OF STANDARDIZED PER DIEM RATE.—The Secretary shall standardize the amount determined under subparagraph (B) for each facility by—

''(i) adjusting for variations among facilities by area in the average facility wage level per diem; and

''(ii) adjusting for variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)).

''(D) COMPUTATION OF WEIGHTED AVERAGE PER DIEM RATES.—

''(i) SEPARATE RATES FOR URBAN AND RURAL AREAS.—Based on the standardized amounts determined under subparagraph (C) for each facility, the Secretary shall compute a separate weighted average per diem rate—

''(I) for all psychiatric facilities located in an urban area (as defined in subsection (d)(2)(D)); and

''(II) for all psychiatric facilities located in a rural area (as defined in subsection (d)(2)(D)).

''(ii) FOR HOSPITALS AND UNITS.—In the areas referred to in clause (i), the Secretary may compute a separate weighted average per diem rate for—

''(I) psychiatric hospitals; and

''(II) psychiatric units described in the matter following clause (v) of subsection (d)(1)(B).

If the Secretary establishes separate average weighted per diem rates under this clause, the Secretary shall also establish separate average per diem rates for psychiatric facilities in such categories that are owned and operated by an agency or instrumentality of Federal, State, or local government and for psychiatric facilities other than such facilities.

''(iii) WEIGHTED AVERAGE.—In computing the weighted averages under clauses (i) and (ii), the standardized per diem amount for each facility shall be weighted for each facility by the number of days of inpatient hospital services furnished during its cost reporting period beginning in the base fiscal year.

''(E) UPDATING.—The weighted average per diem rates determined under subparagraph (D) shall be updated for each fiscal year after the first fiscal year to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(F) DETERMINATION OF FEDERAL PER DIEM RATE.—

''(i) IN GENERAL.—The Secretary shall compute for each psychiatric facility for each fiscal year (beginning with fiscal year 2001) a Federal per diem rate equal to the applicable weighted average per diem rate determined under subparagraph (E), adjusted for—

''(I) variations among facilities by area in the average facility wage level per diem;

''(II) variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)); and

''(III) variations among facilities in the proportion of low-income patients served by the facility.

''(ii) OTHER ADJUSTMENTS.—In computing Federal per diem rates under this subparagraph, the Secretary may adjust for outlier cases, the indirect costs of medical education, and such other factors as the Secretary determines to be appropriate.

''(iii) BUDGET NEUTRALITY.—The adjustments specified in clauses (i)(I), (i)(III), and (ii) shall be implemented in a manner that does not result in aggregate payments under this subsection that are greater or less than those aggregate payments that otherwise would have been made if such adjustments did not apply.

''(4) ESTABLISHMENT OF PATIENT CLASSIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary shall establish—

''(i) classes of patients of psychiatric facilities (in this paragraph referred to as 'case mix groups'), based on such factors as the Secretary determines to be appropriate; and

''(ii) a method of classifying specific patients in psychiatric facilities within these groups.

''(B) WEIGHTING FACTORS.—For each case mix group, the Secretary shall assign an appropriate weighting factor that reflects the relative facility resources used with respect to patients classified within that group compared to patients classified within other such groups.

''(5) DATA COLLECTION; UTILIZATION MONITORING.—

''(A) DATA COLLECTION.—The Secretary may require psychiatric facilities to submit such data as is necessary to implement the system established under this subsection.

''(B) UTILIZATION MONITORING.—The Secretary shall monitor changes in the utilization of inpatient hospital services furnished by psychiatric facilities under the system established under this subsection and report to the appropriate committees of Congress on such changes, together with recommendations for legislation (if any) that is needed to address unwarranted changes in such utilization.

''(6) SPECIAL ADJUSTMENTS.—Notwithstanding the preceding provisions of this subsection, the Secretary shall reduce aggregate payment amounts that would otherwise be payable under this subsection for inpatient hospital services furnished by a psychiatric facility during cost reporting periods beginning in fiscal years 2001 and 2002 by such uniform percentage as is necessary to assure that payments under this subsection for such cost reporting periods are reduced by an amount that is equal to the sum of—

''(A) the aggregate increase in payments under this title during fiscal years 1999 and 2000, that is attributable to the operation of subsection (b)(8); and

''(B) the aggregate increase in payments under this title during fiscal years 2001 and 2002 that is attributable to the application of the market basket percentage increase under paragraphs (2)(B) and (3)(E) of this subsection in lieu of the provisions of subclauses (VI) and (VII) of subsection (b)(3)(B)(ii). Reductions under this paragraph shall not affect computation of the amounts payable under this subsection for cost reporting periods beginning in fiscal years after fiscal year 2002.

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'base fiscal year' means, with respect to a hospital, the most recent fiscal year ending before the date of enactment of this subsection for which audited cost report data are available.

''(B) The term 'PPS percentage' means—

''(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 25 percent;

''(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

''(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 75 percent.

''(C) The term 'psychiatric facility' means—

''(i) a psychiatric hospital; and

''(ii) a psychiatric unit described in the matter following clause (v) of subsection (d)(1)(B).

''(D) The term 'TEFRA percentage' means—

''(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 75 percent;

''(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

''(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 25 percent.''.

(b) LIMIT ON REDUCTIONS UNDER BALANCED BUDGET ACT.—Section 1886(b) of the Social Security Act (42 U.S.C. 1395ww(b)) is amended by adding at the end the following:

''(8) Notwithstanding the amendments made by sections 4411, 4414, 4415, and 4416 of the Balanced Budget Act of 1997, in the case of a psychiatric facility (as described in subsection (l)(7(C)(ii)), the amount of payment for the operating costs of inpatient hospital services for cost reporting periods beginning on or after October 1, 1998, and before October 1, 2000, shall not be less than 95 percent of the amount that would have been paid for such costs if such amendments did not apply.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the Balanced Budget Act of 1997.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. CRAPO, and Mr. BRYAN):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes; to the Committee on Finance.

THE ALTERNATIVE FUELS PROMOTION ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today with my colleagues Senators HATCH, CRAPO, and BRYAN the Alternative Fuels Promotion Act. This is an important bipartisan piece of legislation providing tax incentives to help stimulate the still fledgling alternative fuel vehicle industry. It creates a $0.50 per gasoline equivalent gallon tax credit for natural gas, methanol, propane and hydrogen, thus almost leveling the tax treatment for all alternative fuels. The bill also contains provisions for extending the electric vehicle tax credit and augmenting it to encourage advanced technology vehicles. It also expands the existing tax deduction for alternative fuel fueling infrastructure to include the cost of installation. Finally, the bill gives states the authority to allow single occupant alternative fueled vehicles on high occupancy vehicle (HOV) lanes.

I introduce this bill today because I believe that it is time for the next automobile revolution.

I say revolution because as Webster's tells us, the word can mean ''a fundamental change in the way of thinking about something.''

One compelling argument for pursuing fundamental change when it comes to automobiles is the fact that we still need to reduce this nation's dependence on imported oil, for obvious reasons. After all, Saddam Hussein didn't invade Kuwait to increase his supply of sand. We are at an historic high in our dependence on imported oil. Currently, we import approximately one half of the oil consumed in this nation. According to the Energy Information Administration, that level is expected to increase to more than sixty percent within the next decade, unless we do something dramatic to reverse the current trend. Even more foreboding is the fact that most of the oil we import is from the Middle East. It makes no sense for us to stand idly by as this volatile region of the world increases its potential stranglehold over the world's economy.

It is also critical that we reduce the transportation sector's negative impact on air quality. We are in the midst of an alarming increase in reported asthma and other respiratory diseases. This problem is esepcially acute among children and senior citizens. While the automobile industry has made great strides in reducing emissions from cars and trucks, the improvement has been largely offset by the dramatically increasing number of cars, sport utility vehicles and trucks on the road and the increasing number of miles these vehicles are driven each year. Clearly, doing something to cut air pollution and reduce greenhouse gas emissions, for example, requires enormous change in transportation.

The options for bringing about change in the transportation sector are limited. We can pursue punitive new taxes, mandates, or regulations. This approach, I believe, would result in job losses and economic stagnation, situations that are not acceptable to either the American people or the Congress. I believe the best way to bring about the change we need is to provide incentives—to manufacturers to develop and sell clean technology—and to consumers to buy and use that technology.

The domestic automobile manufacturers have been developing a full menu of clean, efficient vehicles for the 21st century. And unlike before, these vehicles are much closer to their gasoline-powered counterparts in terms of performance, safety, comfort, and cost. Just recently, two of our biggest automobile manufacturers unveiled their latest fuel-cell-powered vehicles—the alternative fuel vehicle considered by many to be the car of the 21st century. Much of the technology incorporated into such advanced transportation technologies—hybrids, electric vehicles with advanced batteries, fuel cell vehicles as well as bi-fuel and flex-fuel vehicles—are a direct result of the work government and industry have done together, in full partnership, through programs like the United States Advanced Battery Consortium and the Partnership for a New Generation of Vehicles.

Perhaps most exciting is that some of these ''cars of the future'' are available today. Electric vehicles are being sold, albeit in small numbers, to fleets nationwide, and to select target markets in California and Arizona. Also, most major automakers have alternative fuel vehicles available for either fleet or private purchase.

And there is encouraging news on the infrastructure front as well. Alternative fuel providers and electric utilities throughout the country are putting the infrastructure in place to support alternative fuel and electric vehicles in operation. By the end of 1998, nearly 300 public charging sites with more than 600 chargers, as well as hundreds of home chargers, and a number of fleet installations, were established throughout California and Arizona. We need more of this to happen nationally. There are also more than 110 methanol stations nationwide supporting alternative and flex fuel vehicles. Also, compressed natural gas and other natural gas-based fuels are developing infrastructure as well. For example, in my state of West Virginia alone there are over 40 compressed natural gas fueling stations.

I think this is all evidence that we have indeed initiated an automotive revolution. Unfortunately, the market hasn't developed as quickly as we thought it would when we passed the Energy Policy Act of 1992 with such high hopes. And perhaps we were too optimistic about what would be required by both government and industry to build a sustainable market for the technology.

So, what can we do to speed things up? How can we make sure there are more vehicles available, get more people to buy them, and develop the infrastructure to sustain them?

First, as I mentioned earlier, the alternative fuel and electric vehicle markets started more slowly than I think many of us expected. Therefore, we need to extend the phase-out dates of current tax credits. This would continue to help us ''jumpstart'' the market for electric vehicles, and lay out a longer-term incentive policy. Also, I feel that hard work and progress should be encouraged. Electric vehicles with extended range capability are the result of additional investments in research and technology. This behavior needs to be rewarded.

Second, there needs to be more support for the development of an effective alternative fuel fueling infrastructure. For too long, we been caught in a 'chicken and egg' cycle, with the infrastructure not available to support alternative fuel vehicles, and consumers not interested in the vehicles because there's not support infrastructure. We need to break this cycle by creating better tax incentives to help develop alternative fuel infrastructure. The current tax deductions for capitol equipment is not sufficient since a large portion of the overall cost may be associated with the actual cost of installation.

Finally, we must make alternative fuels, like natural gas, methanol, propane and hydrogen, economically attractive to producers, distributors,

marketers and buyers. If consumers see affordable new fuels available at their local fueling stations, they will be much more likely to actually use an alternative fuel vehicle. Tax incentives have traditionally been very effective in encouraging consumers to try new technology. While changing consumer's behavior is not easy, I am confident that if people begin to see that alternative fuels are available and affordable, they will soon begin to use them. Without the economic drive at every link in the fuel chain any alternative fuel effort will not succeed.

This is why today I along with my colleagues are introducing the Alternative Fuels Promotion Act.

This bill contains provisions for extending the $4,000 tax credit for electric vehicles until 2010. It also grants an additional $5,000 tax credit for electric vehicles that meet a 100 mile range requirement. These provisions will help electric vehicle commercialization and research to move forward at a faster pace, and will mean that more people will be able to buy electric vehicles.

However, few people will buy electric vehicles and other alternatively fueled vehicles if there is nowhere to refuel them. I want to encourage the development of these stations. Therefore, my bill expands the current tax deduction for alternative fuel fueling capital equipment to include the cost of installation. This will allow more infrastructure for electric and alternative fuel vehicles to be installed and used.

The Alternative Fuels Promotion Act also makes clean-burning alternative fuels economically attractive. The bill provides a $0.50 per gasoline equivalent gallon tax credit to the seller of compressed natural gas, liquefied natural gas, methanol, propane or hydrogen. This will allow these non-petroleum fuels to become more economically favorable to the consumer through lower prices at the pump. It also places these fuels on tax parity with other alternatives. By giving the tax credit to the seller of the fuel, it reduces the paperwork burden on the individual consumer, and allows for easier dispersal of the credit throughout the production/delivery/marketing chain so that all parties are interested in increasing the consumption of alternative fuels.

Finally, the Alternative Fuel Promotion Act gives states the ability to decide if they want to allow single occupant alternative fuel and electric vehicles in HOV lanes. This is, I feel, a strong incentive that states should be allowed, but not required, to give to owners of these special vehicles.

We know that when national policy works in support of the energies and potential of the private sector, far more progress can be made at a far faster rate. The private sector is leading the way in developing alternatives fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally powered vehicles to air pollution should drive us to try. In my case, I see exciting prospects for new uses of West Virginia's natural resources and other economic benefits for my state—along with other states. I encourage my colleagues to support this bill and I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 1003

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 ''Alternative Fuels Promotion Act''.

SEC. 2. FINDINGS.

The Senate finds the following:

(1)(A) Since 1994, the United States has imported over half its oil.

(B) Without efforts to mitigate this dependence on foreign oil, the percentage of oil imported is expected to grow to all-time highs.

(C) This reliance on foreign oil presents a national security risk, which Congress should address through policy changes designed to increase the use of domestically-available alternative transportation fuels.

(2)(A) The importing of a majority of the oil used in the United States contributes negatively to the balance of trade of the United States.

(B) Assuring the Nation's economic security demands the development and promotion of domestically-available alternative transportation fuels.

(3)(A) The reliance on oil as a transportation fuel has numerous negative environmental consequences, including increasing air pollution and greenhouse gas emissions.

(B) Developing alternative transportation fuels will help address these environmental impacts by reducing emissions.

(4) In order to encourage installation of alternative fueling infrastructure, and make alternative fuels economically favorable to the producer, distributor, marketer, and consumer, tax credits provided at the point of distribution into an alternative fuel vehicle are necessary.

(5)(A) In the short-term, United States alternative fuel policy must be made fuel neutral.

(B) Fuel neutrality will foster private innovation and commercialization using the most technologically feasible and economic fuels available.

(C) This will allow market forces to decide the alternative fuel winners and losers.

(6)(A) Tax credits which have been in place have led to increases in the quantity and quality of alternative fuel technology available today.

(B) Extending these credits is an efficient means of promoting alternative fuel vehicles and alternative fueling infrastructures.

(7)(A) The Federal fleet is one of the best customers for alternative fuel vehicles due to its combination of large purchasing power, tight record keeping, geographic diversity, and high fuel usage.

(B) For these reasons, the National Energy Policy Act of 1991 required Federal fleets to purchase certain numbers of alternatively-fueled vehicles.

(C) In most cases, these requirements have not been met.

(D) Efforts must be made to ensure that all Federal agencies comply with Federal fleet purchase requirement laws and executive orders.

TITLE I—TAX INCENTIVES

SEC. 101. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) INCREASED CREDIT FOR VEHICLES WHICH MEET CERTAIN RANGE REQUIREMENTS.—

(1) IN GENERAL.—Section 30(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) 10 percent of the cost of any qualified electric vehicle placed in service by the taxpayer during the taxable year, plus

''(B) in the case of any such vehicle also meeting the requirement described in paragraph (2), $5,000.

''(2) RANGE REQUIREMENT.—The requirement described in this paragraph is a driving range of at least 100 miles—

''(A) on a single charge of the vehicle's rechargeable batteries, fuel cells, or other portable source of electrical current, and

''(B) measured pursuant to the urban dynamometer schedules under appendix I to part 86 of title 40, Code of Federal Regulations.''.

(2) CONFORMING AMENDMENT.—Section 30(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)''.

(b) CREDIT EXTENDED THROUGH 2010.—

(1) IN GENERAL.—Section 30(e) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''2004'' and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—Section 30(b)(2) of such Code (relating to phaseout) is amended—

(A) by striking ''2002'' in subparagraph (A) and inserting ''2008'',

(B) by striking ''2003'' in subparagraph (B) and inserting ''2009'', and

(C) by striking ''2004'' in subparagraph (C) and inserting ''2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 102. ADDITIONAL DEDUCTION FOR COST OF INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 179A(b)(2) of the Internal Revenue Code of 1986 (relating to qualified clean-fuel vehicle refueling property) is amended to read as follows:

''(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a)(1)(B) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the sum of—

''(i) with respect to costs not described in clause (ii), the excess (if any) of—

''(I) $100,000, over

''(II) the aggregate amount of such costs taken into account under subsection (a)(1)(B) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years, plus

''(ii) the lesser of—

''(I) the cost of the installation of such property, or

''(II) $30,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 103. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following:

"SEC. 40A. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the clean burning fuel retail sales credit of any taxpayer for any taxable year is 50 cents for each gasoline gallon equivalent of clean burning fuel sold at retail by the taxpayer during such year as a fuel to propel any qualified motor vehicle.

''(b) DEFINITIONS.—For purposes of this section—

''(1) CLEAN BURNING FUEL.—The term 'clean burning fuel' means natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of which consists of methanol.

''(2) GASOLINE GALLON EQUIVALENT.—The term 'gasoline gallon equivalent' means, with respect to any clean burning fuel, the amount (determined by the Secretary) of such fuel having a Btu content of 114,000.

''(3) QUALIFIED MOTOR VEHICLE.—The term 'qualified motor vehicle' means any motor vehicle (as defined in section 179A(e)) which meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled.

''(4) SOLD AT RETAIL.—

''(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

''(B) USE TREATED AS SALE.—If any person uses clean burning fuel as a fuel to propel any qualified motor vehicle (including any use after importation) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

''(c) NO DOUBLE BENEFIT.—The amount of the credit determined under subsection (a) shall be reduced by the amount of any deduction or credit allowable under this chapter for fuel taken into account in computing the amount of such credit.

''(d) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2007.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the clean burning fuel retail sales credit determined under section 40A(a).''.

(c) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SECTION 40A CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the clean burning fuel retail sales credit determined under section 40A(a) may be carried back to a taxable year ending before January 1, 1999.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40 the following:

''Sec. 40A. Credit for retail sale of clean burning fuels as motor vehicle fuel.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after December 31, 1999, in taxable years ending after such date.

TITLE II—PROGRAM EFFICIENCIES

SEC. 201. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a) of title 23, United States Code, is amended by inserting ''(unless, at the discretion of the State highway department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in section 301 of Public Law 102-486 (42 U.S.C. 13211(2)))'' after ''required''.

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the Alternative Fuels Promotion Act, together with my colleagues, Senators ROCKEFELLER, CRAPO, and BRYAN. The legislation we introduce today will help to solve one of our Nation's most expensive problems—air pollution.

As air pollution was introduced at the beginning of this century, it is fitting that, at century's end, we should find solutions to this vexing problem.

Automobiles are a major source of pollution in our urban areas. Past efforts to address this mobile-source pollution have been fraught with pitfalls; and, as a result, the effort to control automobile emissions has progressed in fits and starts. The Alternative Fuels Promotion Act avoids past mistakes, leaving behind command-and-control mandates from Congress and providing market-based incentives for consumers and for much needed infrastructure development.

Mr. President, as we speak, my State of Utah is engaged in a mammoth road construction project on Interstate 15. This freeway runs right through Salt Lake City and through three counties in Utah that have struggled to meet national clean air standards.

It might suggest that we should not improve or repair highways. Could it be that the availability of convenient and efficient roadways is in part responsible for our emissions problem? I doubt it. While the Eisenhower vision of a vast nation connected by interstate highways may have encouraged more people to commute or vacation by car, the fact is that vehicular traffic is increasing almost everywhere. One-car families have become two-car and three-car families.

I do not believe that more cars crowded onto old and inefficient highways is the answer. In fact, slow-moving traffic is part of the problem.

According to a recent study by Utah's Division of Air Quality, on-road vehicles account for 22 percent of coarse particulate matter in Utah. Particulate matter can be harmful to those already suffering from chronic respiratory or heart disease, influenza, or asthma. Automobiles also account for 34 percent of hydrocarbon and 52 percent of nitrogen oxide emissions in my state. These two pollutants react in sunlight to form ozone, which in turn reduces lung function in humans and hurts our resistance to colds and asthma. Ozone may also lead to premature aging of lung tissue. In Utah, vehicles account for a whopping 87 percent of carbon monoxide emissions. Carbon monoxide can be harmful to persons with heart, respiratory, or circulatory ailments.

Mr. President, while Utah has made important strides in improving air quality, more vehicular miles are driven every year. If we are to have cleaner air, we must encourage low emission alternative fuels or electric power.

The need for alternative fuels will dramatically increase as the Environmental Protection Agency continues to implement its new, stricter clean air standards. With the tighter standards, some of Utah's counties will, once again, face non-attainment. Under the Clean Air Act, the EPA can impose sanctions on a state's highway fund if it determines a state has not adequately implemented plans to attain air quality standards, a sanction which, as I have suggested, may actually be counterproductive.

Nevertheless, non-attainment can be a costly enterprise, whether due to the loss of federal highway money or to the expensive measures taken to reach attainment. And, as I have suggested, may be counterproductive.

By the EPA's own estimates, the annual cost of achieving the new ozone standard in 2010 will be about $9.6 billion. Additionally, the EPA puts the annual cost of achieving the PM 2.5 standard at $37 billion, making for a combined total cost of $47 billion annually. Mr. President, our most recent census count estimated that there are 65 million families in the U.S. So, by the EPA's own account, implementing the new air quality standards will cost about $723 per family every year.

Wouldn't it be wise, Mr. President, to invest some of that money in the development of alternative fuels?

Take natural gas as an example. Natural gas is one of the cleanest burning fuels available. Add to this, methanol, propane has a variety of options that would allow Americans to continue to drive their cars, while dramatically cutting back on air pollution.

Mr. President, research has brought us a number of excellent options to replace our dependency on traditional gasoline powered autos. It appears that our last obstacle remains bringing these alternatives to the marketplace. Past efforts to do so have failed to produce the hoped-for results because they have been too heavy on mandates and too weak on incentives to car buyers and to improve infrastructure.

Clearly, if consumers are to begin buying alternative fuel vehicles, two elements must be in place: first, the price for vehicles and their fuel must be right; second, the consumer must feel confident that the infrastructure is in place with refueling stations widely available.

This is where the Alternative Fuels Promotion Act comes into play. With this legislation, we take important steps forward to meet these goal without mandates. The only requirement in this bill is that federal agencies submit an annual report on their use of alternative fuel vehicles in their fleets.

The Alternative Fuels Promotion Act encourages customers to purchase alternative fuels through a tax credit. Congress has already given ethanol users a tax credit of 54 cents per gallon. When adjusted for its energy capacity, ethanol's gasoline-gallon equivalent credit equals 82 cents. Our legislation levels the playing field by extending a 50-cent gasoline-gallon equivalent tax credit for the other alternative fuels, such as hydrogen, natural gas, propane, methanol, and electricity.

There currently exists a tax credit for the purchase of electric vehicles. Our bill would extend the life of that credit, giving a continued incentive for companies to develop this technology. The current tax credit equals 10 percent of the purchase price of the vehicle, up to $4,000. Our legislation would extend the sunset date for this credit to 2010 and give an additional $5,000 credit toward any electric vehicle with a range over 100 miles.

Mr. President, consumers will never be interested in alternative fuel vehicles until a strong infrastructure is developed. Under current law, there is a $100,000 tax deduction for the capital costs of equipment at alternative fuel stations. This legislation extends that benefit to construction and installation costs at a new filling station. Often constructions costs outweigh capital costs as a barrier to the installation of new alternative fuel stations.

These measures will jump start a movement already under way toward increased use of alternative fuel vehicles. In California and Arizona there are already about 300 public charging sites for electric vehicles. Utah has led the way in natural gas infrastructure. An owner of a natural gas vehicle can crisscross my state from Logan in the north to St. George in the south, and from Salt Lake to the eastern border finding filling stations all along the way. This is progress, but much more needs to be done.

Mr. President, I believe the momentum is building in this nation for a leap forward in the use of alternative fuel vehicles. There is broad agreement that our approach with this legislation is the proper course to help promote this step. In a letter to me, Utah's Clean Cities Coalition signaled its support for this measure. I quote, ''We believe that for the people living in urban Utah now is a good time to take strong action to encourage Utahns to buy alternative, clean-burning vehicles. We ask that you support the 50-cent per gallon tax credit.''

This bill has also gained the support of the Wasatch Clean Air Coalition in Utah. They stated, ''We believe this tax credit would have a strong positive impact on our local air quality by encouraging the use of alternative fuels, and increasing the portion of cars on our roads fueled by alternative fuels.''

Finally, the American Lung Association has told me that, ''Motor vehicles are a major source of pollution along the Wasatch Front. While automobiles do run cleaner these days, and while alternative forms of transportation are being considered, more needs to be done to address the current and future sources of emissions and poor air quality. One reasonable strategy to cut down on the amount of pollutants in the air is to increase the use of clean fuel vehicles. Vehicles that run on natural gas, propane or electric simply are cleaner burning than those fueled by gasoline or diesel. . . . This legislation will encourage an increased number of clean fuel vehicles on the road, and clean air for years to come.''

Mr. President, I think we all know that 50 years down the road, we will not still be using petroleum fueled vehicles to the same extent we do today. This legislation is an attempt to bring the benefits of cleaner air to our citizens sooner, to free our cities from expensive EPA regulations, and to reduce our consumption of foreign oil. This legislation enables us to tackle these problems with incentives, not mandates. I urge my colleagues to join us in this future-minded approach to cleaning our air.

Mr. CRAPO. Mr. President, I rise in support of the Alternative Fuels Promotion Act, which is introduced today by Senators ROCKEFELLER, HATCH, BRYAN, and myself.

There are many reasons for my support of the Alternative Fuels Promotion Act offered today, in the Senate. A number of those reasons may not be immediately evident, given that the merits of alternative fuels are most often spoken in terms of environmental protection. While there are significant environmental benefits that can be gained from this bill, there are also benefits to be obtained in national security, promotion of the domestic oil industry, the encouragement of business development and innovation, and increased options for the consumer.

Over half of the oil consumed in the United States is produced overseas. Internal combustion vehicles, cars, and trucks, are the primary market for this cheap and readily available source of energy. We, as a nation, have become complacent in our assumption that this stream of easily obtainable fuel will flow forever. It is time for this assumption to be challenged. Most of us have viewed this as simply an economic issue: buy what is cheapest and most available. However, this source of fuel is vulnerable to interruption by foreign governments through changing attitudes toward the U.S., foreign policy or military conflict. The United States should take positive and sure steps toward developing domestically available alternative sources of fuel in order that our economy and accustomed way of life cannot be threatened by the whims and troubles of those outside of our borders.

The flood of foreign oil into the U.S. has left the domestic oil industry fighting for its life. Our support for alternative fueled vehicles should not be interpreted as a challenge or competition to the domestic oil industry. In direct contrast, it recognizes the importance of that industry of our national security. Petroleum products and fuels, including gasoline, will be needed far into the future for the transportation requirements of individuals, mass transportation, and conveyance of goods. The development of alternative fuels that are plentiful in this country, in conjunction with support for our domestic oil industry, will provide us a level of economic national security that we have not experienced for most of this century. By our efforts to revive the U.S. oil industry and the development of alternative fuels and vehicles, we will not be held hostage by foreign governments in gas lines again.

The number of innovative alternative fuel technologies is encouraging. This bill supports the further development of vehicles that are powered by electricity, fuel cells, methanol, and various forms of natural gas. Tax incentives are already in place for other technologies such as ethanol. Support for all promising alternative fuels is warranted in order to give consumers options for choosing those vehicles that will best serve their needs; whether a company requires a fleet of natural gas powered buses to transport their employees of work sites, or an individual's preference for an electric vehicle for in-town use to commute to work or run errands.

The enactment of tax incentives for emerging technologies is the logical way to encourage the development of cost effective alternative fueled vehicles, without the federal government mandating a preference. Leveling the tax incentive playing field within the alternative fuel energy sector will encourage partnerships between traditional providers of transportation and fuel products, and new companies with promising innovations. Instead of fighting change, traditional industry providers will participate in it and benefit from it. Increased market demand for alternative fuel vehicle technologies will also provide an opportunity and an incentive for the federal government to place greater emphasis on research and development in this industry sector. The results of which can then be leveraged into the private market.

While the environmental benefits of cleaner burning fuels are often the most talked about and often the most evident; we should not discount the benefits that can be gained by developing our nation's energy independence.

By Mr. BURNS (for himself and Mr. INHOFE):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

SCHOOLS AND LIBRARIES INTERNET ACCESS ACT OF 1999

• Mr. BURNS. Mr. President, I am pleased to be introducing today, along with Senator INHOFE, the Schools and Libraries Internet Access Act of 1999. This bill addresses a timely and critical issue, that of the implementation of the schools and libraries program. Recently, new charges began appearing on people's telephone bills. These are the charges which providers are assessing to pay for the expansion of ''universal service'' in the form of the ''schools and libraries'' program. This bill is especially timely since Chairman Kennard announced last week that he's calling for a $1 billion annual increase in the e-rate program. That's an additional Billion in taxes that would be enacted without any review or commentary in Congress, and, most importantly, without a vote by our citizens' representatives. Congress needs to step to the plate and provide specific funding for this program that we all feel is important for rural and low-income regions.

I don't think anyone in the Senate ever thought that the limited language which we included in the 1996 Act would be used to create a massive new entitlement program through universal service. Universal service has historically meant the provision of telecommunications services to all Americans, regardless of geographical location. The FCC has expanded the definition of universal service to include broad-ranging social programs, which has caused the Commission's progress toward maintaining universal service to be delayed. While such goals as providing Internet access to schools and libraries may be laudable, they were never meant to be part of universal service as it has traditionally been known. Indeed, a huge additional burden has been placed on rural states like Montana in meeting these newfound definitions.

I want to make it clear, however, that I have always supported the goal of connecting all of our schools to the Internet, as well as the provision of advanced telecommunications services to rural health care centers. I just felt that it was wrong to fund these programs on the backs of American consumers. It is with this in mind that I have proposed using an outdated 3 percent excise tax on telephones to fund the schools and libraries and rural health care programs. Currently, none of the money collected by the tax goes to fund telephone service for Americans.

This tax was designed to fund World War I and was instituted in an era where telephones were a luxury. Well, World War I should be paid for by now and phones are certainly no longer a luxury item. The 3 percent tax was kept alive to provide revenue to offset the deficit. In today's climate of budgetary surplus, this justification no longer makes sense. My proposal calls for cutting the excise tax by two-thirds and using the remaining third to fund the schools and libraries program and the rural health care program.

This proposal is a win/win solution. It's a win for consumers, since it would eliminate the need for new charges on telephone service. It's a win for taxpayers, who would see billions of dollars in current taxes eliminated. It's a win for our schools, libraries and rural health care centers, who would see their programs fully funded without threatening universal service. With the support of the other members of Congress and the leadership of the Senate, I believe this proposal can solve the current crisis we face in funding the schools and libraries and rural health care programs.

The Schools and Libraries Internet Access Act of 1999 is an important effort to shape the future of online access. I strongly encourage my colleagues to support the passage of this bill.•

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

DEADLY DRIVER REDUCTION ACT

Mr. LAUTENBERG. Mr. President, today I am announcing new legislation that will go even further in taking drunk drivers off the road. This legislation means three strikes and, then, you lose your license.

This would set nation-wide standards for license revocation for drunk drivers. Currently, states have a patchwork of laws that range from a fifteen day suspension to a ten year revocation for a third offense. This bill would require that all states adopt at least the following for each level of conviction, otherwise they would face a 10 percent cut in their highway funds.

For the first offense, this bill calls for a six-month license revocation, $500 fine, and assessment of alcohol abuse. If a person's blood alcohol content (BAC) is .16 or greater, his or her punishment includes a ceiling of .05 BAC for the next five years, impoundment/immobilization of his car for 30 days, an ignition interlock for 180 days, and 10 days in jail or 60 hours of community service.

For the second offense, the repeat offender receives a one year license revocation, a ceiling of .05 BAC for the next five years, impoundment/immobilization of his or her car for 60 days, ignition interlock for a year, 10 days jail or 60 hours of community service, and an assessment of alcohol abuse.

And, finally, for the third offense, the repeat offender will lose his driver's license permanently.

With a tough license-revocation law, we can save hundreds of lives each year. This is the next logical step in the fight against drunk driving. It will build on what we started in 1984, when Democrats and Republicans joined together to increase the drinking age to 21. Back then, the liquor lobby issued all kinds of dire warnings that the industry would not survive that legislation. But of course, the industry did survive. And more than 10,000 drunk-driving deaths were prevented.

We need this legislation. Remember, drunk-driving deaths are not ''accidents.'' They are the result of somebody's irresponsible and criminally reckless behavior.

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. 1005

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 ''Deadly Driver Reduction Act''.

SEC. 2. NATIONAL MINIMUM SENTENCES FOR INDIVIDUALS CONVICTED OF OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL.

(a) IN GENERAL.—Section 164 of title 23, United States Code, is amended to read as follows:

''§ 164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol

''(a) DEFINITIONS.—In this section:

''(1) BLOOD ALCOHOL CONCENTRATION.—The term 'blood alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

''(2) DRIVING UNDER THE INFLUENCE.—The term 'driving under the influence' means operating a motor vehicle while having a blood alcohol concentration above the limit established by the State in which the motor vehicle is operated.

''(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

''(4) OPERATE.—The term 'operate', with respect to a motor vehicle, means to drive or be in actual physical control of the motor vehicle.

''(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2003.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2002, if the State does not meet the requirements of paragraph (3) on that date.

''(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2003, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that provides for a minimum sentence consistent with the following and with subparagraph (B):

''(i) Except as provided in clause (ii), in the case of the first conviction of an individual

for driving under the influence, a sentence requiring—

''(I) revocation of the individual's driver's license for 6 months;

''(II) payment of a $500 fine by the individual; and

''(III)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(ii) In the case of the first conviction of an individual for operating a motor vehicle with a blood alcohol concentration of .16 or greater, a sentence requiring—

''(I) revocation of the individual's driver's license for 6 months, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

''(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

''(III) impoundment or immobilization of the individual's motor vehicle for 30 days;

''(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 180 days;

''(V) payment of a $750 fine by the individual;

''(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

''(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(iii) Except as provided in clause (iv), in the case of the second conviction of an individual for driving under the influence, a sentence requiring—

''(I) revocation of the individual's driver's license for 1 year, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

''(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

''(III) impoundment or immobilization of the individual's motor vehicle for 60 days;

''(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 1 year;

''(V) payment of a $1,000 fine by the individual;

''(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

''(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(iv) In the case of the third or subsequent conviction of an individual for driving under the influence, or in the case of a second such conviction if the individual's first such conviction was a conviction described in clause (ii), a sentence requiring permanent revocation of the individual's driver's license.

''(B) REVOCATIONS.—A revocation of a driver's license under subparagraph (A) shall not be subject to any exception or condition, including an exception or condition to avoid hardship to any individual.

''(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

''(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2004.—Any funds withheld under subsection (b) from apportionment to any State on or before September 30, 2004, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2004.—No funds withheld under this section from apportionment to any State after September 30, 2004, shall be available for apportionment to the State.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (b)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

''(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

''(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall lapse.

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (b)(3), the funds shall lapse.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 164 and inserting the following:

''164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol.''.

By Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. LAUTENBERG):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

STEEL-JAWED LEGHOLD TRAP ACT OF 1999

• Mr. TORRICELLI. Mr. President, today, Senators BOXER, FEINSTEIN, KERRY (Ma.), LAUTENBERG and I rise to introduce legislation to end the use of the conventional steel-jawed leghold trap. I rise to draw this country's attention to the many liabilities of this outdated device and ask for my colleagues support in ending its use.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping by prohibiting the import or export of, and the interstate shipment of conventional steel-jawed leghold traps and articles of fur from animals caught in such traps.

The conventional steel-jawed leghold trap is a cruel and antiquated device for which many alternatives exist. The American Veterinary Medical Association and the American Animal Hospital Association have condemned leghold traps as ''inhumane'' and the majority of Americans oppose the use of this class of trap. California became the fourth state in recent years to pass a statewide ballot initiative to ban steel-jawed leghold traps—Arizona, Colorado, and Massachusetts are the other three states to have decided the issue by a direct vote of the people. A number of other states, including Florida, New Jersey, and Rhode Island, have legislative or administrative bans on these devices. In addition, 88 nations have banned their use.

This important and timely issue now takes on added importance as the United States and the European Union (E.U.) recently reached an agreement to implement humane trapping standards. This agreement requires the U.S. to phase out leghold traps. Without this agreement, the E.U. would have prohibited the importation of U.S. fur from thirteen species commonly captured with leghold traps. Adoption of my legislation will fulfill the U.S. obligation to the E.U. and reduce tremendous and unnecessary suffering of animals. By ending the use of the conventional steel-jawed leghold trap within our borders, we will effectively set a humane standard for trapping, as well as protect the U.S. fur industry by keeping Europe's doors open to U.S. fur.

One quarter of all U.S. fur exports, $44 million, go to the European market. Of this $44 million, $21 million would be eliminated by the ban. This would clearly cause considerable economic damage to the U.S. fur industry, an important source of employment for many Americans. Since many Americans rely on trapping for their livelihood, it is imperative to find a solution which prevents the considerable damage that this ban would cause to our fur industry. It is important to note that since the steel-jawed leghold trap has been banned in Europe, alternatives have been provided to protect and maintain the European fur industry.

Our nation would be far better served by ending the use of the archaic and inhumane steel-jawed leghold trap. By doing so, we are not only setting a long-overdue humane standard for trapping, we are ensuring that the European market remains open to all American fur exports.•

By Mr. BAUCUS (for himself and Mr. LEVIN):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

IMPORT SURGE RELIEF ACT OF 1999

Mr. BAUCUS. I thank the Chair. Again, I thank my good friend from Minnesota, as well as the Presiding Officer from Wyoming, who was very generous in allowing us to proceed at this time.

Mr. President, I rise today to introduce the Import Surge Relief Act of

1999, an important measure that will provide a new and improved way to deal expeditiously with import surges. A sudden increase in imports in any sector, especially when these imports are shipped to us at rock bottom prices, has done grave damage to American business and American agriculture. This has been true in the past. It is true today. And, given the increased volatility that we see in the global trading and financial system, import surges are likely to create even greater havoc in our economy in the future.

The steel industry and its workers have been seriously injured, and we read about these stories almost daily. The agriculture industry and our farmers and ranchers face constant threats from surges in wheat, beef, lamb, pork and more. At a time when our rural and industrial communities are facing an all-time crisis, this damage goes to the very heart of our economy and our society.

The Import Surge Relief Act makes several critical improvements in Section 201 of U.S. trade law. This is the so-called ''safeguard'' provision that is designed to prevent serious disruption of our domestic industry because of imports. The improvements I am proposing include the following:

Easing the standard that must be met to demonstrate that there is a causal link between imports and injury to the U.S. industry, speeding up the process for addressing import surges, an absolutely critical need to prevent an industry from being devastated before action is taken, requiring that the President, in deciding whether to take action, focus more than he has in the past on the beneficial impact of a remedy, rather than on the negative impact on other industries, making provisional relief available on an urgent basis, and correcting the way in which imports are counted to prevent circumvention.

In addition, the bill provides for a system that will give us an early warning about import surges. We simply cannot wait until we see that an America industry is devastated. We must be able to project ahead, understand the threats facing an industry, and then consider quickly what type of action to take, if any.

Finally, the bill requires that there be an investigation about underlying problems in agricultural and steel trade. This investigation would focus on anti-competitive practices overseas, including cartel arrangements beyond the borders of the United States.

Mr. President, the United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything we can to open foreign markets that retain barriers to our manufactured goods, agricultural products, and services. And, we must be sure that our domestic industry is able to adjust and adapt to import surges without experiencing the devastation to our businesses, farms, and communities that we have seen far too often in the past.

Let me discuss the Import Relief Act in more detail.

The bill changes the causation standard that links imports and injury. Instead of the requirement that imports be a ''substantial cause of serious injury, or threat thereof'', this bill requires only that imports cause, or threaten to cause, serious injury. Imports would not have to be the leading, or most important, cause of injury. This change conforms to the WTO Agreement on Safeguards.

The U.S. International Trade Commission practice has been to examine injury over a five year period. This practice ignores the problem of import surges where imports do not build up gradually over years but come into this country full blast in a precipitous way. This bill requires the ITC also to consider whether there has been a substantial increase in imports over a short time period.

The President has discretion to deny relief after the ITC recommends such action, if he believes that the economic and social costs outweigh the benefits. This bill requires that the President grant the relief recommended by the ITC unless it would have an adverse impact on the United States substantially out of proportion to the benefits. This would increase the likelihood that the President will implement the remedy that the ITC recommends.

The time period for provisional relief is reduced from ninety days to sixty days so that relief would come more quickly to the industry and workers.

The bill adds to the factors that ITC must consider in determining whether serious injury is occurring. These new factors are just common sense, such as the level of sales, the level of production, productivity of the industry, capacity utilization, profit and loss, and employment levels. The ITC should focus on current conditions in the industry, not only historical factors. In addition, the bill requires the ITC to consider conditions in foreign industries that indicate further possible increases in exports to the U.S. in the future. Looking at factors such as foreign production capacity, inventories, and demand in third countries will allow ITC to understand the threat to the American industry and its imminence.

Provisional relief is improved in several ways. The ITC must look at whether there is an import surge to determine if provisional relief should be provided. Also, USTR, the Senate Finance Committee, or the House Ways and Means Committee can request provisional relief when they have requested initiation of a Section 201 investigation.

The bill applies to Section 201 those provisions already in U.S. antidumping and countervailing duty law that ensure that the ITC, in its injury analysis, not double-count production by the domestic industry when upstream and/or downstream products are the subject of an investigation.

Domestic industries will be able to request that imports be monitored and data collected.

The bill allows the Office of Management and Budget to release preliminary trade data when there is an import surge. This will improve the ability of the industry to detect a problem quickly.

A new import monitoring and enforcement support program for steel and agricultural products will monitor illegal transshipments and other attempts to circumvent U.S. trade remedy laws.

A suffix to the Harmonized Tariff Schedule for products subject to trade actions will help track imports of those products.

The Commerce Department will continue its current steel import monitoring program.

The ITC will conduct an investigation of anticompetitive activities in international agriculture and steel trade, focusing especially on cartels and other anticompetitive practices. The ITC will report to the Senate Finance and Agriculture Committees, the House Ways and Means and Agriculture Committees, and USTR and must propose steps to address those anticompetitive practices.

I again repeat my praise to the Presiding Officer who has been excessively generous and gracious in the way he has conducted himself as the Presiding Officer allowing us to make these statements.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

MEDICAL INNOVATION TAX CREDIT LEGISLATION

• Mr. JEFFORDS. Mr. President, today I am introducing legislation that I believe will be beneficial to the continued success of our nation's medical schools and teaching hospitals. The bill will provide for a new tax credit, the ''Medical Innovation Tax Credit,'' which will serve as an incentive for private sector firms to invest in clinical research at these important institutions.

Medical schools and teaching hospitals fulfill a unique societal and economic role in the United States today. They are not only the training ground for health care professionals but are also centers for important research and development activities that lead to crucial medical breakthroughs. Because they link together research, medical training and patient care, these institutions are incubators of new life-saving drugs, medical services and surgical techniques.

Due to the changing health care marketplace these institutions have come under increasing cost pressures that threaten their future. In fact, a recent study by the American Association of Medical Colleges (AAMC) noted an alarming 22 percent decline in clinical research conducted at member hospitals. I believe the medical innovation tax credit would help reverse this disturbing trend, and I am pleased that the AAMC endorses this legislation.

The medical innovation tax credit is a targeted, incremental 20 percent credit for qualified medical innovation expenditures on biopharmaceutical research activities, like clinical trials performed at qualified educational institutions. The tax credit would enhance the flow of private-sector funds into medical schools and teaching hospitals by providing an important incentive for companies to perform more clinical trials research at these nonprofit institutions. This credit will encourage pharmaceutical and biotechnology companies to develop research partnerships with medical schools and teaching hospitals. The influx of funds from this research will help counteract some of the financial pressures these institutions have been experiencing. To qualify for the credit, research would have to be performed in the United States, so companies will not have an incentive to utilize lower-cost foreign facilities for research activities.

It is significantly more expensive for companies to perform clinical trials at teaching hospitals than at commercial research organizations. The medical innovation tax credit will reduce this cost differential. By leveraging additional private-sector support for these institutions in the form of clinical trial research, this new credit will also help these hospitals make the adjustment to the reduction in Medicare payments mandated by the Balanced Budget Act of 1997.

This legislation is critically important to institutions like Fletcher Allen Health Care in my home state of Vermont. Linked with the University of Vermont's Division of Health Sciences, Fletcher Allen's hospitals combine teaching and research. They are vital training sites for the next generation of physicians, nurses and other health professionals. In Fletcher Allen's nationally known Clinical Research Center, researchers seek to solve the mysteries of cancer, heart attacks, Alzheimer's disease, chronic obesity, cystic fibrosis and other illnesses. The medical innovation tax credit would help Fletcher Allen and hundreds of other institutions across the United States continue in their role as incubators of vital, innovative medical teaching and research technologies.

Legislation similar to this was introduced last year; the Joint Committee on taxation estimated that the bill would result in lost revenues of approximately one million dollars per year over the next five years. The bill I am introducing today is substantially similar to the bill introduced last year, although there have been technical changes to the definition of ''qualified academic institution'' to clarify that research expenditures at Veterans' Administration hospitals and certain nonprofit research foundations qualify for the credit. As these changes are expected to affect a relatively small number of institutions, I do not expect substantial changes in the cost estimate. I believe this is a small price to pay for the favorable impact this credit will have on research at medical schools and teaching hospitals.●

By Mr. FRIST:

S. 1011. A bill to amend the Internal Revenue Code of 1986 to provide that trusts established for the benefit of individuals with disabilities shall be taxed at the same rates as individual taxpayers; to the Committee on Finance.

TAX FAIRNESS FOR SUPPORT OF THE PERMANENTLY DISABLED ACT

S. 1012. A bill to amend the Internal Revenue Code of 1986 to use the Consumer Price Index in addition to the national average wage index for purposes of cost-of-living adjustments; to the Committee on Finance.

BRACKET CREEP CORRECTION ACT

S. 1013. A bill to amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts within Roth IRAs and by allowing the savings to be used for education, first time home purchases, and retirement, to expand the availability of Roth IRAs to all Americans and to protect their contributions from inflation, and for other purposes; to the Committee on Finance.

CHILD SAVINGS ACCOUNT ACT

S. 1014. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the individual income tax and the number of tax brackets; to the Committee on Finance.

10–20–30 ACT

● Mr. FRIST. Mr. President, today is Tax Freedom Day—the day that reflects how many days into the year a taxpayer must work in order to pay taxes. In 1913, when Congress first levied an income tax, Tax Freedom Day was January 30, and only 6 years ago, Tax Freedom Day was April 30—today it is two weeks into May before the taxpayer can stop working for the Federal Government and start working for him or herself.

It is thus fitting that I introduce today the Frist tax package—four tax bills that I believe will go a long way toward pushing Tax Freedom Day back toward January. This tax package is based on a set of core principles:

(1) Taxes are too high.

(2) The tax code is too complex.

(3) The tax code punishes taxpayers for working longer and smarter.

(4) The tax code does not promote savings for people of all ages and incomes.

We all know that taxes are too high. At a time when our tax burden as a percentage of GDP is at a post-World War II high and we are working longer and longer just to pay taxes, I believe that it is time for some tax relief for hard-working Americans. Taxes—federal, state, and local taxes combined—account for nearly 40% of the typical American family's budget—the single largest expense. All of this at a time when the federal budget is beginning to run a surplus. What that means to me is that the federal government is overcharging the taxpayer for the services it is providing.

If the monetary cost of paying taxes isn't high enough, consider that it takes almost 11 hours to correctly fill out the 1040 EZ form. Taxpayers spend almost 5.4 billion hours filling out the forms that they send to the IRS. And those are the taxpayers that do their own taxes—54% of Americans pay someone else to do their taxes for them. In my own State of Tennessee, ever year approximately 1.1 million taxpayers utilize a professional tax preparer in order to file their tax returns.

The tax code is also too complex. Our current tax code and its regulations are 17,000 pages long and contain over 5 and a half million words—seven times more than the Bible. Since 1981, the tax code has been changed 11,410 times. And one paragraph of law can take 250 pages to explain. With tax laws this complicated, it is no wonder that ordinary Americans have a tough time figuring them out.

Unortunately, the trend in Congress is to add further complexity to the tax code—tax credits for one worthwhile cause or tax deductions for another, tax relief for certain segments for the population, but not for others. Because of all of this tinkering, by 2007, 8,000,000 more Americans will be subject to the alternative minimum tax (AMT), a provision that forces taxpayers to calculate their income two ways and then pay the government the higher of the two amounts.

The tax code punishes taxpayers for working harder and smarter. One of the reasons that Congress has been able to balance the federal budget is that revenues have been rising steadily—last year by 11 percent. Part of the reason for that rise is that our strong economy has resulted in Americans making more and more money which, in turn, has propelled them into higher and higher tax brackets. According to economist Steve Moore at the Cato Institute, over the past five years, higher incomes have pushed millions of middle-income families out of the 15 percent marginal tax bracket and into the 28 percent bracket, and out of the 28 percent bracket and into the 31 percent bracket, and so on. While federal tax revenues have risen by 11 percent, income has only risen by 6 percent. The reason for this real income bracket creep is our graduated income tax system.

The tax code does not promote savings for people of all ages and incomes. In fact, in many ways our tax code discourages people from saving. America has one of the world's lowest national savings rates. The personal saving rate in the United States averaged only 4.9 percent during the 1990s compared to 7.4 percent in the 1960s and 8.1 percent in the

1970s. In 1998, we actually had negative savings rates. And it is no wonder—as I mentioned previously, the average family pays close to 40% of their income in taxes. In addition to a high tax burden which often is applied twice to savings, the rules for opening and investing in an IRA account of any kind are complex and restrictive. IRAs are tax-preferred retirement accounts—tax-free for certain purposes like education expenses, first-time home purchases, health care and retirement. But because a person must have earned income to open an IRA, children are not eligible to have them. Additionally, the maximum contribution amounts have not been indexed since 1981—they are still at $2,000 per year. If the maximum contribution had been indexed for inflation it would stand at close to $5,000 today.

Increasing the national savings rate is even more important when coupled with our impending Social Security collapse. As it currently exists, Social Security is not sustainable for the long term unless taxes are significantly raised or the program is reformed. Even so, the return that a taxpayer gets on his or her Social Security investment via the payroll tax has diminished every year since the program's inception. In fact, the predicted rate of return at retirement for those age 24–50 is somewhere between −.34 percent and −1.7 percent. The rate of return on an average IRA investment is between 7 and 11 percent.

The four bills that I am introducing today—on Tax Freedom day—collectively present a program that will lower taxes, simplify the tax code, correct for bracket creep, and provide increased savings opportunities for all Americans regardless of age and income level.

The 10–20–30 tax plan will consolidate the five tax brackets of our current tax code into just three—10, 20 and 30%—both lowering the tax burden and simplifying our tax code at the same time. The bill will also increase the income threshold for the lowest tax bracket—currently just over $25,000 for individuals—to $35,000—all of which will be taxed at a much lower rate—10%. In my own state of Tennessee, nearly 85% of individual taxpayers make $35,000 or less and will now pay at this lower rate. For married couples, the threshold for the lowest bracket is currently $42,000. Under my bill, this amount would increase to $60,000 and be taxed at 10%. Instead of 15 or 28 percent, the majority of taxpayers would pay only 10% under my plan.

I know that this bill will not get passed this year, nor is it likely to get passed anytime in the near future. I introduce this bill, however, as my vision for where I think the tax code should ultimately end up. If we use a plan such as this as our compass and work incrementally to widen the brackets and reduce the tax rates whenever possible, we will be headed in the right direction.

The ''Child Savings Account Act'' would amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts—or CSA's—within Roth IRAs and by allowing the savings to be used for education, first-time home purchases, and retirement. The bill will also expand the availability of Roth IRAs to all Americans, regardless of income, and will index contribution limits to inflation.

For low-income taxpayers, there are two important provisions which will help families with less disposable income save. First, up to $100 of each $500 child tax credit may be refundable to those qualifying for the Earned Income Credit. This refundable credit must be deposited in a CSA. Second, any person may contribute to a child's CSA. This means that churches and community groups could contribute to young people's CSA accounts as a birthday present or on a special occasion.

These Child Savings Accounts will arm our children for the future and decrease their reliance on the federal government. As a subset of the Roth tax-favored IRAs, Child Savings Accounts are available to new-born children from cradle to grave. In an increasingly complex tax world, CSAs are a sort of ''one-stop IRA shopping'' that allow for certain tax-free withdrawals and tax-free accumulation of retirement income.

If a parent, and then the child himself, contributed the maximum amount for his lifetime, the Child Savings Account would be worth nearly $5 million at age 65 and over $7 million by age 70. And that is using conservative estimates of return. Even if a parent could only contribute less than $10 a month for the first 18 years of a child's life, and the child then gradually increased his or her contribution up to $2000 per year by the time he or she turned 40, the account would be worth $460,000 at age 65 and $672,000 at age 70. Even if the parent or grandparent or church or guardian put only $100 in the account in only one year, the account would still be worth almost $50,000 at retirement age. The power of compound interest is incredible. Giving more Americans—and all of our children—access to this power is imperative.

The Bracket Creep Correction Act would index the tax brackets for real income growth. Tax brackets were not indexed for inflation until 1981 when Ronald Reagan was President. Indexing for real income growth is a logical and necessary next step. None other than Milton Friedman has announced his support for indexing tax brackets for wage growth. In addition to correcting for inflation, the tax code would also adjust for income growth—thus ending the squeeze that many taxpayers have felt as their tax burdens have risen at a faster rate than their incomes.

A fourth bill that I will introduce will address a tax inequity that has existed for some time and was made worse by the large tax increases of 1993. The ''Tax Fairness for Support of the Permanently Disabled Act'' would change the tax rates for the taxable income of a trust fund established solely for the benefit of a person who is permanently and totally disabled. Instead of being taxed at the highest tax rate (39.6%) for amounts over $7,500, the income of this fund would be taxed at the tax rates that would normally apply to regular income of the same amount. In essence, trust fund income would be treated as personal income for a permanently disabled person.

Mr. Nicholas Verbin of Nashville, Tennessee called my office about this problem a year or so ago. The problem was that he had established an irrevocable trust for his son Nicky, who is completely disabled, unable to work, and totally dependent on his dad to provide for him. Mr. Verbin has spent his whole life building up this trust fund so that his son can live off this lifetime of hard work after Mr. Verbin is gone. Mr. Verbin does not want his son to have to go on welfare or become a ward of the state. Instead, he has built up this fund so that his son can be self-sufficient after he dies. Apparently, the federal government would rather have Nicky on its welfare roles than have him take care of himself.

Instead of taxing the interest that Nicky's trust accumulates every year as simple income, which it is since Nicky has no other form of income, the IRS taxes the interest at the highest rate allowable—39.6%. Instead of helping this sum grow into a sort of pension fund for Nicky, the IRS has milked it for all its worth. If Nicky's trust earns more than $7,500 in interest in a year, the federal government takes $2,125 plus 39.5% of the amount above $7,500. Meanwhile, even Bill Gates does not pay 39.6% on the first $275,000 of his income. We are taxing disabled children at a rate that we don't even tax multimillionaires!

I believe that we should not punish Mr. Verbin for his foresight, nor should we punish Nicky for his disability. While a case could be made that Congress should eliminate the tax on this type of trust altogether, I have simply proposed that the interest income be treated like normal income for those disabled boys and girls, men and women who cannot work for themselves and depend on this interest as their only source of income.

Mr. President, the Budget Resolution that we recently passed calls for a reconciliation bill this year of $778 over 2000–2009 (and $142 billion 2000–2004) in tax relief. Even with the military operations in Kosovo and other emergency appropriations, a tax cut is not only possible but necessary to keep our economy growing.

While many tax credits and deductions are attractive, they further complicate our already complicated tax code, subject additional tax payers to the alternative minimum tax, and pit one group of taxpayers against another. I believe that Congress should enact across the board tax relief—like what I have outlined in my 10–20–30 bill—as the on-budget surplus allows. We must work toward lowering the tax rates on every bracket, widening the amounts subject to each bracket and correcting for bracket creep in order to make the tax code fairer, flatter and less complex.

We must also build more wealth in this country and encourage Americans to save. The Child Savings Account bill is a great savings vehicle for both rich and poor and has enormous potential

for increasing retirement savings. Instead of being dependent on Social Security, sock some money away in an IRA and get set for life.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. LUGAR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 329

At the request of Mr. ROBB, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 512

At the request of Mr. GORTON, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors 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. 514

At the request of Mr. COCHRAN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Montana [Mr. BAUCUS], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 636

At the request of Mr. REED, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 637

At the request of Mr. SCHUMER, the names of the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. FEINSTEIN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 637, a bill to amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,2000, adjusted for inflation.

S. 725

At the request of Ms. SNOWE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 725, a bill to preserve and protect coral reefs, and for other purposes.

S. 729

At the request of Mr. CRAIG, the names of the Senator from Arizona [Mr. KYL] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the Medicaid Program, and for other purposes.

S. 817

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the rist that youth will become victims of crime by providing productive activities during after school hours.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of Medicare patients related to the provision of anesthesia services.

S. 836

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 836, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services.

S. 880

At the request of Mr. INHOFE, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 891

At the request of Mr. SCHUMER, the name of the Senator from Michigan

[Mr. LEVIN] was added as a cosponsor of S. 891, a bill to amend section 922(x) of title 18, United States Code, to prohibit the transfer to and possession of handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices by individuals who are less than 21 years of age, and for other purposes.

S. 897

At the request of Mr. BAUCUS, the names of the Senator from South Dakota [Mr. JOHNSON] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 897, a bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 918

At the request of Mr. KERRY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 99—DESIGNATING NOVEMBER 20, 1999, AS ''NATIONAL SURVIVORS FOR PREVENTION OF SUICIDE DAY''

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 99

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, 200,000 people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved,That the Senate—

(1)(A) designates November 20, 1999, as ''National Survivors for Prevention of Suicide Day''; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

Mr. REID. Mr. President, I rise today to submit a Senate resolution which would designate November 20, 1999 as ''National Survivors for Prevention of Suicide Day.'' Let me begin by defining the term survivor. This refers to anyone who has lost a loved one to suicide. As such, having lost my father to suicide in 1972, I am viewed as a survivor in the suicide prevention community. Nationally, more than 30,000 people take their own lives each year in our nation. Suicide is the eighth leading cause of death in the United States and the third major cause of death among people aged 15–19.

The suicide rate among young people has more than tripled in the last four decades. Every year 200,000 people become survivors due to this tragic loss of life. We arrive at this number by concluding that for each suicide, seven other lives are changed forever because of the death. As you can imagine, this is a conservative estimate by all accounts. Today in our country, nearly 8,000,000 suicide survivors go on with their lives, many of them grieving in a very private way. This is because there still remains in our nation a stigma towards those who take their own life as well as those who are left behind to cope with the suicide of a loved one. I can't begin to tell you how many survivors have written me expressing the shame and guilt they feel about their loved ones' suicide, many of whom are still unable to deal honestly with the tragic conditions which ultimately led to someone they love taking their own life.

In the 105th Congress, both the House and Senate took very courageous steps to address the public health challenge of suicide by passing Senate Resolution 84 and House Resolution 212. Essentially, these resolutions recognized suicide as a national problem warranting a national solution. The resolutions also called for the development of a national strategy to address and reduce the incidence of outside.

I am proud to have been the sponsor of Senate Resolution 84 and proud of my colleagues for having lent their support to ensure its passage. I also commend Representative JOHN LEWIS for his leadership in the House and to all the members who provided their support to ensure its passage in the closing days of the last session. We cannot however, stop here. We must continue to show our compassion and assert leadership to take the necessary steps to mobilize our national response for suicide prevention.

Recently, there has been a fervor of activity and collaboration in both the federal and private sectors around suicide prevention. On the federal level, our Surgeon General, Dr. David Satcher has included the topic of suicide prevention on his public health agenda. In addition to Dr. Satcher's efforts, staff at the Centers for Disease Control and Prevention, the National Institute of Mental Health and the Substance Abuse and Mental Health Services Administration have focussed increased effort on the issue of suicide prevention. In the private sector, groups such as the American Foundation for Suicide Prevention, the American Association of Suicidology and the Suicide Prevention Advocacy Network have worked together to increase national awareness as well. There are countless others who, on a daily basis, make their commitment to assist in finding solutions to this national dilemma. The self-help groups, clinicians, researchers, and grass roots advocates are all making a vital difference.

In the near future, I hope to see the national strategy that has been developed by many who stepped to the plate, as called for in Senate Resolution 84 and House Resolution 212, to chart a course for our national effort. I hope to see hearings in the Senate soon on this issue and hope we will look at the recommendations seriously and lend our support to making this report one that does more than collect dust on a shelf, but instead a report that charts the course we must pursue to reduce the incidence of suicide in America and to convey our national resolve.

This year we will witness two events which deserve our recognition and support. On June 7, 1999 the White House will hold a White House Conference on Mental Health and later this year the Surgeon General will issue his report on mental health. The time has come when we must recognize that mental disorders are illnesses that can be treated effectively. We know that 90 percent of suicide victims have suffered from a mental disorder. Therefore, we must send a clear and unmistakable message that those who suffer should be encouraged to seek assistance and restore themselves to a healthy state of being. The Mental Health Parity legislation introduced by my good friends Senator PETE DOMENICI and Senator PAUL WELLSTONE is a step in the right direction. Their leadership on this issue has my full support and respect. There should be no barrier for individuals to obtaining help for whatever illness, including mental illness, if there is effective treatment available to assist them. We must remove the stigma and have the courage to show acceptance.

As you can see Mr. President, there is much that has been done but still much we in Congress can do to advance this agenda. Today, it is my intent to recognize the 8,000,000 survivors who all are at various stages of healing in addressing the loss of their loved one to suicide. I ask you to support me in turning their grief into hope, a hope that with acceptance and understanding, can lead our nation effectively addressing this very preventable public health challenge.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

AMERICAN FOUNDATION FOR SUICIDE PREVENTION,
May 5, 1999.

Senator HARRY REID,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: The American Foundation for Suicide Prevention supports the proposed Senate Resolution calling for a National Survivors for Prevention of Suicide Day. We believe this resolution will build on the momentum started by the 105th Congress in Senate Resolution 84 and House Resolution 212, and will further the suicide prevention goals articulated in these earlier resolutions.

Specifically, the proposed Survivors for Prevention Resolution will be instrumental in recognizing the involvement of people who have lost a loved one to suicide in prevention activities. It will also encourage them to come forward, break the silence and join with other survivors as a way to promote their healing.

As you know, our Foundation is dedicated to seeing that conferences for family members and friends who have lost someone to suicide are held in many more communities. Working together with other private organizations and public agencies, we will use this resolution to help develop local survivor conferences in cities across the country.

Please know AFSP deeply appreciates the leadership you are providing in Congress on this major public health problem and is grateful for your sponsorship of Senate Resolution 84 in the 105th Congress. We are equally grateful for your willingness to sponsor this Survivors for Prevention Resolution.

On behalf of millions of survivors who want to prevent others from experiencing a similar loss, as well as people throughout our country concerned about the risk of suicide, thank you.

Sincerely,

ROBERT GEBBIA,
Executive Director.

AAS, AMERICAN ASSOCIATION OF SUICIDOLOGY,
May 6, 1999.

Senator HARRY REID,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: With great enthusiasm the American Association of Suicidology (AAS) supports the proposed Senate Resolution designating November 20, 1999 as ''National Survivors for Prevention of Suicide Day.'' We, furthermore, applaud your continuing commitment to both suicide prevention and the needs of survivors.

Your proposal extends the success initiated by you in passage of Senate Resolution 84 in making suicide prevention a national priority. The subsequent passage of HR 212 and the Surgeon Generals' affirmation of suicide prevention as a public health goal are direct sequelae of your earlier efforts; and the consequence of these efforts will, undoubtedly promote the welfare of all our citizens.

The AAS has embraced suicide prevention as part of our mission and survivors as integral to accomplishing that mission. Our annual Healing After Suicide Conference has provided opportunities for thousands of survivors to learn from and assuage each other's often unbearable pain, to educate care givers to better understand the suicidal person, and to create new models to help the healing process. Our Directory of Survivors of Suicide Support Groups has been accessed by thousands of new survivors needing to find help. Our Survivor Division and newsletter Surviving Suicide continue to network and service the needs of survivors.

With the advocacy of our survivor members and your continued leadership, we are increasingly hopeful that we can significantly impact the incidence of suicide in this country and ensure the health of generations to come.

Sincerely,

LANNY BERMAN, PH.D.,
Executive Director.
KAREN DUNE-MAXIM, M.S., R.N.,
President.

SUICIDE PREVENTION ADVOCACY NETWORK,
May 10, 1999.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: SPAN supports the Senate Resolution designating November 20, 1999 as ''National Survivors for Prevention of Suicide Day'' that you have prepared. Further, SPAN salutes you for this contribution to the well being, growth and involvement of survivors of suicide in the national effort to reduce the incidence of suicide!

It is just over two years since you introduced to the Senate of the 105th Congress, Senate Resolution 84 that recognized suicide as a national problem and suicide prevention as a national priority. The Proposed Senate Resolution is therefore particularly timely now as it brings before the Senate a reminder of their past action. It spotlights the need for continuing Senate support and identifies a powerful and potentially huge national resource for the collaborative effort to reduce the incidence of suicide.

The last paragraph of the resolution will be most helpful to all survivors of suicide. It identifies the part that each individual survivor can play in the national effort to reduce the incidence of suicide and confirms that, together we can make a big difference.

Thanks Senator Reid for your ongoing national leadership for efforts to develop, implement and evaluate a proven, effective national suicide prevention strategy. The proposed resolution is another example of your dedication to this effort. Thank you!

Sincerely,

GERALD H. (JERRY) WEYRAUCH.

NAMI,
May 11, 1999.

Hon. HARRY REID,
U.S. Senate,
Hart Office Building, Washington, DC

DEAR SENATOR REID: On behalf of the 208,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express NAMI's strong support for your resolution to designate November 20, 1999 as ''National Survivors for Prevention of Suicide Day'', and to thank you for recognizing suicide as a national problem and suicide prevention as a national priority. More than 30,000 Americans commit suicide annually, and while we do not always understand why some choose suicide, we do know that it is all too often associated with severe mental illnesses, particularly major depression. Death by suicide is unfortunately one of the most dire risks of untreated mental illness.

Sadly, more than 10 percent of individuals with schizophrenia and more than 15 percent of those with major mood disorders kill themselves. These are preventable and senseless deaths that could have been avoided with the right medical intervention and prevention programs. Your resolution would recognize suicide survivors as playing a key role as advocates and educators in prevention efforts, as well as their place in eliminating stigma and reducing the incidence of suicide.

NAMI commends your past and present leadership and advocacy in suicide prevention and education. Your continued commitment and support has been vital in bringing national recognition to the high incidence of suicide in our country. NAMI strongly supports your resolution to designate November 20, 1999 as ''National Survivors for Prevention of Suicide Day'', in recognition of the contributions suicide survivors can make in suicide prevention strategies.

Sincerely,

LAURIE FLYNN,
Executive Director.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

BOXER AMENDMENT NO. 319

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____. AFTER SCHOOL EDUCATION AND ANTI-CRIME ACT.

SECTION 1. SHORT TITLE.

This title may be cited as the ''After School Education and Anti-Crime Act of 1999''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS'' after ''SECRETARY''; and

(B) by striking ''rural and inner-city public'' and all that follows through ''or to'' and inserting ''local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or''; and

(C) by striking ''a rural or inner-city community'' and inserting ''the communities'';

(2) in subsection (b)—

(A) by striking ''States, among'' and inserting ''States and among''; and

(B) by striking ''United States,'' and all that follows through ''a State'' and inserting ''United States''; and

(3) in subsection (c), by striking ''3'' and inserting ''5''.

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking ''an elementary or secondary school or consortium'' and inserting ''a local educational agency''; and

(ii) in the second sentence, by striking ''Each such'' and inserting the following:

''(b) CONTENTS.—Each such''; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking ''or consortium'';

(B) in paragraph (2), by striking ''and'' after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting '', including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'' after ''maximized'';

(ii) in subparagraph (C), by inserting ''students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues,'' after ''agencies,'';

(iii) in subparagraph (D), by striking ''or consortium''; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''or consortium''; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(4) information demonstrating that the local educational agency will—

''(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

''(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

''(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.''.

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:'';

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting '', and job skills preparation'' after ''placement''; and

(3) by adding at the end the following:

''(14) After school programs, that—

''(A) shall include at least 2 of the following—

''(i) mentoring programs;

''(ii) academic assistance;

''(iii) recreational activities; or

''(iv) technology training; and

''(B) may include—

''(i) drug, alcohol, and gang prevention activities;

''(ii) health and nutrition counseling; and

''(iii) job skills preparation activities.

''(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.''.

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

''(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

''(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

''(2) ensure that youth in the local community participate in designing the after school activities;

''(3) develop creative methods of conducting outreach to youth in the community;

''(4) request donations of computer equipment and other materials and equipment; and

''(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting '', including law enforcement organizations such as the Police Athletic and Activity League'' after ''governmental agencies''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking ''$20,000,000 for fiscal year 1995'' and all that follows and inserting ''$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.''.

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

MCCAIN AMENDMENTS NOS. 320–321

(Ordered to lie on the table.)

Mr. MCCAIN submitted two amendments intended to be proposed by him to the bill, S. 254, supra; as follows:

AMENDMENT NO. 320

At the end, add the following:

TITLE ____. GENERAL FIREARM PROVISIONS

SEC. ____01. STRAW PURCHASE PENALTIES.

(a) STRAW PURCHASE PENALTIES.—Section 924(a) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) a person who knowingly—

''(A) violates subsection (d), (g), (h), (i), (j) or (o) of section 922 shall be fined under this title, imprisoned not more than 10 years, or both; or

''(B) violates section 922(a)(6)—

''(i) shall be fined under this title, imprisoned not more than 10 years, or both; or

''(ii) if the person violates subsection (a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm knowing or

having reasonable cause to know that or with the intent that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony (as defined in subsection (e)(2)(B))—

''(I) shall be fined under this title, imprisoned not more than 15 years, or both; or

''(II) if the procurement is for a juvenile (as defined in section 922(x)), shall be fined under this title, imprisoned not more than 20 years.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 321

On page 265, after line 20, add the following:

SEC. 4___. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18 United States Code, is amended—

(1) in paragraph (4), by striking ''Whoever'' and inserting ''Except as provided in paragraph (6), whoever''; and

(2) by striking paragraph (6) and inserting the following:

''(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

''(A) DEFINITION OF VIOLENT FELONY.—In this paragraph, the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

''(B) POSSESSION BY A JUVENILE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both.

''(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated if—

''(I) the offense with which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

''(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony.

''(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 1 year, or both; or

''(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

''(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

''(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

''(x) JUVENILES.—

''(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun; or

''(B) ammunition that is suitable for use only in a handgun.

''(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun; or

''(B) ammunition that is suitable for use only in a handgun.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection does not apply to—

''(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun or ammunition is possessed and used by the juvenile—

''(I) in the course of employment;

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

''(III) for target practice;

''(IV) for hunting; or

''(V) for a course of instruction in the safe and lawful use of a handgun;

''(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun or ammunition in the line of duty;

''(iii) a transfer by inheritance of title (but not possession) of handgun or ammunition to a juvenile; or

''(iv) the possession of a handgun or ammunition taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

''(i) the juvenile's possession and use of a handgun or ammunition under this paragraph are in accordance with State and local law; and

''(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun or ammunition is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the handgun is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the handgun is unloaded and in a locked container or case; or

''(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

''(aa) a juvenile possesses and uses a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian;

''(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(cc) the adult is directing the ranching or farming activities of the juvenile.

''(5) INNOCENT TRANSFERORS.—A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

''(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

''(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

''(B) may use the contempt power to enforce subparagraph (A); and

''(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.''.

(c) EFFECTIVE DATE.—The amendment made by this section takes effect 180 days after the date of enactment of this Act.

HATCH (AND OTHERS) AMENDMENT NO. 322

Mr. HATCH (for himself, Mr. BIDEN, Mr. SESSIONS, Mr. DEWINE, Mr. ALLARD, and Mrs. FEINSTEIN) proposed and amendment to the bill, S. 254, supra; as follows:

On page 54, after line 16, add the following:

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

''(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

''(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative

efforts with police, school officials, probation officers, social service agencies, and community organizations.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle, $50,000,000 for 2000 through 2004.''.

On page 225, line 3, strike ''juvenile prosecutors,''.

On page 225, line 7, insert ''and violence'' after ''crime''.

On page 227, line 11, strike ''and''.

On page 227, line 19, strike the period and insert a semicolon.

On page 227, between lines 19 and 20, insert the following:

''(12) for juvenile prevention programs (including curfews, youth organizations, anti-drug, and anti-alcohol programs, anti-gang programs, and after school programs and activities);

''(13) for juvenile drug and alcohol treatment programs; and

''(14) for school counseling and other school-base prevention programs.

On page 229, line 11, strike ''paragraph (1) not less'' and insert the following: ''paragraph (1)—

''(A) not less''.

On page 229, line 13, strike ''(A)'' and insert ''(i)''.

On page 230, line 4, strike ''(B)'' and insert ''(ii)''.

On page 230, line 8, strike the period and insert ''; and''.

On page 230, between lines 8 and 9, insert the following:

''(B) not less than 25 percent shall be used for the purposes set forth in paragraph (12), (13), or (14) of subsection (b).

On page 234, line 25, strike ''amounts'' and insert ''the total amount''.

On page 235, line 1, strike ''government,'' and insert ''government for a fiscal year, not less than 25 percent shall be used for the purposes set forth in paragraph (12), (13), or (14) of subsection (b), and''.

On page 251, strike line 17 and all that follows through page 252, line 2, and insert the following:

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;

''(2) for fiscal year 2002, $6,169,000,000;

''(3) for fiscal year 2003, $6,316,000,000;

''(4) for fiscal year 2004, $6,458,000,000; and

''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''(a) DISCRETIONARY LIMITS.—For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.

''(b) POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

''(A) any concurrent resolution on the budget for any of the fiscal years 2001 through 2005 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

''(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for any of the fiscal years 2001 through 2005 that would cause any of the limits in this section (or suballocations of the discretionary limits made under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b))) to be exceeded.

''(2) EXCEPTION.—This section shall not apply if a declaration of war by Congress is in effect or if a joint resolution under section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907a) has been enacted.

''(c) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn.

''(d) APPEALS.—

''(1) TIME.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be.

''(2) VOTE TO SUSTAIN APPEAL.—An affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.''.

ROBB (AND KENNEDY) AMENDMENT NO. 323

Mr. LEAHY (for Mr. ROBB for himself and Mr. KENNEDY) proposed an amendment to amendment No. 322 proposed by Mr. HATCH to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE ___. RESOURCES AND SERVICES FOR COMMUNITIES TO PREVENT YOUTH VIOLENCE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''National Resource Center for School Safety and Youth Violence Prevention Act of 1999''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996-1997 school year.

(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

(6) The children of the United States are increasingly afraid that they will be attacked or harmed at school.

(7) A report issued by the Department of Education in August, 1998, entitled ''Early Warning, Early Response'' concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potentially violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

SEC. ___03. NATIONAL RESOURCE CENTER FOR SCHOOL SAFETY AND YOUTH VIOLENCE PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly award a grant for the support of a National Resource Center for School Safety and Youth Violence Prevention (in this section referred to as the ''Center''). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General may award a grant for the support of the Center at an existing facility, if the facility has a history of performing any of the duties described in subsection (b). The Secretary of Education, the Secretary of Health and

Human Services, and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

(b) DUTIES.—The Center shall develop and carry out emergency response, anonymous student hotline tipline, training and technical assistance, research and evaluation, and consultation, activities with respect to elementary and secondary school safety, as follows:

(1) EMERGENCY RESPONSE.—The Center shall provide support to the School Emergency Response to Violence Fund (SERV)—

(A) to provide rapid response and emergency assistance to schools affected by violent shootings or other violent episodes; and

(B) to help communities meet urgent needs such as emergency mental health crisis counseling, additional school security personnel, and long term counseling for students, faculty, and families.

(2) ANONYMOUS STUDENT HOTLINE TIPLINE.—The Center shall establish a toll-free telephone number for students and others to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

(3) TRAINING AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Center shall support training and technical assistance for all local educational agencies developing a school safety plan that includes—

(i) pairing regional training sessions with hands-on technical assistance to assist sites in implementing effective programs and strategies;

(ii) support for effective use of tiplines by schools and others;

(iii) threat assessment;

(iv) information sharing between schools, police, and agencies serving troubled and delinquent youth;

(v) police, school, parent, and social service partnerships;

(vi) media and police protocols to better manage live broadcast of emergency situations;

(vii) surveillance of school property;

(viii) early recognition of the signs of danger in the most troubled children and youth by schools, police, and service agencies;

(ix) development of a community case management process to deal with troubled youth;

(x) establishing mentoring, conflict resolution, family life education, and substance abuse prevention programs; or

(xi) developing effective school counseling services, including services for elementary schools.

(B) EARLY WARNING.—The Center shall support a joint training program that involves the Department of Education, the Department of Justice, and the Department of Health and Human Services, and uses the document entitled ''Early Warning: Timely Response, A Guide to Safe Schools'' as a guide for the program. The program shall provide training to teachers and school officials to enable the teachers and school officials to learn to identify youth experiencing mental health problems. The training shall consist of—

(i) immediate field training to be initiated on a regional or State-by-State basis; and

(ii) a teacher curriculum program that modifies graduate and undergraduate teacher curriculum programs to incorporate training on the early warning signs of mental health problems in youth.

(4) RESEARCH AND EVALUATION; NATIONAL CLEARINGHOUSE.—

(A) IN GENERAL.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The information shall be available for use by the public through the Internet, printed materials, and conferences. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

(B) STUDY.—The Center shall conduct a comprehensive factual study of the incidence of youth violence to determine the root cause of youth violence, and shall make recommendations to the President and Congress regarding such violence.

(C) RESEARCH AND EVALUATION.—The Center shall support research and evaluation activities to measure effective school safety strategies and programs, and shall disseminate the results of such research and evaluation, including the development of research and evaluation activities regarding strategies for creating smaller learning communities, for elementary school counseling programs, and for mentoring programs.

(5) CONSULTATION.—The Center shall establish a toll-free number for the public and school administrators to contact staff of the Center for consultation and reporting regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development, to assist in the consultation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.

TITLE ___—SAFE COMMUNITIES, SAFE SCHOOLS, AND HEALTHY STUDENTS

SEC. ___01. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services are authorized to carry out a jointly administered program under which support is provided to local educational agencies working in partnership with mental health and law enforcement agencies to enable the local educational agencies to carry out the following activities:

(1) SCHOOL SAFETY.—Establishing a safe school environment, redesigning school facilities, and enhancing school security measures.

(2) EDUCATIONAL REFORM.—Educational reform, including high standards for all students, reductions in class size, use of technology in the classroom, talented, trained and dedicated teachers, expanded after school learning opportunities, character education, mentoring programs, and alternative disciplinary intervention.

(3) CONFLICT RESOLUTION TRAINING AND PEER MEDIATION.—Conflict resolution training and peer mediation.

(4) SAFE SCHOOL POLICIES.—Safe school policies.

(5) SCHOOL RESOURCE OFFICERS.—Providing for school resource officers who—

(A) provide schools with on-site security and a direct link to local law enforcement agencies; and

(B) perform a variety of functions aimed at combating school violence, including teaching crime prevention and substance abuse classes, monitoring troubled students, and building respect for law enforcement among students.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $460,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004. Funds appropriated under this subsection shall remain available until expended.

TITLE ___—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. ___01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROJECTS FOR CHILDREN AND VIOLENCE

''SEC. 581. CHILDREN AND VIOLENCE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

''(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

''(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

''(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

''(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

''(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

''(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

''(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

''(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

''(A) security;

''(B) educational reform;

''(C) the review and updating of school policies;

''(D) alcohol and drug abuse prevention and early intervention services;

''(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

''(F) early childhood development and psychosocial services; and

''(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

''(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the

regions of the country and among urban and rural areas.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

''(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section ___01) is amended by adding at the end the following:

''SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___03. TREATMENT FOR YOUTH.

(a) WRAP AROUND GRANT PROGRAM FOR DETAINED OR INCARCERATED YOUTH.—

(1) FINDINGS.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) WRAP AROUND GRANTS FOR YOUTH.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

''SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

''(b) PURPOSE.—The purposes of this section are—

''(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

''(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

''(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

''(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

''(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

''(c) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

''(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

''(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

''(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

''(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

''(d) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

''(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

''(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.''.

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section ___01, is further amended by adding at the end the following:

"PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

"SEC. 591. GRANTS TO CONSORTIA.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

''(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

''(1) identify youth at risk for substance abuse;

''(2) refer any youth at risk for substance abuse for substance abuse treatment;

''(3) provide effective primary prevention programing;

''(4) target underserved areas, such as rural areas; and

''(5) target populations, such as Native Americans, that are underserved.

''(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

''(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

"SEC. 592. GRANTS TO TREATMENT FACILITIES.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

''(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

''(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

''(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

''(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

"SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

''(1) there is a demonstrated high rate of substance abuse by youth; and

''(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

''(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.''.

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. ___04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section ___02) is further amended by adding at the end the following:

"SEC. 583. GRANTS TO PRIVATE ENTITIES.

''(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

''(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

''(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

''(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

''(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

''(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

''(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

''(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

''(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

''(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

''(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

''(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

''(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

''(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

''(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

''(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

''(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

''(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

''(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

''(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

''(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

''(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less

than $2 for each $1 of Federal funds so provided.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

GREGG (AND OTHERS) AMENDMENT NO. 324

Mr. HATCH (for Mr. GREGG for himself, Mrs. BOXER, Mr. LEAHY, Mr. ALLARD, and Mr. ROBB) proposed an amendment to amendment No. 322 proposed by Mr. HATCH to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the ''Safe Students Act.''

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

ROBB (AND OTHERS) AMENDMENT NO. 325

Mr. LEAHY (for Mr. ROBB for himself, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to amendment No. 322 proposed by him to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE ____—RESOURCES AND SERVICES FOR COMMUNITIES TO PREVENT YOUTH VIOLENCE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''National Resource Center for School Safety and Youth Violence Prevention Act of 1999''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996-1997 school year.

(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

(6) The children of the United States are increasingly afraid that they will be attacked or harmed at school.

(7) A report issued by the Department of Education in August, 1998, entitled ''Early Warning, Early Response'' concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potentially violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

SEC. ___03. NATIONAL RESOURCE CENTER FOR SCHOOL SAFETY AND YOUTH VIOLENCE PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly award a grant for the support of a National Resource Center for School Safety and Youth Violence Prevention (in this section referred to as the ''Center''). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General may award a grant for the support of the Center at an existing facility, if the facility has a history of performing any of the duties described in subsection (b). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

(b) DUTIES.—The Center shall develop and carry out emergency response, anonymous student hotline tipline, training and technical assistance, research and evaluation, and consultation, activities with respect to elementary and secondary school safety, as follows:

(1) EMERGENCY RESPONSE.—The Center shall provide support to the School Emergency Response to Violence Fund (SERV)—

(A) to provide rapid response and emergency assistance to schools affected by violent shootings or other violent episodes; and

(B) to help communities meet urgent needs such as emergency mental health crisis counseling, additional school security personnel, and long term counseling for students, faculty, and families.

(2) ANONYMOUS STUDENT HOTLINE TIPLINE.—The Center shall establish a toll-free telephone number for students and others to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

(3) TRAINING AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Center shall support training and technical assistance for all local educational agencies developing a school safety plan that includes—

(i) pairing regional training sessions with hands-on technical assistance to assist sites in implementing effective programs and strategies;

(ii) support for effective use of tiplines by schools and others;

(iii) threat assessment;

(iv) information sharing between schools, police, and agencies serving troubled and delinquent youth;

(v) police, school, parent, and social service partnerships;

(vi) media and police protocols to better manage live broadcast of emergency situations;

(vii) surveillance of school property;

(viii) early recognition of the signs of danger in the most troubled children and youth by schools, police, and service agencies;

(ix) development of a community case management process to deal with troubled youth;

(x) establishing mentoring, conflict resolution, family life education, and substance abuse prevention programs; or

(xi) developing effective school counseling services, including services for elementary schools.

(B) EARLY WARNING.—The Center shall support a joint training program that involves the Department of Education, the Department of Justice, and the Department of

Health and Human Services, and uses the document entitled ''Early Warning: Timely Response, A Guide to Safe Schools'' as a guide for the program. The program shall provide training to teachers and school officials to enable the teachers and school officials to learn to identify youth experiencing mental health problems. The training shall consist of—

(i) immediate field training to be initiated on a regional or State-by-State basis; and

(ii) a teacher curriculum program that modifies graduate and undergraduate teacher curriculum programs to incorporate training on the early warning signs of mental health problems in youth.

(4) RESEARCH AND EVALUATION; NATIONAL CLEARINGHOUSE.—

(A) IN GENERAL.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The information shall be available for use by the public through the Internet, printed materials, and conferences. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

(B) STUDY.—The Center shall conduct a comprehensive factual study of the incidence of youth violence to determine the root cause of youth violence, and shall make recommendations to the President and Congress regarding such violence.

(C) RESEARCH AND EVALUATION.—The Center shall support research and evaluation activities to measure effective school safety strategies and programs, and shall disseminate the results of such research and evaluation, including the development of research and evaluation activities regarding strategies for creating smaller learning communities, for elementary school counseling programs, and for mentoring programs.

(5) CONSULTATION.—The Center shall establish a toll-free number for the public and school administrators to contact staff of the Center for consultation and reporting regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development, to assist in the consultation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.

TITLE ____—SAFE COMMUNITIES, SAFE SCHOOLS, AND HEALTHY STUDENTS

SEC. ___01. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services are authorized to carry out a jointly administered program under which support is provided to local educational agencies working in partnership with mental health and law enforcement agencies to enable the local educational agencies to carry out the following activities:

(1) SCHOOL SAFETY.—Establishing a safe school environment, redesigning school facilities, and enhancing school security measures.

(2) EDUCATIONAL REFORM.—Educational reform, including high standards for all students, reductions in class size, use of technology in the classroom, talented, trained and dedicated teachers, expanded after school learning opportunities, character education, mentoring programs, and alternative disciplinary intervention.

(3) CONFLICT RESOLUTION TRAINING AND PEER MEDIATION.—Conflict resolution training and peer mediation.

(4) SAFE SCHOOL POLICIES.—Safe school policies.

(5) SCHOOL RESOURCE OFFICERS.—Providing for school resource officers who—

(A) provide schools with on-site security and a direct link to local law enforcement agencies; and

(B) perform a variety of functions aimed at combating school violence, including teaching crime prevention and substance abuse classes, monitoring troubled students, and building respect for law enforcement among students.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $460,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004. Funds appropriated under this subsection shall remain available until expended.

TITLE ____—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. ___01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROJECTS FOR CHILDREN AND VIOLENCE

''SEC. 581. CHILDREN AND VIOLENCE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

''(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

''(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

''(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

''(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

''(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

''(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

''(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

''(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

''(A) security;

''(B) educational reform;

''(C) the review and updating of school policies;

''(D) alcohol and drug abuse prevention and early intervention services;

''(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

''(F) early childhood development and psychosocial services; and

''(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

''(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

''(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section ___01) is amended by adding at the end the following:

''SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be

made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___03. TREATMENT FOR YOUTH.

(a) WRAP AROUND GRANT PROGRAM FOR DETAINED OR INCARCERATED YOUTH.—

(1) FINDINGS.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) WRAP AROUND GRANTS FOR YOUTH.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

''SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

''(b) PURPOSE.—The purposes of this section are—

''(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

''(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

''(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

''(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

''(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

''(c) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

''(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

''(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

''(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

''(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

''(d) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

''(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

''(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.''.

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section ___01, is further amended by adding at the end the following:

''PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

''SEC. 591. GRANTS TO CONSORTIA.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

''(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

''(1) identify youth at risk for substance abuse;

''(2) refer any youth at risk for substance abuse for substance abuse treatment;

''(3) provide effective primary prevention programing;

''(4) target underserved areas, such as rural areas; and

''(5) target populations, such as Native Americans, that are underserved.

''(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

''(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

''SEC. 592. GRANTS TO TREATMENT FACILITIES.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

''(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

''(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural

areas, for Native Americans, or for underserved populations.

''(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

''(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

''SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

''(1) there is a demonstrated high rate of substance abuse by youth; and

''(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

''(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.''.

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. ___04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section ___02) is further amended by adding at the end the following:

''SEC. 583. GRANTS TO PRIVATE ENTITIES.

''(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

''(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

''(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

''(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

''(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

''(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

''(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

''(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

''(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

''(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

''(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

''(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

''(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

''(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

''(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

''(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

''(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

''(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

''(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

''(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

''(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

''(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $2 for each $1 of Federal funds so provided.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

TITLE ____—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. ___01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROJECTS FOR CHILDREN AND VIOLENCE

''SEC. 581. CHILDREN AND VIOLENCE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

''(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

''(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

''(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

''(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

''(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

''(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

''(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

''(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

''(A) security;

''(B) educational reform;

''(C) the review and updating of school policies;

''(D) alcohol and drug abuse prevention and early intervention services;

''(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

''(F) early childhood development and psychosocial services; and

''(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

''(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be

made to the recipient may not exceed 5 years.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

''(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section ___01) is amended by adding at the end the following:

''SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___03. TREATMENT FOR YOUTH.

(a) WRAP AROUND GRANT PROGRAM FOR DETAINED OR INCARCERATED YOUTH.—

(1) FINDINGS.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) WRAP AROUND GRANTS FOR YOUTH.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

''SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

''(b) PURPOSE.—The purposes of this section are—

''(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

''(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

''(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

''(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

''(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

''(c) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

''(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

''(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

''(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

''(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

''(d) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

''(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

''(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.''.

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section ___01, is further amended by adding at the end the following:

''PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

''SEC. 591. GRANTS TO CONSORTIA.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

''(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

''(1) identify youth at risk for substance abuse;

''(2) refer any youth at risk for substance abuse for substance abuse treatment;

''(3) provide effective primary prevention programing;

''(4) target underserved areas, such as rural areas; and

''(5) target populations, such as Native Americans, that are underserved.

''(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

''(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.''.

''SEC. 592. GRANTS TO TREATMENT FACILITIES.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

''(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

''(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

''(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

''(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

''SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

''(1) there is a demonstrated high rate of substance abuse by youth; and

''(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

''(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. ___04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section ___02) is further amended by adding at the end the following:

''SEC. 583. GRANTS TO PRIVATE ENTITIES.

''(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

''(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

''(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

''(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

''(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

''(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

''(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

''(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

''(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

''(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

''(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

''(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

''(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

''(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

''(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

''(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

''(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

''(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

''(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

''(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

''(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

''(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $2 for each $1 of Federal funds so provided.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

LEAHY (AND OTHERS) AMENDMENT NO. 327

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. ROBB) proposed an amendment to the bill, S. 254, supra; as follows:

Strike all after subsection (a) of section 1, and insert the following:

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

TITLE I—MORE POLICE OFFICERS ON THE BEAT

Subtitle A—Expansion of COPS Program

Sec. 111. More police officers in schools.
Sec. 112. Waiver for local match requirement for cops in schools.
Sec. 113. Technical amendment.

Subtitle B—Assistance to Local Law Enforcement

Sec. 121. Extension of law enforcement family support funding.
Sec. 122. Extension of rural drug enforcement and training funding.
Sec. 123. Extension of Byrne grant funding.
Sec. 124. Extension of grants for State court prosecutors.

Subtitle C—Extension of Violent Crime Reduction Trust Fund

Sec. 131. Extension of Violent Crime Reduction Trust Fund.

TITLE II—PROTECTING CHILDREN FROM DANGEROUS DRUGS

Subtitle A—Targeting Serious Drug Crimes

Sec. 211. Increased penalties for using minors to distribute drugs.
Sec. 212. Increased penalties for distributing drugs to minors.
Sec. 213. Increased penalty for drug trafficking in or near a school or other protected location.
Sec. 214. Increased penalties for using Federal property to grow or manufacture controlled substances.
Sec. 215. Clarification of length of supervised release terms in controlled substance cases.
Sec. 216. Supervised release period after conviction for continuing criminal enterprise.

Subtitle B—Drug Treatment For Juveniles

Sec. 221. Drug treatment for juveniles.

Subtitle C—Drug Courts

Sec. 231. Reauthorization of drug courts program.
Sec. 232. Juvenile drug courts.

Subtitle D—Improving Effectiveness of Youth Crime and Drug Prevention Efforts

Sec. 241. Comprehensive study by National Academy of Sciences.
Sec. 242. Evaluation of crime prevention programs.
Sec. 243. Evaluation and research criteria.
Sec. 244. Compliance with evaluation mandate.
Sec. 245. Reservation of amounts for evaluation and research.
Sec. 246. Sense of Senate regarding funding for programs determined to be ineffective.

TITLE III—PROTECTING CHILDREN FROM GUNS

Subtitle A—Gun Offenses

Sec. 311. Prohibition on transfer to and possession by juveniles of semiautomatic assault weapons and large capacity ammunition feeding devices and enhanced criminal penalties for transfers of handguns, ammunition, semiautomatic assault weapons, and large capacity ammunition feeding devices to juveniles.
Sec. 312. Juvenile handgun safety.
Sec. 313. Serious juvenile drug offenses as armed career criminal predicates.
Sec. 314. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime.
Sec. 315. Increased penalty for firearms conspiracy.

Subtitle B—Local Gun Violence Prevention Programs

Sec. 321. Competitive grants for children's firearm safety education.
Sec. 322. Dissemination of best practices via the Internet.
Sec. 323. Youth crime gun interdiction initiative (YCGII).
Sec. 324. Grant priority for tracing of guns used in crimes by juveniles.

Subtitle C—Juvenile Gun Courts

Sec. 331. Definitions.
Sec. 332. Grant program.
Sec. 333. Applications.
Sec. 334. Grant awards.
Sec. 335. Use of grant amounts.
Sec. 336. Grant limitations.
Sec. 337. Federal share.
Sec. 338. Report and evaluation.
Sec. 339. Authorization of appropriations.

Subtitle D—Youth Violence Courts

Sec. 341. Creation of youth violence courts.

TITLE IV—IMPROVING THE JUVENILE JUSTICE SYSTEM

Subtitle A—Reform of Federal Juvenile System

Sec. 411. Delinquency proceedings or criminal prosecutions in district courts.
Sec. 412. Applicability of statutory minimums to juveniles 16 years and older and limitation as to younger juveniles.
Sec. 413. Conforming amendment to definitions section.
Sec. 414. Custody prior to appearance before judicial officer.
Sec. 415. Technical and conforming amendments to section 5034.
Sec. 416. Speedy trial for detained juveniles pending delinquency proceedings; reinstituting dismissed cases.
Sec. 417. Disposition; availability of increased detention, fines, and supervised release for juvenile offenders.
Sec. 418. Access to juvenile records.
Sec. 419. Technical amendments of section 5034.
Sec. 420. Definitions.

Subtitle B—Incarceration of Juveniles in the Federal System

Sec. 421. Detention of juveniles prior to disposition or sentencing.
Sec. 422. Rules governing the commitment of juveniles.

Subtitle C—Assistance to States For Prosecuting and Punishing Juvenile Offenders and Reducing Juvenile Crime

Sec. 431. Juvenile and violent offender incarceration grants.
Sec. 432. Certain punishment and graduated sanctions for youth offenders.
Sec. 433. Pilot program to promote replication of recent successful juvenile crime reduction strategies.

TITLE V—PREVENTING JUVENILE CRIME

Subtitle A—Grants To Youth Organizations

Sec. 511. Grant program.
Sec. 512. Grants to national organizations.
Sec. 513. Grants to States.
Sec. 514. Allocation; grant limitation.
Sec. 515. Report and evaluation.
Sec. 516. Authorization of appropriations.
Sec. 517. Grants to public and private agencies.

Subtitle B—''Say No to Drugs'' Community Centers

Sec. 521. Short title; definitions.
Sec. 522. Grant requirements.
Sec. 523. Authorization of appropriations.

Subtitle C—Reauthorization of Incentive Grants For Local Delinquency Prevention Programs

Sec. 531. Incentive grants for local delinquency prevention programs.
Sec. 532. Research, evaluation, and training.

Subtitle D—Authorization of Anti-Drug Abuse Programs

Sec. 541. Drug education and prevention relating to youth gangs.
Sec. 542. Drug education and prevention program for runaway and homeless youth.

Subtitle E—JUMP Ahead

Sec. 551. Short title.
Sec. 552. Findings.
Sec. 553. Juvenile mentoring grants.
Sec. 554. Implementation and evaluation grants.
Sec. 555. Evaluations; reports.

Subtitle F—Reauthorization of Juvenile Crime Control and Delinquency Prevention Programs

Sec. 561. Short title.
Sec. 562. Findings.
Sec. 563. Purpose.
Sec. 564. Definitions.
Sec. 565. Name of office.
Sec. 566. Concentration of Federal effort.
Sec. 567. Allocation.
Sec. 568. State plans.
Sec. 569. Juvenile delinquency prevention block grant program.
Sec. 570. Research; evaluation; technical assistance; training.
Sec. 571. Demonstration projects.
Sec. 572. Authorization of appropriations.
Sec. 573. Administrative authority.
Sec. 574. Use of funds.
Sec. 575. Limitation on use of funds.
Sec. 576. Rules of construction.
Sec. 577. Leasing surplus Federal property.
Sec. 578. Issuance of rules.
Sec. 579. Technical and conforming amendments.
Sec. 580. References.
Sec. 581. Rapid response plan for kids who bring a gun to school.

TITLE I—MORE POLICE OFFICERS ON THE BEAT

Subtitle A—Expansion of COPS Program

SEC. 111. MORE POLICE OFFICERS IN SCHOOLS.

Section 1001(a)(11)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(A)) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) in clause (vi), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(vii) $100,000,000 for fiscal year 2001; and

''(viii) $100,000,000 for fiscal year 2002.''.

SEC. 112. WAIVER FOR LOCAL MATCH REQUIREMENT FOR COPS IN SCHOOLS.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following: ''The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools.''.

SEC. 113. TECHNICAL AMENDMENT.

Section 1001(a)(11)(B) of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3793(a)(11)(B)) is amended by striking ''150,000'' each place it appears and inserting ''100,000''.

Subtitle B—Assistance to Local Law Enforcement

SEC. 121. EXTENSION OF LAW ENFORCEMENT FAMILY SUPPORT FUNDING.

Section 1001(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(21)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) in subparagraph (D), as redesignated, by striking ''and'' at the end;

(3) in subparagraph (E), as redesignated, by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(F) $7,500,000 for fiscal year 2001; and

''(G) $7,500,000 for fiscal year 2002.''.

SEC. 122. EXTENSION OF RURAL DRUG ENFORCEMENT AND TRAINING FUNDING.

(a) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(9)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(F) $66,000,000 for fiscal year 2001; and

''(G) $66,000,000 for fiscal year 2002.''.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 18103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14082(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) $1,000,000 for fiscal year 2001; and

''(7) $1,000,000 for fiscal year 2002.''.

SEC. 123. EXTENSION OF BYRNE GRANT FUNDING.

Section 210101 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2061) is amended—

(1) by striking ''through 2000'' and inserting ''through 2002'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(7) $500,000,000 for fiscal year 2001; and

''(8) $500,000,000 for fiscal year 2002.''.

SEC. 124. EXTENSION OF GRANTS FOR STATE COURT PROSECUTORS.

Section 21602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) in subsection (a)—

(A) by striking ''other criminal justice participants'' and inserting ''other criminal justice participants, in both the adult and juvenile systems,'';

(B) by striking ''this Act'' and all that follows before the period at the end of the section and inserting ''this Act, Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, and amendments thereto'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d) Not less than 20 percent of the total amount appropriated to carry out this subtitle in each of fiscal years 2001 and 2002 shall be made available for providing increased resources to State juvenile courts systems, juvenile prosecutors, juvenile public defenders, and other juvenile court system participants.'';

(4) in subsection (e)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the comma at the end and inserting a semicolon; and

(C) by inserting immediately after paragraph (5) the following:

''(6) $100,000,000 for fiscal year 2001; and

''(7) $100,000,000 for fiscal year 2002,''.

Subtitle C—Extension of Violent Crime Reduction Trust Fund

SEC. 131. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $6,500,000,000; and

''(8) for fiscal year 2002, $6,500,000,000.''.

(b) REDUCTION IN DISCRETIONARY SPENDING LIMITS.—Beginning on the date of enactment of this Act, the discretionary spending limits set forth in section 601(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) (as adjusted in conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and in the Senate, with section 301 of House Concurrent Resolution 178 (104th Congress)) for fiscal years 2001 through 2002 are reduced as follows:

(1) For fiscal year 2001, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

(2) For fiscal year 2002, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

TITLE II—PROTECTING CHILDREN FROM DANGEROUS DRUGS

Subtitle A—Targeting Serious Drug Crimes

SEC. 211. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''three years'';

(2) in subsection (c), by striking ''one year'' and inserting ''five years''; and

(3) by striking subsection (e) and inserting the following:

''(e) PROBATION PROHIBITED.—In the case of any sentence imposed under this section, probation shall not be granted.''.

SEC. 212. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''three years'';

(2) in subsection (b), by striking ''one year'' and inserting ''five years''; and

(3) in subsections (a) and (b), by striking ''under twenty-one'' each place it appears and inserting ''under eighteen''.

SEC. 213. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place it appears and inserting ''5 years''.

SEC. 214. INCREASED PENALTIES FOR USING FEDERAL PROPERTY TO GROW OR MANUFACTURE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

''(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on any property in whole or in part owned by or leased to the United States or any department or agency thereof shall be subject to twice the maximum punishment otherwise authorized for the offense.''.

(b) SENTENCING ENHANCEMENT.—

(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 sentencing enhancement for any offense under section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) that occurs on Federal property.

(2) CONSISTENCY.—In carrying out this section, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(B) avoid duplicative punishment for substantially the same offense.

SEC. 215. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Subparagraphs (A) through (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are each amended by striking ''Any sentence'' and inserting ''Notwithstanding section 3583 of title 18, any sentence''.

SEC. 216. SUPERVISED RELEASE PERIOD AFTER CONVICTION FOR CONTINUING CRIMINAL ENTERPRISE.

Section 848(a) of title 21, United States Code, is amended by adding to the end of the following: ''Any sentence under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of not less than 10 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of not less than 15 years in addition to such term of imprisonment.''

Subtitle B—Drug Treatment For Juveniles

SEC. 221. DRUG TREATMENT FOR JUVENILES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES

''SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES.

''(a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall award grants to, or enter into cooperative agreements or contracts, with public and nonprofit private entities for the purpose of providing treatment to juveniles for substance abuse through programs in which, during the course of receiving such treatment the juveniles reside in facilities made available by the programs.

''(b) AVAILABILITY OF SERVICES FOR EACH PARTICIPANT.—A funding agreement for an award under subsection (a) for an applicant is that, in the program operated pursuant to such subsection—

''(1) treatment services will be available through the applicant, either directly or through agreements with other public or nonprofit private entities; and

''(2) the services will be made available to each person admitted to the program.

''(c) INDIVIDUALIZED PLAN OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

''(1) in providing authorized services for an eligible person pursuant to such subsection, the applicant will, in consultation with the juvenile and, if appropriate the parent or guardian of the juvenile, prepare an individualized plan for the provision to the juvenile or young adult of the services; and

''(2) treatment services under the plan will include—

''(A) individual, group, and family counseling, as appropriate, regarding substance abuse; and

''(B) followup services to assist the juvenile or young adult in preventing a relapse into such abuse.

''(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants under subsection (a) may be used to provide an eligible juvenile, the following services:

''(1) HOSPITAL REFERRALS.—Referrals for necessary hospital services.

''(2) HIV AND AIDS COUNSELING.—Counseling on the human immunodeficiency virus and on acquired immune deficiency syndrome.

''(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE COUNSELING.—Counseling on domestic violence and sexual abuse.

''(4) PREPARATION FOR REENTRY INTO SOCIETY.—Planning for and counseling to assist reentry into society, both before and after discharge, including referrals to any public or nonprofit private entities in the community involved that provide services appropriate for the juvenile.

''(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF AWARD.—

''(1) CERTIFICATION BY RELEVANT STATE AGENCY.—With respect to the principal agency of a State or Indian tribe that administers programs relating to substance abuse, the Director may award a grant to, or enter into a cooperative agreement or contract with, an applicant only if the agency or Indian tribe has certified to the Director that—

''(A) the applicant has the capacity to carry out a program described in subsection (a);

''(B) the plans of the applicant for such a program are consistent with the policies of such agency regarding the treatment of substance abuse; and

''(C) the applicant, or any entity through which the applicant will provide authorized services, meets all applicable State licensure or certification requirements regarding the provision of the services involved.

''(2) STATUS AS MEDICAID PROVIDER.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Director may make a grant, or enter into a cooperative agreement or contract, under subsection (a) only if, in the case of any authorized service that is available pursuant to the State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for the State involved—

''(i) the applicant for the grant, cooperative agreement, or contract will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

''(ii) the applicant will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement plan and is qualified to receive such payments.

''(B) SERVICES.—

''(i) IN GENERAL.—In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Director if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

''(ii) VOLUNTARY DONATIONS.—A determination by the Director of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

''(C) MENTAL DISEASES.—

''(i) IN GENERAL.—With respect to any authorized service that is available pursuant to the State plan described in subparagraph (A), the requirements established in such subparagraph shall not apply to the provision of any such service by an institution for mental diseases to an individual who has attained 21 years of age and who has not attained 65 years of age.

''(ii) DEFINITION OF INSTITUTION FOR MENTAL DISEASES.—In this subparagraph, the term 'institution for mental diseases' has the same meaning as in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i)).

''(f) REQUIREMENTS FOR MATCHING FUNDS.—

''(1) IN GENERAL.—With respect to the costs of the program to be carried out by an applicant pursuant to subsection (a), a funding agreement for an award under such subsection is that the applicant will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

''(A) for the first fiscal year for which the applicant receives payments under an award under such subsection, is not less than $1 for each $9 of Federal funds provided in the award;

''(B) for any second such fiscal year, is not less than $1 for each $9 of Federal funds provided in the award; and

''(C) for any subsequent such fiscal year, is not less than $1 for each $3 of Federal funds provided in the award.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(g) OUTREACH.—A funding agreement for an award under subsection (a) for an applicant is that the applicant will provide outreach services in the community involved to identify juveniles who are engaging in substance abuse and to encourage the juveniles to undergo treatment for such abuse.

''(h) ACCESSIBILITY OF PROGRAM.—A funding agreement for an award under subsection (a) for an applicant is that the program operated pursuant to such subsection will be operated at a location that is accessible to low income juveniles.

''(i) CONTINUING EDUCATION.—A funding agreement for an award under subsection (a) is that the applicant involved will provide for continuing education in treatment services for the individuals who will provide treatment in the program to be operated by the applicant pursuant to such subsection.

''(j) IMPOSITION OF CHARGES.—A funding agreement for an award under subsection (a) for an applicant is that, if a charge is imposed for the provision of authorized services to or on behalf of an eligible juvenile, such charge—

''(1) will be made according to a schedule of charges that is made available to the public;

''(2) will be adjusted to reflect the economic condition of the juvenile involved; and

''(3) will not be imposed on any such juvenile whose family has an income of less than 185 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

''(k) REPORTS TO DIRECTOR.—A funding agreement for an award under subsection (a) is that the applicant involved will submit to the Director a report—

''(1) describing the utilization and costs of services provided under the award;

''(2) specifying the number of juveniles served, and the type and costs of services provided; and

''(3) providing such other information as the Director determines to be appropriate.

''(*l*) REQUIREMENT OF APPLICATION.—The Director may make an award under subsection (a) only if an application for the award is submitted to the Director containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Director determines to be necessary to carry out this section.

''(m) EQUITABLE ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall ensure that the awards are equitably allocated among the principal geographic regions of the United States, as well as among Indian tribes, subject to the availability of qualified applicants for the awards.

''(n) DURATION OF AWARD.—

''(1) IN GENERAL.—The period during which payments are made to an entity from an award under this section may not exceed 5 years.

''(2) APPROVAL OF DIRECTOR.—The provision of payments described in paragraph (1) shall be subject to—

''(A) annual approval by the Director of the payments; and

''(B) the availability of appropriations for the fiscal year at issue to make the payments.

''(3) NO LIMITATION.—This subsection may not be construed to establish a limitation on the number of awards that may be made to an entity under this section.

''(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Director shall, directly or through contract, provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Director shall disseminate to the States the findings made as a result of the evaluations.

''(p) REPORTS TO CONGRESS.—

''(1) INITIAL REPORT.—Not later than October 1, 2000, the Director shall submit to the Committee on the Judiciary of the House of Representatives, and to the Committee on the Judiciary of the Senate, a report describing programs carried out pursuant to this section.

''(2) PERIODIC REPORTS.—

''(A) IN GENERAL.—Not less than biennially after the date described in paragraph (1), the Director shall prepare a report describing programs carried out pursuant to this section during the preceding 2-year period, and shall submit the report to the Administrator for inclusion in the biennial report under section 501(k).

''(B) SUMMARY.—Each report under this subsection shall include a summary of any evaluations conducted under subsection (m) during the period with respect to which the report is prepared.

''(q) DEFINITIONS.—In this section:

''(1) AUTHORIZED SERVICES.—The term 'authorized services' means treatment services and supplemental services.

''(2) JUVENILE.—The term 'juvenile' means anyone 18 years of age or younger at the

time that of admission to a program operated pursuant to subsection (a).

''(3) ELIGIBLE JUVENILE.—The term 'eligible juvenile' means a juvenile who has been admitted to a program operated pursuant to subsection (a).

''(4) FUNDING AGREEMENT UNDER SUBSECTION (A).—The term 'funding agreement under subsection (a)', with respect to an award under subsection (a), means that the Director may make the award only if the applicant makes the agreement involved.

''(5) TREATMENT SERVICES.—The term 'treatment services' means treatment for substance abuse, including the counseling and services described in subsection (c)(2).

''(6) SUPPLEMENTAL SERVICES.—The term 'supplemental services' means the services described in subsection (d).

''(r) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section and section 576 there is authorized to be appropriated from the Violent Crime Reduction Trust Fund—

''(A) $100,000 for fiscal year 2000; $200,000 for fiscal year 2001; and

''(B) such sums as may be necessary for fiscal year 2002.

''(2) TRANSFER.—For the purpose described in paragraph (1), in addition to the amounts authorized in such paragraph to be appropriated for a fiscal year, there is authorized to be appropriated for the fiscal year from the special forfeiture fund of the Director of the Office of National Drug Control Policy such sums as may be necessary.

''(3) RULE OF CONSTRUCTION.—The amounts authorized in this subsection to be appropriated are in addition to any other amounts that are authorized to be appropriated and are available for the purpose described in paragraph (1).

''SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVENILES.

''(a) GRANTS.—The Secretary of Health and Human Services, acting through the Director of the Center for Substance Abuse Treatment, shall make grants to establish projects for the outpatient treatment of substance abuse among juveniles.

''(b) PREVENTION.—Entities receiving grants under this section shall engage in activities to prevent substance abuse among juveniles.

''(c) EVALUATION.—The Secretary of Health and Human Services shall evaluate projects carried out under subsection (a) and shall disseminate to appropriate public and private entities information on effective projects.''.

Subtitle C—Drug Courts

SEC. 231. REAUTHORIZATION OF DRUG COURTS PROGRAM.

(a) Section 114(b)(1)(A) of title I of Public Law 104–134 is repealed.

(b) Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $200,000,000 for fiscal year 2001; and

''(H) $200,000,000 for fiscal year 2002.''.

SEC. 232. JUVENILE DRUG COURTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Z as part AA;

(2) by redesignating section 2601 as 2701; and

(3) by inserting after part Y the following:

''PART Z—JUVENILE DRUG COURTS

''SEC. 2601. GRANT AUTHORITY.

''(a) APPROPRIATE DRUG COURT PROGRAMS.—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribes to establish programs that—

''(1) involve continuous early judicial supervision over juvenile offenders, other than violent juvenile offenders with substance abuse, or substance abuse-related problems; and

''(2) integrate administration of other sanctions and services, including—

''(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

''(B) substance abuse treatment for each participant;

''(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

''(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support service for each participant who requires such services;

''(E) payment by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; or

''(F) payment by the offender of restitution, to the extent practicable, to either a victim of the offense at issue or to a restitution or similar victim support fund.

''(b) CONTINUED AVAILABILITY OF GRANT FUNDS.—Amounts made available under this part shall remain available until expended.

''SEC. 2602. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

''The Attorney General shall issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders.

''SEC. 2603. DEFINITION.

''In this part, the term 'violent offender' means an individual charged with an offense during the course of which—

''(1) the individual carried, possessed, or used a firearm or dangerous weapon;

''(2) the death of or serious bodily injury of another person occurred as a direct result of the commission of such offense; or

''(3) the individual used force against the person of another.

''SEC. 2604. ADMINISTRATION.

''(a) REGULATORY AUTHORITY.—The Attorney General shall issue any regulations and guidelines necessary to carry out this part.

''(b) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

''(1) include a long term strategy and detailed implementation plan;

''(2) explain the inability of the applicant to fund the program adequately without Federal assistance;

''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, tribal, or local sources of funding that would otherwise be available;

''(4) identify related governmental or community initiatives that complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

''(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

''(8) describe the methodology that will be used in evaluating the program.

''SEC. 2605. APPLICATIONS.

''To request funds under this part, the chief executive or the chief justice of a State, or the chief executive or chief judge of a unit of local government or Indian tribe shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

''SEC. 2606. FEDERAL SHARE.

''(a) IN GENERAL.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2605 for the fiscal year for which the program receives assistance under this part.

''(b) WAIVER.—The Attorney General may waive, in whole or in part, the requirement of a matching contribution under subsection (a).

''(c) IN-KIND CONTRIBUTIONS.—In-kind contributions may constitute a portion of the non-Federal share of a grant under this part.

''SEC. 2607. DISTRIBUTION OF FUNDS.

''(a) GEOGRAPHICAL DISTRIBUTION.—The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

''(b) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

''SEC. 2608. REPORT.

''A State, Indian tribe, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General, in March of the year following receipt of a grant under this part, a report regarding the effectiveness of programs established pursuant to this part.

''SEC. 2609. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

''SEC. 2610. UNAWARDED FUNDS.

''The Attorney General may reallocate any grant funds that are not awarded for juvenile drug courts under this part for use for other juvenile delinquency and crime prevention initiatives.

''SEC. 2611. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part from the Violent Crime Reduction Trust Fund—

''(1) $50,000,000 for fiscal year 2000; and

''(2) such sums as may be necessary for of fiscal years 2001 and 2002.''.

Subtitle D—Improving Effectiveness of Youth Crime and Drug Prevention Efforts

SEC. 241. COMPREHENSIVE STUDY BY NATIONAL ACADEMY OF SCIENCES.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing youth violence and youth substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in youth violence, youth substance abuse, and risk factors among youth that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may obtain analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Economic and Educational Opportunity of the House of Representatives and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) $1,000,000.

SEC. 242. EVALUATION OF CRIME PREVENTION PROGRAMS.

The Attorney General, with respect to the programs in this title shall provide, directly or through grants and contracts, for the comprehensive and thorough evaluation of the effectiveness of each program established by this Act and the amendments made by this Act.

SEC. 243. EVALUATION AND RESEARCH CRITERIA.

(a) INDEPENDENT EVALUATIONS AND RESEARCH.—Evaluations and research studies conducted pursuant to this subtitle shall be independent in nature, and shall employ rigorous and scientifically recognized standards and methodologies.

(b) CONTENT OF EVALUATIONS.—Evaluations conducted pursuant to this title may include comparison between youth participating in the programs and the community at large of rates of—

(1) delinquency, youth crime, youth gang activity, youth substance abuse, and other high risk factors;

(2) risk factors in young people that contribute to juvenile violence, including academic failure, excessive school absenteeism, and dropping out of school;

(3) risk factors in the community, schools, and family environments that contribute to youth violence; and

(4) criminal victimizations of youth.

SEC. 244. COMPLIANCE WITH EVALUATION MANDATE.

The Attorney General may require the recipients of Federal assistance for programs under this Act to collect, maintain, and report information considered to be relevant to any evaluation conducted pursuant to section 242, and to conduct and participate in specified evaluation and assessment activities and functions.

SEC. 245. RESERVATION OF AMOUNTS FOR EVALUATION AND RESEARCH.

(a) IN GENERAL.—The Attorney General, with respect to this title shall reserve not less than 2 percent, and not more than 4 percent, of the amounts made available pursuant to such titles and the amendments made by such titles in each fiscal year to carry out the evaluation and research required by this title.

(b) ASSISTANCE TO GRANTEES AND EVALUATED PROGRAMS.—To facilitate the conduct and defray the costs of crime prevention program evaluation and research, the Attorney General shall use amounts reserved under this section to provide compliance assistance to grantees under this Act who are selected to participate in evaluations pursuant to section 242.

SEC. 246. SENSE OF SENATE REGARDING FUNDING FOR PROGRAMS DETERMINED TO BE INEFFECTIVE.

It is the sense of the Senate that programs identified in the study performed pursuant to section 241 as being ineffective in addressing juvenile crime and substance abuse should not receive Federal funding in any fiscal year following the issuance of such study.

TITLE III—PROTECTING CHILDREN FROM GUNS

Subtitle A—Gun Offenses

SEC. 311. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES AND ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

(a) PROHIBITION.—Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.''; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting '', semiautomatic assault weapon, or large capacity ammunition feeding device'' after ''handgun''; and

(B) in subparagraph (D), by striking ''or ammunition'' and inserting '', ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device''.

(b) ENHANCED PENALTIES.—Section 924(a)(6)(B)(i) of title 18, United States Code, is amended by striking ''1 year'' and inserting ''5 years''.

SEC. 312. JUVENILE HANDGUN SAFETY.

(a) JUVENILE HANDGUN SAFETY.—Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (A); and

(3) in subparagraph (A), as redesignated—

(A) by striking ''A person other than a juvenile who knowingly'' and inserting ''A person who knowingly''; and

(B) in clause (i), by striking ''not more than 1 year'' and inserting ''not more than 5 years''.

SEC. 313. 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 this paragraph;''.

SEC. 314. INCREASED PENALTY FOR TRANSFERRING A FIREARM TO A MINOR FOR USE IN CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924(h) of title 18, United States Code, is amended by striking ''10 years, fined in accordance with this title, or both'' and inserting ''10 years, and if the transferee is a person who is under 18 years of age, imprisoned for a term of not more than 15 years, fined in accordance with this title, or both''.

SEC. 315. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy.''.

Subtitle B—Local Gun Violence Prevention Programs

SEC. 321. COMPETITIVE GRANTS FOR CHILDREN'S FIREARM SAFETY EDUCATION.

(a) PURPOSES.—The purposes of this section are—

(1) to award grants to assist local educational agencies, in consultation with community groups and law enforcement agencies, to educate children about preventing gun violence; and

(2) to assist communities in developing partnerships between public schools, community organizations, law enforcement, and parents in educating children about preventing gun violence.

(b) DEFINITIONS.—In this section:

(1) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the same meaning given such term in section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8701).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(c) ALLOCATION OF COMPETITIVE GRANTS.—

(1) GRANTS BY THE SECRETARY.—For any fiscal year in which the amount appropriated to carry out this section does not equal or exceed $50,000,000, the Secretary of Education may award competitive grants described under subsection (d).

(2) GRANTS BY THE STATES.—For any fiscal year in which the amount appropriated to carry out this section exceeds $50,000,000, the Secretary shall make allotments to State educational agencies pursuant to paragraph (3) to award competitive grants described in subsection (d).

(3) FORMULA.—Except as provided in paragraph (4), funds appropriated to carry out this section shall be allocated among the States as follows:

(A) 75 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State.

(B) 25 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State that is incarcerated.

(4) MINIMUM ALLOTMENT.—Of the amounts appropriated to carry out this section, 0.50 percent shall be allocated to each State.

(d) AUTHORIZATION OF COMPETITIVE GRANTS.—The Secretary or the State educational agency, as the case may be, may award grants to eligible local educational agencies for the purposes of educating children about preventing gun violence, in accordance with the following:

(1) ASSURANCES.—

(A) The Secretary or the State educational agency, as the case may be, shall ensure that not less than 90 percent of the funds allotted under this section are distributed to local educational agencies.

(B) In awarding the grants, the Secretary or the State educational agency, as the case may be, shall ensure, to the maximum extent practicable—

(i) an equitable geographic distribution of grant awards;

(ii) an equitable distribution of grant awards among programs that serve public elementary school students, public secondary school students, and a combination of both; and

(iii) that urban, rural and suburban areas are represented within the grants that are awarded.

(2) PRIORITY.—In awarding grants under this section, the Secretary or the State educational agency, as the case may be, shall give priority to a local educational agency that—

(A) coordinates with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(B) serves a population with a high incidence of students found in possession of a weapon on school property or students suspended or expelled for bringing a weapon onto school grounds or engaging in violent behavior on school grounds; and

(C) forms a partnership that includes not less than 1 local educational agency working in consultation with not less than 1 public or private nonprofit agency or organization with experience in violence prevention or 1 local law enforcement agency.

(3) PEER REVIEW; CONSULTATION.—

(A) IN GENERAL.—

(i) PEER REVIEW BY PANEL.—Before grants are awarded, the Secretary shall submit grant applications to a peer review panel for evaluation.

(ii) COMPOSITION OF PANEL.—The panel shall be composed of not less than 1 representative from a local educational agency, State educational agency, a local law enforcement agency, and a public or private nonprofit organization with experience in violence prevention.

(B) CONSULTATION.—The Secretary shall submit grant applications to the Attorney General for consultation.

(e) ELIGIBLE GRANT RECIPIENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible grant recipient is a local educational agency that may work in partnership with 1 or more of the following:

(A) A public or private nonprofit agency or organization with experience in violence prevention.

(B) A local law enforcement agency.

(C) An institution of higher education.

(2) EXCEPTION.—A State educational agency may, with the approval of a local educational agency, submit an application on behalf of such local educational agency or a consortium of such agencies.

(f) LOCAL APPLICATIONS; REPORTS.—

(1) APPLICATIONS.—Each local educational agency that wishes to receive a grant under this section shall submit an application to the Secretary and the State educational agency that includes—

(A) a description of the proposed activities to be funded by the grant and how each activity will further the goal of educating children about preventing gun violence;

(B) how the program will be coordinated with other programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.); and

(C) the age and number of children that the programs will serve.

(2) REPORTS.—Each local educational agency that receives a grant under this section shall submit a report to the Secretary and to the State educational agency not later than 18 months after the grant is awarded and submit an additional report to the Secretary and to the State not later than 36 months after the grant is awarded. Each report shall include information regarding—

(A) the activities conducted to educate children about gun violence;

(B) how the program will continue to educate children about gun violence in the future; and

(C) how the grant is being coordinated with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(g) AUTHORIZED ACTIVITIES.—

(1) REQUIRED ACTIVITIES.—Grants authorized under subsection (d) shall be used for the following activities:

(A) Supporting existing programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(B) Educating children about the effects of gun violence.

(C) Educating children to identify dangerous situations in which guns are involved and how to avoid and prevent such situations.

(D) Educating children how to identify threats and other indications that their peers are in possession of a gun and may use a gun, and what steps they can take in such situations.

(E) Developing programs to give children access to adults to whom they can report, in a confidential manner, any problems relating to guns.

(2) PERMISSIBLE ACTIVITIES.—Grants authorized under subsection (d) may be used for the following:

(A) Encouraging schoolwide programs and partnerships that involve teachers, students, parents, administrators, other staff, and members of the community in reducing gun incidents in public elementary and secondary schools.

(B) Establishing programs that assist parents in helping educate their children about firearm safety and the prevention of gun violence.

(C) Providing ongoing professional development for public school staff and administrators to identify the causes and effects of gun violence and risk factors and student behavior that may result in gun violence, including training sessions to review and update school crisis response plans and school policies for preventing the presence of guns on school grounds and facilities.

(D) Providing technical assistance for school psychologists and counselors to provide timely counseling and evaluations, in accordance with State and local laws, of students who possess a weapon on school grounds.

(E) Improving security on public elementary and secondary school campuses to prevent outside persons from entering school grounds with firearms.

(F) Assisting public schools and communities in developing crisis response plans when firearms are found on school campuses and when gun-related incidents occur.

(h) STATE APPLICATIONS; ACTIVITIES AND REPORTS.—

(1) STATE APPLICATIONS.—

(A) Each State desiring to receive funds under this section shall, through its State educational agency, submit an application to the Secretary of Education at such time and in such manner as the Secretary shall require. Such application shall describe—

(i) the manner in which funds under this section for State activities and competitive grants will be used to fulfill the purposes of this section;

(ii) the manner in which the activities and projects supported by this section will be coordinated with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(iii) the manner in which States will ensure an equitable geographic distribution of grant awards; and

(iv) the criteria which will be used to determine the impact and effectiveness of the funds used pursuant to this section.

(B) A State educational agency may submit an application to receive a grant under this section under paragraph (1) or as an amendment to the application the State educational agency submits under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(2) STATE ACTIVITIES.—Of appropriated amounts allocated to the States under subsection (c)(2), the State educational agency may reserve not more than 10 percent for activities to further the goals of this section, including—

(A) providing technical assistance to eligible grant recipients in the State;

(B) performing ongoing research into the causes of gun violence among children and methods to prevent gun violence among children; and

(C) providing ongoing professional development for public school staff and administrators to identify the causes and indications of gun violence.

(3) STATE REPORTS.—Each State receiving an allotment under this section shall submit

a report to the Secretary and to the Committees on Labor and Human Resources and the Judiciary of the Senate and the Committees on Education and the Workforce and the Judiciary of the House of Representatives, not later than 12 months after receipt of the grant award and shall submit an additional report to those committees not later than 36 months after receipt of the grant award. Each report shall include information regarding—

(A) the progress of local educational agencies that received a grant award under this section in the State in educating children about firearms;

(B) the progress of State activities under paragraph (1) to advance the goals of this section; and

(C) how the State is coordinating funds allocated under this section with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(i) SUPPLEMENT NOT SUPPLANT.—A State or local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for reducing gun violence among children and educating children about firearms, and not to supplant such funds.

(j) DISPLACEMENT.—A local educational agency that receives a grant award under this section shall ensure that persons hired to carry out the activities under this section do not displace persons already employed.

(k) HOME SCHOOLS.—Nothing in this section shall be construed to affect home schools.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) such sums as may be necessary for each of fiscal years 2000 and 2001; and

(2) $60,000,000 for fiscal year 2002.

SEC. 322. DISSEMINATION OF BEST PRACTICES VIA THE INTERNET.

(a) MODEL DISSEMINATION.—The Secretary of Education shall include on the Internet site of the Department of Education a description of programs that receive grants under section 1421.

(b) GRANT PROGRAM NOTIFICATION.—The Secretary shall publicize the competitive grant program through its Internet site, publications, and public service announcements.

SEC. 323. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

(a) IN GENERAL.—The Secretary of the Treasury shall expand—

(1) the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as ''YGCII'') submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under age 25, to the Secretary of the Treasury to identify the types and origins of such firearms to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users and of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts and support personnel.

(b) SELECTION OF PARTICIPANTS.—The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program established under this section.

(c) ESTABLISHMENT OF SYSTEM.—The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through on-line computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such on-line access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25, regional, State and national firearms trafficking trends, and the number of investigations and arrests resulting from YCGII.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury to carry out this section $50,000,000 for each of fiscal years 2001 through 2002.

SEC. 324. GRANT PRIORITY FOR TRACING OF GUNS USED IN CRIMES BY JUVENILES.

Section 517 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3763) is amended by adding at the end the following:

''(c) PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or relating to juveniles who are involved or at risk of involvement in gangs, the Director shall give priority to a public agency that includes in its application a description of strategies or programs of that public agency (either in effect or proposed) that provide cooperation between Federal, State, and local law enforcement authorities, through the use of firearms and ballistics identification systems, to disrupt illegal sale or transfer of firearms to or between juveniles through tracing the sources of guns used in crime that were provided to juveniles.''.

Subtitle C—Juvenile Gun Courts

SEC. 331. DEFINITIONS.

In this subtitle:

(1) FIREARM.—The term ''firearm'' has the same meaning as in section 921 of title 18, United States Code.

(2) FIREARM OFFENDER.—The term ''firearm offender'' means any individual charged with an offense involving the illegal possession, use, transfer, or threatened use of a firearm.

(3) JUVENILE GUN COURT.—The term ''juvenile gun court'' means a specialized division within a State or local juvenile court system, or a specialized docket within a State or local court that considers exclusively cases involving juvenile firearm offenders.

(4) LOCAL COURT.—The term ''local court'' means any section or division of a State or municipal juvenile court system.

SEC. 332. GRANT PROGRAM.

The Attorney General may make grants in accordance with this subtitle to States, State courts, local courts, units of local government, and Indian tribes for court-based juvenile justice programs that target juvenile firearm offenders through the establishment of juvenile gun courts.

SEC. 333. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this subtitle, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) REQUIREMENTS.—Each application submitted in accordance with subsection (a) shall include—

(1) a request for a grant to be used for the purposes described in this subtitle;

(2) a description of the communities to be served by the grant, including the extent of juvenile crime, juvenile violence, and juvenile firearm use and possession in such communities;

(3) written assurances that Federal funds received under this subtitle will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(4) a comprehensive plan described in subsection (c) (referred to in this subtitle as the ''comprehensive plan''); and

(5) any additional information in such form and containing such information as the Attorney General may reasonably require.

(c) COMPREHENSIVE PLAN.—For purposes of subsection (b), a comprehensive plan as described in this subsection includes—

(1) a description of the juvenile crime and violence problems in the jurisdiction of the applicant, including gang crime and juvenile firearm use and possession;

(2) an action plan outlining the manner in which the applicant would use the grant amounts in accordance with this subtitle;

(3) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in paragraph (2); and

(4) a description of the plan of the applicant for evaluating the performance of the juvenile gun court.

SEC. 334. GRANT AWARDS.

(a) CONSIDERATIONS.—In awarding grants under this subtitle, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the level of juvenile crime, violence, and drug use in the community; and

(3) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(b) DIVERSITY.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this subtitle to applicants in each State from which applicants have applied for grants under this subtitle.

(c) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

SEC. 335. USE OF GRANT AMOUNTS.

Each grant made under this subtitle shall be used to—

(1) establish juvenile gun courts for adjudication of juvenile firearm offenders;

(2) grant prosecutorial discretion to try, in a gun court, cases involving the illegal possession, use, transfer, or threatened use of a firearm by a juvenile;

(3) require prosecutors to transfer such cases to the gun court calendar not later than 30 days after arraignment;

(4) require that gun court trials commence not later than 60 days after transfer to the gun court;

(5) facilitate innovative and individualized sentencing (such as incarceration, house arrest, victim impact classes, electronic monitoring, restitution, and gang prevention programs);

(6) provide services in furtherance of paragraph (5);

(7) limit grounds for continuances and grant continuances only for the shortest practicable time;

(8) ensure that any term of probation or supervised release imposed on a firearm offender in a juvenile gun court, in addition to, or in lieu of, a term of incarceration, shall include a prohibition on firearm possession during such probation or supervised release and that violation of that prohibition shall result in, to the maximum extent permitted under State law, a term of incarceration; and

(9) allow transfer of a case or an offender out of the gun court by agreement of the parties, subject to court approval.

SEC. 336. GRANT LIMITATIONS.

Not more than 5 percent of the amounts made available to the Attorney General or a grant recipient under this subtitle may be used for administrative purposes.

SEC. 337. FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Federal share of a grant made under this subtitle may not exceed 90 percent of the total cost of the program or programs of the grant recipient that are funded by that grant for the fiscal year for which the program receives assistance under this subtitle.

(b) WAIVER.—The Attorney General may waive, in whole or in part, the requirements of subsection (a).

(c) IN-KIND CONTRIBUTIONS.—For purposes of subsection (a), in-kind contributions may constitute any portion of the non-Federal share of a grant under this subtitle.

(d) CONTINUED AVAILABILITY OF GRANT AMOUNTS.—Any amount provided to a grant recipient under this subtitle shall remain available until expended.

SEC. 338. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than March 1, 2000, and March 1 of each year thereafter, each grant recipient under this subtitle shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(b) EVALUATION AND REPORT TO CONGRESS.—Not later than October 1, 2000 and October 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this subtitle, and an evaluation of programs established by grant recipients under this subtitle.

(c) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this subtitle, the Attorney General shall consider—

(1) the number of juveniles tried in gun court sessions in the jurisdiction of the grant recipient;

(2) a comparison of the amount of time between the filing of charges and ultimate disposition in gun court and nongun court cases;

(3) the recidivism rates of juvenile offenders tried in gun court sessions in the jurisdiction of the grant recipient in comparison to those tried outside of drug courts;

(4) changes in the amount of gun-related and gang-related crime in the jurisdiction of the grant recipient; and

(5) the quantity of firearms and ammunition recovered in gun court cases in the jurisdiction of the grant recipient.

(d) DOCUMENTS AND INFORMATION.—Each grant recipient under this subtitle shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this subtitle.

SEC. 339. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) $50,000,000for each of fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

Subtitle D—Youth Violence Courts

SEC. 341. CREATION OF YOUTH VIOLENCE COURTS.

Section 210602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively;

(2) by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(3) by inserting before paragraph (1), as so designated, the following:

''(a) STATE AND LOCAL COURT ASSISTANCE.—''; and

(4) by adding after subsection (a), as so designated, the following:

''(b) YOUTH VIOLENCE COURTS.—

''(1) AUTHORITY TO MAKE GRANTS AND ENTER INTO CONTRACTS.—

''(A) IN GENERAL.—The Attorney General may award grants and enter into cooperative agreements and contracts with States, State courts, local courts, units of local government, Indian tribes, and tribal courts to plan, develop, implement, and administer programs to adjudicate and better manage juvenile and youthful violent offenders within State, tribal, and local court systems.

''(B) INITIATIVES.—Initiatives funded under this paragraph may include—

''(i) the establishment of court based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

''(ii) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services as enumerated under the provisions of section 50001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 3796ii), as in effect on the day before the date of enactment of Public Law 104–134;

''(iii) the establishment of courts of specialized or joint jurisdiction as deemed appropriate by a jurisdiction's chief judicial officer; and

''(iv) the establishment of programs aimed at the enhanced and improved adjudication of juvenile offenders, including innovative programs involving the courts, prosecutors, public defenders, probation offices, and corrections agencies.

''(2) APPLICATION.—The Attorney General shall establish guidelines governing the administration of this program. Such guidelines shall include the manner and content of applications for funding under this program, as well as procedures and methods for the distribution of funds distributed under this program.

''(3) FEDERAL SHARE.—The Federal share of any individual grant made under this program may not exceed 75 percent. Further, in-kind contributions, pursuant to the discretion of the Attorney General may constitute a portion, or all, of the non-Federal share of a grant made under this program. With regard to grants to Indian tribes, the Attorney General may allow other Federal funds to constitute all or a portion of the non-Federal share.

''(4) GEOGRAPHIC DISTRIBUTION.—The Attorney General shall ensure that, to the extent reasonable and practicable, an equitable geographic distribution of grant awards is made.

''(5) TRAINING AND TECHNICAL ASSISTANCE.—Two percent of all funds appropriated for this subtitle shall be set aside for use by the Attorney General for training and technical assistance consistent with this program.''.

TITLE IV—IMPROVING THE JUVENILE JUSTICE SYSTEM

Subtitle A—Reform of Federal Juvenile System

SEC. 411. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

(a) IN GENERAL.—Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a) JUVENILE DELINQUENCY PROCEEDINGS.—

''(1) IN GENERAL.—A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be—

''(A) surrendered to State authorities;

''(B) proceeded against as a juvenile under this subsection; or

''(C) tried as an adult in the circumstances described in subsections (b) and (c).

''(2) SURRENDER TO STATE ABSENT CERTIFICATION.—

''(A) IN GENERAL.—A juvenile referred to in paragraph (1) may be proceeded against as a juvenile in a court of the United States under this subsection—

''(i) for offenses committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(ii) if the Attorney General, after investigation, certifies to the appropriate United States district court that—

''(I)(aa) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to such act of alleged juvenile delinquency; or

''(bb) the offense charged is described in subsection (b) (2) or (3) or subsection (e); and

''(II) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(B) SURRENDER TO LEGAL AUTHORITIES.—If, where required, the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

''(3) PUBLIC PROCEEDINGS; ATTENDANCE BY VICTIMS.—

''(A) IN GENERAL.—If a juvenile alleged to have committed an act of juvenile delinquency is not surrendered to the authorities of a State pursuant to this section, any proceedings against the juvenile shall be in an appropriate district court of the United States.

''(B) CONVENING OF COURT.—For the purposes specified in subparagraph (A), the court—

''(i) may be convened at any time and place within the district; and

''(ii) shall be open to the public, except that the court may exclude all or some members of the public from the proceedings if—

''(I) required by the interests of justice; or

''(II) other good cause is shown.

''(C) COURT OPEN TO VICTIMS AND RELATIVES.—Even if all or some of the members of the public are excluded from the proceedings, the proceedings shall be open to victims of the alleged offense and their relatives and legal guardians unless—

''(i) required by the interests of justice; or

''(ii) otherwise good cause is shown.

''(D) PROCEDURAL REQUIREMENTS.—The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

''(b) JUVENILES 16 YEARS AND OLDER PROSECUTED AS ADULTS.—A juvenile alleged to have committed an act on or after the day the juvenile attains the age of 16 years may be prosecuted as an adult—

''(1) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult;

''(2) if the act committed by an adult would be a serious violent felony or a serious drug offense as described in section 3559(c) (2) and (3) or a conspiracy or attempt under section 406 of the Controlled Substances Act (21 U.S.C. 846) or under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963) to commit an offense described in section 3559(c)(2); or

''(3) if the act the juvenile is alleged to have committed is not described in paragraph (2), and if committed by an adult would be—

''(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

''(B) an offense described in section 844 (d), (k), or (l), or paragraph (a)(6) or subsection (b), (g), (h), (j), (k), or (l), of section 924;

''(C) a violation of section 922(o) that is an offense under section 924(a)(2);

''(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of the Internal Revenue Code of 1986;

''(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

''(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959) or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(c) JUVENILES UNDER 16 YEARS PROSECUTED AS ADULTS.—

''(1) IN GENERAL.—A juvenile, alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, may be prosecuted as an adult if the act, if committed by an adult, would be an offense described in paragraph (2) or (3) of subsection (b), upon approval of the Attorney General or the designee of the Attorney General, who shall not be at a level lower than a Deputy Assistant Attorney General.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), approval shall not be granted under paragraph (1), with respect to a juvenile described in that paragraph who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on the commission of that act in Indian country (as defined in section 1151).

''(B) EXCEPTION.—Subparagraph (A) shall not apply if, before that alleged act was committed, the governing body of the Indian tribe having jurisdiction over the place in which the alleged act was committed notified the Attorney General in writing of its election that prosecution may take place under this subsection.

''(d) LIMITATIONS ON JUDICIAL REVIEW.—

''(1) IN GENERAL.—Except as provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c) shall not be reviewable in any court.

''(2) DETERMINATION BY COURT.—In any prosecution of a juvenile under subsection (b)(3) or (c)(1), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant under subsection (a).

''(3) TIME REQUIREMENTS.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 20 days after the date on which the defendant—

''(A) initially appears through counsel; or

''(B) expressly waives the right to counsel and elects to proceed pro se.

''(4) PROHIBITION.—The court shall not order the transfer of a defendant to juvenile status under this paragraph unless the defendant establishes by clear and convincing evidence or information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (2), the court shall consider—

''(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms;

''(B) whether prosecution of the juvenile as an adult is necessary to protect public safety;

''(C) the age and social background of the juvenile;

''(D) the extent and nature of the prior delinquency record of the juvenile;

''(E) the intellectual development and psychological maturity of the juvenile;

''(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

''(G) the availability of programs designed to treat the behavioral problems of the juvenile.

''(5) STATUS OF ORDERS.—

''(A) IN GENERAL.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

''(B) APPEALS.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

''(6) INADMISSIBILITY OF EVIDENCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution.

''(B) EXCEPTIONS.—The prohibition under subparagraph (A) shall not apply, except—

''(i) for impeachment purposes; or

''(ii) in a prosecution for perjury or giving a false statement.

''(7) RULES.—The rules concerning the receipt and admissibility of evidence shall be the same as prescribed in subsection 3142(f) of this title.

''(e) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under subsection (b) or (c) the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.''.

SEC. 412. APPLICABILITY OF STATUTORY MINIMUMS TO JUVENILES 16 YEARS AND OLDER AND LIMITATION AS TO YOUNGER JUVENILES.

Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a juvenile alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, which if committed by an adult would be an offense described in section 5032 (b)(3) or (e), the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(2).''.

SEC. 413. CONFORMING AMENDMENT TO DEFINITIONS SECTION.

Section 5031 of title 18, United States Code, is amended by adding at the end the following: ''As used in this chapter, the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized Indian tribe.''.

SEC. 414. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

''§ 5033. Custody prior to appearance before judicial officer

''(a) IN GENERAL.—Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

''(b) TIMELY ACTION.—The juvenile shall be taken before a judicial officer without unreasonable delay.''.

SEC. 415. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The'' each place it appears at the beginning of a paragraph and inserting ''the'';

(2) by striking ''If'' at the beginning of the third paragraph and inserting ''if'';

(3) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(4) by inserting at the beginning of such section before those paragraphs the following: ''In a proceeding under section 5032(a)—''.

SEC. 416. SPEEDY TRIAL FOR DETAINED JUVENILES PENDING DELINQUENCY PROCEEDINGS; REINSTITUTING DISMISSED CASES.

Section 5036 of title 18, United States Code, is amended—

(1) by striking ''If an alleged delinquent'' and inserting ''If a juvenile proceeded against under section 5032(a)'';

(2) by striking ''thirty'' and inserting ''45''; and

(3) by striking ''the court,'' and all that follows through the end of the section and inserting ''the court. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the offense, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice. The periods of exclusion under section 3161(h) of this title shall apply to this section.''.

SEC. 417. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES, AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Disposition

''(a) IN GENERAL.—

''(1) HEARING.—In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

''(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government.

''(3) VICTIM IMPACT INFORMATION.—Victim impact information shall be included in the report, and victims, or in appropriate cases, their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition.

''(4) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to section 994 of title 28, the court shall enter an order of restitution pursuant to section 3556 of this title, and place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

''(5) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

''(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) TERM OF OFFICIAL DETENTION.—

''(1) MAXIMUM TERM.—The term for which official detention (other than supervised release) may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(B) 10 years; or

''(C) the date on which the juvenile attains the age of 26 years.

''(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 of this title shall apply to an order placing a juvenile in detention.

''(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

''(e) CUSTODY OF THE ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, the court may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

''(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except in the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney.

''(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the juvenile's personal traits, capabilities, background, previous delinquency or criminal experience, mental or physical defect, and any other relevant factors pertaining to the juvenile.

''(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time. If the juvenile has not been committed for the study, the probation office shall obtain the report under sections 3154 and 3672 and submit the results of the study in like manner and within the same time period.

''(5) EXCLUSION OF TIME.—Time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f) CONVICTION AS ADULT OF JUVENILES 13, 14, AND 15 YEARS OLD.—With respect to any juvenile prosecuted and convicted as an adult under section 5032(c), the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.''.

SEC. 418. ACCESS TO JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances''; and

(B) by striking paragraph (6) and inserting the following:

''(6) inquiries from any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, or, if the victim is deceased, from the immediate family of such victim in order to—

''(A) apprise such victim or representative of the status or disposition of the proceeding;

''(B) effectuate any other provision of law; or

''(C) assist in a victim's or the victim's official representative's, allocution at disposition;'';

(2) by striking subsections (d) and (f) and redesignating subsection (e) as subsection (d); and

(3) by adding at the end the following:

''(e) RECORDS AND INFORMATION.—

''(1) JUVENILE DELINQUENCY RECORDS.—If a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 922(x)—

''(A) the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation;

''(B) the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including the name, date of adjudication, court, offenses, and sentence of the juvenile, along with the notation that the matter was a juvenile adjudication; and

''(C) access to the fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, shall be restricted as prescribed by subsection (a).

''(2) JUVENILES TRIED AS ADULTS.—Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

''(f) ADDITIONAL AUTHORIZATION.—In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section in any case in which the same circumstances exist.''.

SEC. 419. TECHNICAL AMENDMENTS OF SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking ''his'' each place it appears and inserting ''the juvenile's''; and

(2) by striking ''magistrate'' each place it appears and inserting ''judicial officer''.

SEC. 420. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

''§ 5031. Definitions

''In this chapter:

''(1) ADULT JAIL OR CORRECTIONAL FACILITY.—The term 'adult jail or correctional facility' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

''(A) pending the filing of a charge of violating a criminal law;

''(B) awaiting trial on a criminal charge; or

''(C) convicted of violating a criminal law.

''(2) COMMUNITY-BASED FACILITY, PROGRAM, OR SERVICE.—The term 'community-based facility, program, or service' means, with respect to a juvenile, a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning, operation, and evaluation of those programs (which may include medical, educational, vocational, social and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services).

''(3) INDIAN TRIBE.—The term 'Indian tribe' means an Indian or Alaskan native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to

section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(4) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the legally recognized leadership of an Indian tribe, band, nation, pueblo, village, or community.

''(5) JUVENILE.—The term 'juvenile' means—

''(A) a person who has not attained his or her 18th birthday; or

''(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his or her 21st birthday.

''(6) JUVENILE DELINQUENCY.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person prior to the 18th birthday of that person, if the violation—

''(A) would have been a crime if committed by an adult; or

''(B) is a violation of section 922(x).

''(7) PROHIBITED PHYSICAL CONTACT.—

''(A) IN GENERAL.—The term 'prohibited physical contact' means—

''(i) any physical contact between a juvenile and an adult inmate; and

''(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental.

''(8) SUSTAINED ORAL COMMUNICATION.—

''(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

''(B) EXCEPTION.—The term does not include—

''(i) communication that is accidental or incidental; or

''(ii) sounds or noises that cannot reasonably be considered to be speech.

''(9) STATE.—The term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

''(10) VIOLENT JUVENILE.—The term 'violent juvenile' means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as that term is defined in section 16).''.

Subtitle B—Incarceration of Juveniles in the Federal System

SEC. 421. DETENTION OF JUVENILES PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

''§ 5035. Detention prior to disposition or sentencing

''(a) IN GENERAL.—

''(1) JUVENILES 16 YEARS OF AGE OR OLDER.—

''(A) A juvenile 16 years of age or older prosecuted pursuant to paragraph (2) or (3) of section 5032(b), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(B)(i) A juvenile 16 years of age or older prosecuted pursuant to section 5032(a), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(ii) If a facility described in clause (i) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(2) JUVENILES LESS THAN 16 YEARS OF AGE.—

''(A) IN GENERAL.—A juvenile less than 16 years of age prosecuted pursuant to this section, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(B) UNAVAILABILITY OF CERTAIN FACILITIES.—If a facility described in subparagraph (A) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(b) PROHIBITION.—A juvenile less than 16 years of age prosecuted pursuant to this section shall not be detained prior to disposition or sentencing in any facility in which the juvenile has prohibited physical contact or sustained oral communication with adult persons convicted of a crime or awaiting trial on criminal charges.

''(c) PROVISION OF SAFETY, SECURITY, AND OTHER AMENITIES.—Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.''.

SEC. 422. RULES GOVERNING THE COMMITMENT OF JUVENILES.

Section 5039 of title 18, United States Code, is amended to read as follows:

''§ 5039. Commitment

''(a) IN GENERAL.—

''(1) PROHIBITION.—The Attorney General shall not cause any person less than 18 years of age adjudicated delinquent under section 5032(a), or any person less than 16 years of age convicted of an offense to be placed or retained in an adult jail or correctional facility in which the person has prohibited physical contact or sustained oral communication with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

''(2) FACILITIES NEAR HOME.—Whenever possible, the Attorney General shall commit a juvenile described in paragraph (1) to a foster home or community-based facility located in or near the home community of that juvenile. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(b) PROVISION OF AMENITIES.—Each juvenile who has been committed under subsection (a) shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.''.

Subtitle C—Assistance to States For Prosecuting and Punishing Juvenile Offenders and Reducing Juvenile Crime

SEC. 431. JUVENILE AND VIOLENT OFFENDER INCARCERATION GRANTS.

(a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE FACILITIES.—

(1) DEFINITIONS.—In this subsection:

(A) COLOCATED FACILITY.—The term ''colocated facility'' means the location of adult and juvenile facilities on the same property in a manner consistent with regulations issued by the Attorney General to ensure that adults and juveniles are substantially segregated.

(B) SUBSTANTIALLY SEGREGATED.—The term ''substantially segregated'' means—

(i) complete sight and sound separation in residential confinement;

(ii) use of shared direct care and management staff, properly trained and certified by the State to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

(iii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.

(C) VIOLENT JUVENILE OFFENDER.—The term ''violent juvenile offender'' means a person under the age of majority pursuant to State law that has been adjudicated delinquent or convicted in adult court of a violent felony as defined in section 924(e)(2)(B) of title 18, United States Code.

(D) QUALIFYING STATE.—The term ''qualifying State'' means a State that has submitted, or a State in which an eligible unit of local government has submitted, a grant application that meets the requirements of paragraphs (3) and (5).

(2) AUTHORITY.—

(A) IN GENERAL.—The Attorney General may make grants in accordance with this subsection to States, units of local government, or any combination thereof, to assist them in planning, establishing, and operating secure facilities, staff-secure facilities, detention centers, and other correctional programs for violent juvenile offenders.

(B) USE OF AMOUNTS.—Grants under this subsection may be used—

(i) for colocated facilities for adult prisoners and violent juvenile offenders; and

(ii) only for the construction or operation of facilities in which violent juvenile offenders are substantially segregated from nonviolent juvenile offenders.

(3) APPLICATIONS.—

(A) IN GENERAL.—The chief executive officer of a State or unit of local government that seeks to receive a grant under this subsection shall submit to the Attorney General an application, in such form and in such manner as the Attorney General may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall provide written assurances that each facility or program funded with a grant under this subsection—

(i) will provide appropriate educational and vocational training, appropriate mental health services, a program of substance abuse testing, and substance abuse treatment for appropriate juvenile offenders; and

(ii) will afford juvenile offenders intensive post-release supervision and services.

(4) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each qualifying State, together with units of local government within the State, shall be allocated for each fiscal year not less than 1.0 percent of the total amount made available in each fiscal year for grants under this subsection.

(B) EXCEPTION.—The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.2 percent of the total amount made available in each fiscal year for grants under this subsection.

(5) PERFORMANCE EVALUATION.—

(A) EVALUATION COMPONENTS.—

(i) IN GENERAL.—Each facility or program funded under this subsection shall contain

an evaluation component developed pursuant to guidelines established by the Attorney General.

(ii) OUTCOME MEASURES.—The evaluations required by this subsection shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism, and other outcome measures.

(B) PERIODIC REVIEW AND REPORTS.—

(i) REVIEW.—The Attorney General shall review the performance of each grant recipient under this subsection.

(ii) REPORTS.—The Attorney General may require a grant recipient to submit to the Office of Justice Programs, Corrections Programs Office the results of the evaluations required under subparagraph (A) and such other data and information as are reasonably necessary to carry out the responsibilities of the Attorney General under this subsection.

(6) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General shall provide technical assistance and training to grant recipients under this subsection to achieve the purposes of this subsection.

(b) JUVENILE FACILITIES ON TRIBAL LANDS.—

(1) RESERVATION OF FUNDS.—Of amounts made available to carry out this section under section 20108(a)(2)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)(2)(A)), the Attorney General shall reserve, to carry out this subsection, 0.75 percent for each of fiscal years 2000 through 2003.

(2) GRANTS TO INDIAN TRIBES.—Of amounts reserved under paragraph (1), the Attorney General may make grants to Indian tribes or to regional groups of Indian tribes for the purpose of constructing secure facilities, staff-secure facilities, detention centers, and other correctional programs for incarceration of juvenile offenders subject to tribal jurisdiction.

(3) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(4) REGIONAL GROUPS.—Individual Indian tribes from a geographic region may apply for grants under paragraph (2) jointly for the purpose of building regional facilities.

(c) REPORT ON ACCOUNTABILITY AND PERFORMANCE MEASURES IN JUVENILE CORRECTIONS PROGRAMS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall, after consultation with the National Institute of Justice and other appropriate governmental and nongovernmental organizations, submit to Congress a report regarding the possible use of performance-based criteria in evaluating and improving the effectiveness of juvenile corrections facilities and programs.

(2) CONTENTS.—The report required under this subsection shall include an analysis of—

(A) the range of performance-based measures that might be utilized as evaluation criteria, including measures of recidivism among juveniles who have been incarcerated in facilities or have participated in correctional programs;

(B) the feasibility of linking Federal juvenile corrections funding to the satisfaction of performance-based criteria by grantees (including the use of a Federal matching mechanism under which the share of Federal funding would vary in relation to the performance of a program or facility);

(C) whether, and to what extent, the data necessary for the Attorney General to utilize performance-based criteria in the Attorney General's administration of juvenile corrections programs are collected and reported nationally; and

(D) the estimated cost and feasibility of establishing minimal, uniform data collection and reporting standards nationwide that would allow for the use of performance-based criteria in evaluating juvenile corrections programs and facilities and administering Federal juvenile corrections funds.

SEC. 432. CERTAIN PUNISHMENT AND GRADUATED SANCTIONS FOR YOUTH OFFENDERS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) youth violence constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent youth violence;

(B) the behavior of youth who become violent offenders often follow a progression, beginning with aggressive behavior in school, truancy, and vandalism, leading to property crimes and then serious violent offenses;

(C) the juvenile justice systems in most States are ill-equipped to provide meaningful sanctions to minor, nonviolent offenders because most of their resources are dedicated to dealing with more serious offenders;

(D) in most States, some youth commit multiple, nonviolent offenses without facing any significant criminal sanction;

(E) the failure to provide meaningful criminal sanctions for first time, nonviolent offenders sends the false message to youth that they can engage in antisocial behavior without suffering any negative consequences and that society is unwilling or unable to restrain that behavior;

(F) studies demonstrate that interventions during the early stages of a criminal career can halt the progression to more serious, violent behavior; and

(G) juvenile courts need access to a range of sentencing options so that at least some level of sanction is imposed on all youth offenders, including status offenders, and the severity of the sanctions increase along with the seriousness of the offense.

(2) PURPOSES.—The purposes of this section are to provide—

(A) assistance to State and local juvenile courts to expand the range of sentencing options for first time, nonviolent offenders; and

(B) a selection of graduated sanctions for more serious offenses.

(b) DEFINITIONS.—In this section:

(1) FIRST TIME OFFENDER.—The term ''first time offender'' means a juvenile against whom formal charges have not previously been filed in any Federal or State judicial proceeding.

(2) NONVIOLENT OFFENDER.—The term ''nonviolent offender'' means a juvenile who is charged with an offense that does not involve the use of force against the person of another.

(3) STATUS OFFENDER.—The term ''status offender'' means a juvenile who is charged with an offense that would not be criminal if committed by an adult (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code (or similar State law)).

(c) GRANT AUTHORIZATION.—The Attorney General may make grants in accordance with this section to States, State courts, local courts, units of local government, and Indian tribes, for the purposes of—

(1) providing juvenile courts with a range of sentencing options such that first time juvenile offenders, including status offenders such as truants, vandals, and juveniles in violation of State or local curfew laws, face at least some level of punishment as a result of their initial contact with the juvenile justice system; and

(2) increasing the sentencing options available to juvenile court judges so that juvenile offenders receive increasingly severe sanctions—

(A) as the seriousness of their unlawful conduct increases; and

(B) for each additional offense.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this section;

(B) a description of the communities to be served by the grant, including the extent of youth crime and violence in those communities;

(C) written assurances that Federal funds received under this subtitle will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(D) a comprehensive plan described in paragraph (3) (in this section referred to as the ''comprehensive plan''); and

(E) any additional information in such form and containing such information as the Attorney General may reasonably require.

(3) IMPLEMENTATION PLAN.—For purposes of paragraph (2), a comprehensive plan shall include—

(A) an action plan outlining the manner in which the applicant will achieve the purposes described in subsection (c)(1);

(B) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in subparagraph (A);

(C) an estimate of the costs of full implementation of the plan; and

(D) a plan for evaluating the impact of the grant on the jurisdiction's juvenile justice system.

(e) GRANT AWARDS.—

(1) CONSIDERATIONS.—In awarding grants under this section, the Attorney General shall consider—

(A) the ability of the applicant to provide the stated services;

(B) the level of youth crime, violence, and drug use in the community; and

(C) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(2) ALLOCATIONS.—

(A) IN GENERAL.—The Attorney General shall allot not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to applicants in each State from which applicants have applied for grants under this section.

(B) INDIAN TRIBES.—The Attorney General shall allocate not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to Indian tribes.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—Each grant made under this section shall be used to establish programs that—

(A) expand the number of judges, prosecutors, and public defenders for the purpose of imposing sanctions on first time juvenile offenders and status offenders and for establishing restorative justice boards involving members of the community;

(B) provide expanded sentencing options, such as restitution, community service, drug

testing and treatment, mandatory job training, curfews, house arrest, mandatory work projects, and boot camps, for status offenders and nonviolent offenders;

(C) increase staffing for probation officers to supervise status offenders and nonviolent offenders to ensure that sanctions are enforced;

(D) provide aftercare and supervision for status and nonviolent offenders, such as drug education and drug treatment, vocational training, job placement, and family counseling;

(E) encourage private sector employees to provide training and work opportunities for status offenders and nonviolent offenders; and

(F) provide services and interventions for status and nonviolent offenders designed, in tandem with criminal sanctions, to reduce the likelihood of further criminal behavior.

(2) PROHIBITION ON USE OF AMOUNTS.—

(A) DEFINITIONS.—In this paragraph:

(i) ALIEN.—The term ''alien'' has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(ii) SECURE DETENTION FACILITY; SECURE CORRECTIONAL FACILITY.—The terms ''secure detention facility'' and ''secure correctional facility'' have the same meanings as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603).

(B) PROHIBITION.—No amounts made available under this subtitle may be used for any program that permits the placement of status offenders, alien juveniles in custody, or nonoffender juveniles (such as dependent, abused, or neglected children) in secure detention facilities or secure correctional facilities.

(g) GRANT LIMITATIONS.—Not more than 3 percent of the amounts made available to the Attorney General or a grant recipient under this section may be used for administrative purposes.

(h) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Federal share of a grant made under this section may not exceed 90 percent of the total estimated costs of the program described in the comprehensive plan submitted under subsection (d)(3) for the fiscal year for which the program receives assistance under this section.

(2) WAIVER.—The Attorney General may waive, in whole or in part, the requirements of paragraph (1).

(3) IN-KIND CONTRIBUTIONS.—For purposes of paragraph (1), in-kind contributions may constitute any portion of the non-Federal share of a grant under this section.

(i) REPORT AND EVALUATION.—

(1) REPORT TO THE ATTORNEY GENERAL.—Not later than October 1, 1999, and October 1 of each year thereafter, each grant recipient under this section shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(2) EVALUATION AND REPORT TO CONGRESS.—Not later than March 1, 2000, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this section, and an evaluation of programs established by grant recipients under this section.

(3) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this section, the Attorney General shall consider—

(A) a comparison between the number of first time offenders who received a sanction for criminal behavior in the jurisdiction of the grant recipient before and after initiation of the program;

(B) changes in the recidivism rate for first time offenders in the jurisdiction of the grant recipient;

(C) a comparison of the recidivism rates and the seriousness of future offenses of first time offenders in the jurisdiction of the grant recipient that receive a sanction and those who do not;

(D) changes in truancy rates of the public schools in the jurisdiction of the grant recipient; and

(E) changes in the arrest rates for vandalism and other property crimes in the jurisdiction of the grant recipient.

(4) DOCUMENTS AND INFORMATION.—Each grant recipient under this section shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section from the Violent Crime Reduction Trust Fund—

(1) $150,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2000 and 2001.

(2) $175,000,000 for fiscal year 2002.

SEC. 433. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (in this section referred to as the ''program'') to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (in this section referred to as ''coalitions'');

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint an Administrator (in this section referred to as the ''Administrator'') to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups; and

(x) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and which receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions,

for that fiscal year, during the 4-year period following the period of the initial grant.

(E) LIMITATION.—The amount of a grant award under this section may not exceed $300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—Two years after the date of implementation of the program established in this section, the General Accounting Office shall submit a report to Congress reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities. The report shall contain an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime. The report shall contain recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Administrator—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund to carry out this section—

(1) $3,000,000 for fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

TITLE V—PREVENTING JUVENILE CRIME

Subtitle A—Grants To Youth Organizations

SEC. 511. GRANT PROGRAM.

The Attorney General may make grants to States, Indian tribes, and national or statewide nonprofit organizations in crime prone areas, such as Boys and Girls Clubs, Police Athletic Leagues, 4–H Clubs, YMCA Big Brothers and Big Sisters, and Kids 'N Kops programs, for the purpose of—

(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

(2) providing supervised activities in safe environments to youth in crime prone areas;

(3) providing antidrug education to prevent drug abuse among youth;

(4) supporting police officer training and salaries and educational materials to expand D.A.R.E. America's middle school campaign; or

(5) providing constructive activities to youth in a safe environment through parks and other public recreation areas.

SEC. 512. GRANTS TO NATIONAL ORGANIZATIONS.

(a) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief operating officer of a national or statewide community-based organization shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

(F) any additional statistical or financial information that the Attorney General may reasonably require.

(b) GRANT AWARDS.—In awarding grants under this section, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in providing youth activities on a national or statewide basis; and

(3) the extent to which the organizations shall achieve an equitable geographic distribution of the grant awards.

SEC. 513. GRANTS TO STATES.

(a) APPLICATIONS.—

(1) IN GENERAL.—The Attorney General may make grants under this section to States for distribution to units of local government and community-based organizations for the purposes set forth in section 511.

(2) GRANTS.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(3) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (2) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the community;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults; and

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs.

(b) GRANT AWARDS.—In awarding grants under this section, the State shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in the community to be served;

(3) the level of juvenile crime, violence, and drug use in the community;

(4) the extent to which structured extracurricular activities for youth are otherwise unavailable in the community;

(5) the need in the community for secure environments for youth to avoid criminal victimization and exposure to crime and illegal drugs;

(6) to the extent practicable, achievement of an equitable geographic distribution of the grant awards; and

(7) whether the applicant has an established record of providing extracurricular activities that are generally not otherwise available to youth in the community.

(c) ALLOCATION.—

(1) STATE ALLOCATIONS.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to each State that has applied for a grant under this section.

(2) INDIAN TRIBES.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to Indian tribes, in accordance with the criteria set forth in subsections (a) and (b).

(3) REMAINING AMOUNTS.—Of the amount remaining after the allocations under paragraphs (1) and (2), the Attorney General shall allocate to each State an amount that bears the same ratio to the total amount of remaining funds as the population of the State bears to the total population of all States.

SEC. 514. ALLOCATION; GRANT LIMITATION.

(a) ALLOCATION.—Of amounts made available to carry out this subtitle—

(1) 20 percent shall be for grants to national or statewide organizations under section 512; and

(2) 80 percent shall be for grants to States under section 513.

(b) GRANT LIMITATION.—Not more than 3 percent of the funds made available to the Attorney General or a grant recipient under this subtitle may be used for administrative purposes.

SEC. 515. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than October 1, 2000 and October 1 of each year thereafter, each grant recipient under this subtitle shall submit to the Attorney General a report that describes, for the year to which the report relates—

(1) the activities provided;

(2) the number of youth participating;

(3) the extent to which the grant enabled the provision of activities to youth that would not otherwise be available; and

(4) any other information that the Attorney General requires for evaluating the effectiveness of the program.

(b) EVALUATION AND REPORT TO CONGRESS.—Not later than March 1, 2001, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this subtitle, and an evaluation of programs established by grant recipients under this subtitle.

(c) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this subtitle, the Attorney General shall consider—

(1) the number of youth served by the grant recipient;

(2) the percentage of youth participating in the program charged with acts of delinquency or crime compared to youth in the community at large;

(3) the percentage of youth participating in the program that uses drugs compared to youth in the community at large;

(4) the percentage of youth participating in the program that are victimized by acts of crime or delinquency compared to youth in the community at large; and

(5) the truancy rates of youth participating in the program compared to youth in the community at large.

(d) DOCUMENTS AND INFORMATION.—Each grant recipient under this subtitle shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this subtitle.

SEC. 516. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) $125,000,000 for each of fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

(b) CONTINUED AVAILABILITY.—Amounts made available under this subtitle shall remain available until expended.

SEC. 517. GRANTS TO PUBLIC AND PRIVATE AGENCIES.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking the first part designated as part I;

(2) by redesignating the second part designated as part I as part M; and

(3) by inserting after part H the following:

"PART I—AFTER SCHOOL CRIME PREVENTION

"SEC. 291. GRANTS TO PUBLIC AND PRIVATE AGENCIES FOR EFFECTIVE AFTER SCHOOL CRIME PREVENTION PROGRAMS.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make grants in accordance with this section to public and private agencies to fund effective after school juvenile crime prevention programs.

''(b) MATCHING REQUIREMENT.—The Administrator may not make a grant to a public or private agency under this section unless that agency agrees that, with respect to the costs to be incurred by the agency in carrying out the program for which the grant is to be awarded, the agency will make available non-Federal contributions in an amount that is not less than a specific percentage of Federal funds provided under the grant, as determined by the Administrator.

''(c) PRIORITY.—In making grants under this section, the Administrator shall give priority to funding programs that—

''(1) are targeted to high crime neighborhoods or at-risk juveniles;

''(2) operate during the period immediately following normal school hours;

''(3) provide educational or recreational activities designed to encourage law-abiding conduct, reduce the incidence of criminal activity, and teach juveniles alternatives to crime; and

''(4) coordinate with State or local juvenile crime control and juvenile offender accountability programs.

''(d) FUNDING.—There are authorized to be appropriated for grants under this section—

''(1) $200,000,000 for each of fiscal years 2000 and 2001; and

''(2) such sums as may be necessary for fiscal year 2002.''.

Subtitle B—"Say No to Drugs" Community Centers

SEC. 521. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Say No to Drugs Community Centers Act of 1999''.

(b) DEFINITIONS.—In this subtitle—

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a private, locally initiated organization that—

(A) is a nonprofit organization, as that term is defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) involves the participation, as appropriate, of members of the community and community institutions, including—

(i) business and civic leaders actively involved in providing employment and business development opportunities in the community;

(ii) educators;

(iii) religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with program activities funded under this subtitle);

(iv) law enforcement agencies; and

(v) other interested parties.

(2) ELIGIBLE COMMUNITY.—The term ''eligible community'' means a community—

(A) identified by an eligible recipient for assistance under this subtitle; and

(B) an area that meets such criteria as the Attorney General may, by regulation, establish, including criteria relating to poverty, juvenile delinquency, and crime.

(3) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means a community-based organization or public school that has—

(A) been approved for eligibility by the Attorney General, upon application submitted to the Attorney General in accordance with section 412(b); and

(B) demonstrated that the projects and activities it seeks to support in an eligible community involve the participation, when feasible and appropriate, of—

(i) parents, family members, and other members of the eligible community;

(ii) civic and religious organizations serving the eligible community;

(iii) school officials and teachers employed at schools located in the eligible community;

(iv) public housing resident organizations in the eligible community; and

(v) public and private nonprofit organizations and organizations serving youth that provide education, child protective services, or other human services to low income, at-risk youth and their families.

(4) POVERTY LINE.—The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(5) PUBLIC SCHOOL.—The term ''public school'' means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of that Act (42 U.S.C. 1141(d)).

SEC. 522. GRANT REQUIREMENTS.

(a) IN GENERAL.—The Attorney General may make grants to eligible recipients, which grants may be used to provide to youth living in eligible communities during after school hours or summer vacations, the following services:

(1) Rigorous drug prevention education.

(2) Drug counseling and treatment.

(3) Academic tutoring and mentoring.

(4) Activities promoting interaction between youth and law enforcement officials.

(5) Vaccinations and other basic preventive health care.

(6) Sexual abstinence education.

(7) Other activities and instruction to reduce youth violence and substance abuse.

(b) LOCATION AND USE OF AMOUNTS.—An eligible recipient that receives a grant under this subtitle—

(1) shall ensure that the stated program is carried out—

(A) when appropriate, in the facilities of a public school during nonschool hours; or

(B) in another appropriate local facility that is—

(i) in a location easily accessible to youth in the community; and

(ii) in compliance with all applicable State and local ordinances;

(2) shall use the grant amounts to provide to youth in the eligible community services and activities that include extracurricular and academic programs that are offered—

(A) after school and on weekends and holidays, during the school year; and

(B) as daily full day programs (to the extent available resources permit) or as part day programs, during the summer months;

(3) shall use not more than 5 percent of the amounts to pay for the administrative costs of the program;

(4) shall not use such amounts to provide sectarian worship or sectarian instruction; and

(5) may not use the amounts for the general operating costs of public schools.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each application to become an eligible recipient shall be submitted to the Attorney General at such time, in such manner, and accompanied by such information, as the Attorney General may reasonably require.

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

(A) describe the activities and services to be provided through the program for which the grant is sought;

(B) contain a comprehensive plan for the program that is designed to achieve identifiable goals for youth in the eligible community;

(C) describe in detail the drug education and drug prevention programs that will be implemented;

(D) specify measurable goals and outcomes for the program that will include—

(i) reducing the percentage of youth in the eligible community that enter the juvenile justice system or become addicted to drugs;

(ii) increasing the graduation rates, school attendance, and academic success of youth in the eligible community; and

(iii) improving the skills of program participants;

(E) contain an assurance that the applicant will use grant amounts received under this subtitle to provide youth in the eligible community with activities and services consistent with subsection (g);

(F) demonstrate the manner in which the applicant will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(G) include an estimate of the number of youth in the eligible community expected to be served under the program;

(H) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(I) contain an assurance that the applicant will comply with any evaluation under section 522, any research effort authorized under Federal law, and any investigation by the Attorney General;

(J) contain an assurance that the applicant will prepare and submit to the Attorney General an annual report regarding any program conducted under this subtitle;

(K) contain an assurance that the program for which the grant is sought will, to the maximum extent practicable, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

(L) contain an assurance that the applicant will maintain separate accounting records for the program for which the grant is sought.

(3) PRIORITY.—In determining eligibility under this section, the Attorney General shall give priority to applicants that submit applications that demonstrate the greatest local support for the programs they seek to support.

(d) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Attorney General shall, subject to the availability of appropriations, provide to each eligible recipient

the Federal share of the costs of developing and carrying out programs described in this section.

(2) FEDERAL SHARE.—The Federal share of the cost of a program under this subtitle shall be not more than—

(A) 75 percent of the total cost of the program for each of the first 2 years of the duration of a grant;

(B) 70 percent of the total cost of the program for the third year of the duration of a grant; and

(C) 60 percent of the total cost of the program for each year thereafter.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of a program under this subtitle may be in cash or in kind, fairly evaluated, including plant, equipment, and services. Federal funds made available for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this subtitle.

(B) SPECIAL RULE.—Not less than 15 percent of the non-Federal share of the costs of a program under this subtitle shall be provided from private or nonprofit sources.

(e) PROGRAM AUTHORITY.—

(1) IN GENERAL.—

(A) ALLOCATIONS FOR STATES AND INDIAN TRIBES.—

(i) IN GENERAL.—In any fiscal year in which the total amount made available to carry out this subtitle is equal to or greater than $20,000,000, from the amount made available to carry out this subtitle, the Attorney General shall allocate not less than 0.75 percent for grants under subparagraph (B) to eligible recipients in each State.

(ii) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS AND PUBLIC SCHOOLS FROM ALLOCATIONS.—For each fiscal year described in subparagraph (A), the Attorney General may award grants from the appropriate State or Indian tribe allocation determined under subparagraph (A) on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(C) REALLOCATION.—If, at the end of a fiscal year described in subparagraph (A), the Attorney General determines that amounts allocated for a particular State or Indian tribe under subparagraph (B) remain unobligated, the Attorney General shall use such amounts to award grants to eligible recipients in another State or Indian tribe to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle. In awarding such grants, the Attorney General shall consider the need to maintain geographic diversity among eligible recipients.

(D) AVAILABILITY OF AMOUNTS.—Amounts made available under this paragraph shall remain available until expended.

(2) OTHER FISCAL YEARS.—In any fiscal year in which the amount made available to carry out this subtitle is equal to or less than $20,000,000, the Attorney General may award grants on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(3) ADMINISTRATIVE COSTS.—The Attorney General may use not more than 3 percent of the amounts made available to carry out this subtitle in any fiscal year for administrative costs, including training and technical assistance.

SEC. 523. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund

(1) $100,000,000 for fiscal year 2000: and

(2) such sums as may be necessary for each of fiscal years 2001 and 2002.

Subtitle C—Reauthorization of Incentive Grants For Local Delinquency Prevention Programs

SEC. 531. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

Section 506 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5785) is amended to read as follows:

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.''.

SEC. 532. RESEARCH, EVALUATION, AND TRAINING.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is amended by adding at the end the following:

"SEC. 507. RESEARCH, EVALUATION, AND TRAINING.

''Of the amounts made available by appropriations pursuant to section 506—

''(1) 2 percent shall be used by the Administrator for providing training and technical assistance under this title; and

''(2) 10 percent shall be used by the Administrator for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this title.''.

Subtitle D—Authorization of Anti-Drug Abuse Programs

SEC. 541. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended to read as follows:

"SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.''.

SEC. 542. DRUG EDUCATION AND PREVENTION PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.''.

Subtitle E—JUMP Ahead

SEC. 551. SHORT TITLE.

This subtitle may be cited as the ''JUMP Ahead Act of 1999''.

SEC. 552. FINDINGS.

Congress finds that—

(1) millions of young people in America live in areas in which drug use and violent and property crimes are pervasive;

(2) unfortunately, many of these same young people come from single parent homes, or from environments in which there is no responsible, caring adult supervision;

(3) all children and adolescents need caring adults in their lives, and mentoring is an effective way to fill this special need for at-risk children;

(4) the special bond of commitment fostered by the mutual respect inherent in effective mentoring can be the tie that binds a young person to a better future;

(5) through a mentoring relationship, adult volunteers and participating youth make a significant commitment of time and energy to develop relationships devoted to personal, academic, or career development and social, artistic, or athletic growth;

(6) rigorous independent studies have confirmed that effective mentoring programs can significantly reduce and prevent the use of alcohol and drugs by young people, improve school attendance and performance, improve peer and family and peer relationships, and reduce violent behavior;

(7) since the inception of the Federal JUMP program, dozens of innovative, effective mentoring programs have received funding grants;

(8) unfortunately, despite the recent growth in public and private mentoring initiatives, it is reported that between 5,000,000 and 15,000,000 additional children in the United States could benefit from being matched with a mentor; and

(9) although great strides have been made in reaching at-risk youth since the inception of the JUMP program, millions of vulnerable American children are not being reached, and without an increased commitment to connect these young people to responsible adult role models, our country risks losing an entire generation to drugs, crime, and unproductive lives.

SEC. 553. JUVENILE MENTORING GRANTS.

(a) IN GENERAL.—Section 288B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Administrator shall'';

(2) by striking paragraph (2) and inserting the following:

''(2) are intended to achieve 1 or more of the following goals:

''(A) Discourage at-risk youth from—

''(i) using illegal drugs and alcohol;

''(ii) engaging in violence;

''(iii) using guns and other dangerous weapons;

''(iv) engaging in other criminal and antisocial behavior; and

''(v) becoming involved in gangs.

''(B) Promote personal and social responsibility among at-risk youth.

''(C) Increase at-risk youth's participation in, and enhance the ability of those youth to benefit from, elementary and secondary education.

''(D) Encourage at-risk youth participation in community service and community activities.

''(E) Provide general guidance to at-risk youth.''; and

(3) by adding at the end the following:

''(b) AMOUNT AND DURATION.—Each grant under this part shall be awarded in an amount not to exceed a total of $200,000 over a period of not more than 3 years.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this part—

''(1) $50,000,000 for fiscal year 2000; and

''(2) such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. 554. IMPLEMENTATION AND EVALUATION GRANTS.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice may make grants to national organizations or agencies serving youth, in order to enable those organizations or agencies—

(1) to conduct a multisite demonstration project, involving between 5 and 10 project sites, that—

(A) provides an opportunity to compare various mentoring models for the purpose of evaluating the effectiveness and efficiency of those models;

(B) allows for innovative programs designed under the oversight of a national organization or agency serving youth, which programs may include—

(i) technical assistance;

(ii) training; and

(iii) research and evaluation; and

(C) disseminates the results of such demonstration project to allow for the determination of the best practices for various mentoring programs;

(2) to develop and evaluate screening standards for mentoring programs; and

(3) to develop and evaluate volunteer recruitment techniques and activities for mentoring programs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) such sums as may be necessary for each of fiscal years 2000 and 2001; and

(2) $5,000,000 for fiscal year 2002.

SEC. 555. EVALUATIONS; REPORTS.

(a) EVALUATIONS.—

(1) IN GENERAL.—The Attorney General shall enter into a contract with an evaluating organization that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title).

(2) CRITERIA.—The Attorney General shall establish a minimum criteria for evaluating the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title), which shall provide for a description of the implementation of the program or activity, and the effect of the program or activity on participants, schools, communities, and youth served by the program or activity.

(3) MENTORING PROGRAM OF THE YEAR.—The Attorney General shall, on an annual basis, based on the most recent evaluation under this subsection and such other criteria as the Attorney General shall establish by regulation—

(A) designate 1 program or activity assisted under this Act as the ''Juvenile Mentoring Program of the Year''; and

(B) publish notice of such designation in the Federal Register.

(b) REPORTS.—

(1) GRANT RECIPIENTS.—Each entity receiving a grant under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title) shall submit to the evaluating organization entering into the contract under subsection (a)(1), an annual report regarding any program or activity assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title). Each report under this paragraph shall be submitted at such time, in such a manner, and shall be accompanied by such information, as the evaluating organization may reasonably require.

(2) COMPTROLLER GENERAL.—Not later than 4 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report evaluating the effectiveness of grants awarded under this Act and under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title), in—

(A) reducing juvenile delinquency and gang participation;

(B) reducing the school dropout rate; and

(C) improving academic performance of juveniles.

Subtitle F—Reauthorization of Juvenile Crime Control and Delinquency Prevention Programs

SEC. 561. SHORT TITLE.

This subtitle may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1999''.

SEC. 562. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''SEC. 101. FINDINGS.

''(a) Congress finds that the juvenile crime problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(1) quality prevention programs that—

''(A) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether juveniles have ever been the victims of family violence (including child abuse and neglect); and

''(B) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(2) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts.''.

SEC. 563. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''SEC. 102. PURPOSES.

''The purposes of this title are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.''.

SEC. 564. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provide activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4), by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7), by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (9), by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B), by striking '', of any nonoffender,'',

(6) in paragraph (13)(B), by striking '', any nonoffender,'',

(7) in paragraph (14), by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A), by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23), by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

''(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

''(B) regular, remedial, special, and vocational education; and

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

''(25) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(27) the term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.''.

SEC. 565. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) in part A, by striking the part heading and inserting the following:

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION'';

(2) in section 201(a), by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''; and

(3) in section 299A(c)(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''.

SEC. 566. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (3), by striking ''and of the prospective'' and all that follows through ''administered'';

(B) by striking paragraph (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(3) in subsection (c), by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'';

(4) by striking subsection (i); and

(5) by redesignating subsection (h) as subsection (f).

SEC. 567. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'';

(II) by inserting a comma after ''1992'' the first place it appears;

(III) by striking ''the Trust Territory of the Pacific Islands,''; and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'';

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'';

(II) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'';

(III) by striking ''the Trust Territory of the Pacific Islands,'';

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000''; and

(V) by inserting a comma after ''1992'';

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate''; and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

SEC. 568. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'';

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'';

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'';

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'';

(III) in clause (i), by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'';

(IV) in clause (ii), by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and''; and

(V) by striking clauses (iv) and (v);

(iii) in subparagraph (C), by striking ''justice'' and inserting ''crime control'';

(iv) in subparagraph (D)—

(I) in clause (i), by inserting ''and'' at the end; and

(II) in clause (ii), by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)''; and

(v) in subparagraph (E), by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'';

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222''; and

(ii) in subparagraph (C), by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'';

(D) by striking paragraph (6);

(E) in paragraph (7), by inserting '', including in rural areas'' before the semicolon at the end;

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'';

(II) by striking ''justice'' the second place it appears and inserting ''crime control''; and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;''; and

(iii) by striking subparagraphs (C) and (D);

(G) by striking paragraph (9) and inserting the following:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'';

(H) in paragraph (10)—

(i) in subparagraph (A), by striking '', specifically'' and inserting ''including''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;'';

(iii) in subparagraph (C), by striking ''juvenile justice'' and inserting ''juvenile crime control'';

(iv) by striking subparagraph (D) and inserting the following:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'';

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii); and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'';

(vi) by striking subparagraph (F) and inserting the following:

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;'';

(vii) by striking subparagraph (G) and inserting the following:

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;'';

(viii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'';

(ix) by striking subparagraph (K) and inserting the following:

''(K) boot camps for juvenile offenders;'';

(x) by striking subparagraph (L) and inserting the following:

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;'';

(xi) by striking subparagraph (M) and inserting the following:

''(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;'';

(xii) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other''; and

(II) by striking the period at the end and inserting a semicolon; and

(xiii) by adding at the end the following:

''(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

''(Q) programs designed to prevent and reduce hate crimes committed by juveniles.'';

(I) by striking paragraph (12) and inserting the following:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles, as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'';

(J) by striking paragraph (13) and inserting the following:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication (as defined in subparagraphs (D) and (E)) with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

''(B) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles;

''(C) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;

''(D) the term 'prohibited physical contact'—

''(i) means—

''(I) any physical contact between a juvenile and an adult inmate; and

''(II) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate; and

''(ii) does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental; and

''(E) the term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile; and

''(ii) does not include—

''(I) communication that is accidental or incidental; or

''(II) sounds or noises that cannot reasonably be considered to be speech;'';

(K) by striking paragraph (14) and inserting the following:

''(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have prohibited physical contact or sustained oral communication (as defined in subparagraphs (D) and (E) of paragraph (13)) with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

''(II) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles; and

''(III) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Director of the Office of Management and Budget) and has no existing acceptable alternative placement available; or

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;'';

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)''; and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'';

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'';

(N) by striking paragraph (19) and inserting the following:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'';

(O) by striking paragraph (23) and inserting the following:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'';

(P) by striking paragraph (24) and inserting the following:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours after the juvenile is taken into custody and during which the juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours after the juvenile is taken into custody and during which the juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'';

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon;

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively; and

(S) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units.''; and

(2) by striking subsection (c) and inserting the following:

''(c) If a State fails to comply with any applicable requirement of paragraph (11), (12), (13), or (22) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.''; and

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation''; and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (22) of subsection (a)''.

SEC. 569. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part I the following:

''PART J—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

''SEC. 292. AUTHORITY TO MAKE GRANTS.

''The Administrator may make grants to eligible States, from funds allocated under section 292A, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

''(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

''(3) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles; or

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

''(4) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(9) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions, including mental health services and substance abuse treatment, to prevent such juvenile from committing subsequent offenses;

''(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

''(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(14) family strengthening activities, such as mutual support groups for parents and their children;

''(15) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(16) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

''(17) other activities that are likely to prevent juvenile delinquency.

''SEC. 292A. ALLOCATION.

''Funds appropriated to carry out this part shall be allocated among eligible States as follows:

''(1) 0.75 percent shall be allocated to each State.

''(2) Of the total amount remaining after the allocation under paragraph (1), there shall be allocated to each State as follows:

''(A) 50 percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

''(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

''SEC. 292B. ELIGIBILITY OF STATES.

''(a) APPLICATION.—To be eligible to receive a grant under section 292, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 292C.

''(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that each eligible entity described in section 292C(a) that receives an initial grant under section 292 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 292 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(5) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

''SEC. 292C. GRANTS FOR LOCAL PROJECTS.

''(a) SELECTION FROM AMONG APPLICATIONS.—

''(1) IN GENERAL.—Using a grant received under section 292, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 292.

''(2) For purposes of making grants under this section, the State shall give special consideration to eligible entities that—

''(A) propose to carry out such projects in geographical areas in which there is—

''(i) a disproportionately high level of serious crime committed by juveniles; or

''(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

''(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''(b) RECEIPT OF APPLICATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

''(A) timely received by such unit from eligible entities; and

''(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(2) DIRECT SUBMISSION TO STATE.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

''SEC. 292D. ELIGIBILITY OF ENTITIES.

''(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 292C, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general

local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in 1 or more of paragraphs (1) through (14) of section 292 as specified in, such application.

''(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(3) A statement identifying the research (if any) such entity relied on in preparing such application.

''(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 292C unless—

''(1) such entity submits to a unit of general local government an application that—

''(A) satisfies the requirements specified in subsection (a); and

''(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

''(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(c) LIMITATION.—If an entity that receives a grant under section 292C to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.''.

SEC. 570. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part J the following:

''PART K—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

''SEC. 293. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence; and

''(vii) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(b) STATISTICAL ANALYSES.—The Administrator may—

''(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

''SEC. 293A. TRAINING AND TECHNICAL ASSISTANCE.

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.''.

SEC. 571. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part K the following:

''PART L—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 294. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 294A. GRANTS FOR TECHNICAL ASSISTANCE.

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 294B. ELIGIBILITY.

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

''SEC. 294C. REPORTS.

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.''.

SEC. 572. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e); and

(2) by striking subsections (a) and (b), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, and 2002.

''(2) ALLOCATION.—Of the amount made available for each fiscal year to carry out this title not more than 5 percent shall be available to carry out part A.

SEC. 573. ADMINISTRATIVE AUTHORITY.

Section 299A(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance''.

SEC. 574. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'';

(B) in paragraph (1), by inserting ''may be used for'' after ''(1)''; and

(C) by striking paragraph (2) and inserting the following:

''(2) may not be used for the cost of construction of any short- or long-term facilities for adult or juvenile offenders, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 575. LIMITATION ON USE OF FUNDS.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299F. LIMITATION ON USE OF FUNDS.

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

SEC. 576. RULES OF CONSTRUCTION.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299G. RULES OF CONSTRUCTION.

''Nothing in this title or title I may be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

SEC. 577. LEASING SURPLUS FEDERAL PROPERTY.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

SEC. 578. ISSUANCE OF RULES.

Part M of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299I. ISSUANCE OF RULES.

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

SEC. 579. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b), by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'';

(2) in section 221(b)(2), by striking the last sentence; and

(3) in section 299D, by striking subsection (d).

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(2) TITLE 18.—Section 4351(b) of title 18, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(3) TITLE 39.—Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(4) SOCIAL SECURITY ACT.—Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(5) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are each amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(6) VICTIMS OF CHILD ABUSE ACT OF 1990.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1), by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(B) in section 214A(c)(1), by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(C) in sections 217 and 222, by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''; and

(D) in section 223(c), by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) MISSING CHILDREN'S ASSISTANCE.—The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2), by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''; and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404, by striking ''section 313'' and inserting ''section 331''.

(8) CRIME CONTROL ACT OF 1990.—The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1), by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E''; and

(B) in section 223(c), by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

SEC. 580. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

SEC. 581. RAPID RESPONSE PLAN FOR KIDS WHO BRING A GUN TO SCHOOL.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5784) is amended—

(1) in subsection (a)

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(8) court supervised initiatives that address the illegal possession of firearms by juveniles.''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''demonstrate ability in'';

(B) in paragraph (1), by inserting ''have in effect'' after ''(1)'';

(C) in paragraph (2)—

(i) by inserting ''have developed'' after ''(2)''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (3)—

(i) by inserting ''are actively'' after ''(3)''; and

(ii) by striking the period at the end and inserting''; and'', and

(E) by adding at the end the following:

''(4) have in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile facility or secure community-based placement for not less than 24 hours any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself, or to the community.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the fiscal year 2000 Defense authorization bill.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Thursday, May 11, 9:00 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 11, 1999 at 2:30 p.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 11, 1999 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Combating Hate Crimes: Promoting a Responsive and Responsible Role for the Federal Government.''

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

SUBCOMMITTEE ON AIRLAND

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet at 5:00 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

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

SUBCOMMITTEE ON EMERGING THREATS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 11:00 a.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and District of Columbia be permitted to meet on Tuesday, May 11, 1999, at 10:30 a.m. for a hearing on Multiple Program Coordination in Early Childhood Education: The Agency Perspective.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:45 a.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

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

SUBCOMMITTEE ON SEAPOWER

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 4:00 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

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

ADDITIONAL STATEMENTS

IN HONOR OF SEN. BIDEN ON HIS 10,000TH VOTE

• Mr. HAGEL. Mr. President, I join my colleagues in recognizing Senator BIDEN for his 10,000th vote in the United States Senate.

I am proud to serve with Senator BIDEN on the Foreign Relations Committee, where he is the ranking Democrat Member. Senator BIDEN has set many records in the Senate. I would like to squelch the rumor, however, that he sets a record every time he speaks.

I am just in my third year as a United States Senator. Senator BIDEN is in his 27th year in the Senate. But in the time Senator BIDEN and I have served together on the Foreign Relations Committee, I have gained great respect for his wisdom and deep understanding of international issues. Senator BIDEN understands that there is no such thing as a Republican foreign policy or a Democrat foreign policy. There is only an American foreign policy. He has worked closely with Presidents in both parties. And he reaches out across the aisle to work as well with our Chairman, Senator HELMS, as he does with his junior colleagues.

Last year, Senator BIDEN was a leader in the historic expansion of NATO to include three former Warsaw Pact nations. This Congress he joined with Senator MCCAIN in sponsoring a resolution authorizing the use of all necessary force to win the war in Kosovo. Through his leadership, Senator BIDEN displays the kind of courage that earns him respect from all of his colleagues, even when they disagree.

I am proud to call JOE BIDEN my friend and colleague. America is proud to call him a United States Senator.•

TRIBUTE TO ''MANUEL'' KATSUMI OISHI

• Mr. INOUYE. Mr. President, I am honored to rise in tribute to Mr. ''Manuel'' Katsumi Oishi who has faithfully served the Territorial Government of Hawaii and the State of Hawaii, Maui County, for 37 years. He unselfishly dedicated his time to improve his community. Born in 1926 and raised in McGerrow Camp, Puunene, Maui, Mr. Oishi is being recognized today at the McGerrow Camp Reunion for the honor that he brings his birthplace.

Mr. Oishi's career began with the Territorial government in 1949. In 1951, he started working for Maui County as a Clerk in the Building Department. He was promoted to Clerk for the Transportation Control Committee, then later served as Secretary. Transferred to the Civil Defense Department in 1958, he held the positions of Secretary, then Coordinator, and, in 1961, he became the Civil Defense Administrator. In 1973, while Deputy County Clerk and later as County Clerk, Mr. Oishi ensured that the county operated efficiently and unselfishly gave of his time to assist Maui residents navigate the sometimes bureaucratic maze of government.

Because of his love of sports and the youth of Maui, Mr. Oishi pursued a simultaneous career as The Honolulu Advertiser's sports reporter for 38 years. He diligently covered all of Maui's interscholastic sports in the evenings and on weekends. His positive stories encouraged young Maui athletes to take pride in themselves and their sports.

The incredibly energetic Mr. Oishi has devoted countless volunteer hours to make life a little easier and better for the residents he so dearly loves. Since graduation from Baldwin High School in 1944, Mr. Oishi has headed the planning of every class reunion. During the last 20 years, he has chaired all of the McGerrow Camp reunions on Maui, which have amassed an attendance of 250 to 300 people. Mr. Oishi's relentless efforts have resulted in former McGerrow Camp residents having a great time and experiencing a deep feeling of friendship and ohana (family). When the Selective Service System went though some trying times, Mr. Oishi volunteered for five years to help push the paperwork through and to answer those pressing questions from anxious young men and their parents.

His commitment to the youth of Maui is also evident in his volunteer work with the AJA Baseball League in which he held several positions on the board. In 1991, he received the Tadaichi Fukunaga Dana Award for his ''unselfish services and contributions to (his) temple and to the growth of Buddhism.'' Since 1976, he has been Editor of ''Friends of the Dharma,'' the monthly newspaper for his church, Wailuku Hongwanji Mission.

Although Mr. Oishi is retired from government service and The Honolulu Advertiser, he continues his invaluable service to his church and the Maui County Credit Union of which he serves as the Secretary-Treasurer.

Mr. Oishi's unfaltering commitment to government service and his sincere devotion to his community and its citizens bring pride and honor to McGerrow Camp. He certainly has earned the love and admiration of the residents of McGerrow Camp, the County of Maui, and the State of Hawaii.

Mr. President, I ask my colleagues in the Senate to join me in recognizing ''Manuel'' Katsumi Oishi for his outstanding contributions to Maui County and to the State of Hawaii and send my heartiest aloha to those celebrating the McGerrow Camp reunion.•

TRIBUTE TO BRUNO STACHOWSKE & NUTFIELD COUNTRY STORE OF LONDONDERRY, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bruno Stachowske, a hard-working New Hampshire entrepreneur. His thriving small business, Nutfield Country Store, was named the ''1999 Retail Business of the Year'' by the Londonderry Business Council. I commend his hard work and this outstanding achievement.

Nutfield Country Store is well known in Londonderry and across the state for its friendly and courteous service to its patrons. As a small business, Nutfield continuously demonstrates exemplary community spirit through its involvement in many local and national causes.

Bruno's commitment to community involvement has led Nutfield Country Store to support many volunteer organizations, youth sports teams, and the annual Thanksgiving food drives. Bruno is also well known for his fund raising efforts on behalf of cystic fibrosis. Every year, he participates in cystic fibrosis fund raising efforts by riding his bicycle for donations.

As a former small business owner, I recognize the importance and value of community involvement by hard-working entrepreneurs. They help shape our economy and our society as a whole. I wish to congratulate Bruno Stachowske on the success of Nutfield Country Store and for receiving this distinguished award. It is an honor to represent him in the United States Senate.•

CHILDREN'S MENTAL HEALTH WEEK

• Mr. ASHCROFT. Mr. President, I am pleased to recognize today the 8th annual Missouri Children's Mental Health Week, which was celebrated May 2–8. This year's theme is ''In a child's life, everyone is accountable.'' The Missouri Department of Mental Health and MO–SPAN, the Missouri Statewide Parent Advisory Network, teamed up to cosponsor the week.

Some estimates indicate that 12 percent of all children and youth in the United States have an emotional, behavioral or mental disorder. While many of these children and their families need services ranging from therapeutic to educational and social services, only about one-third of these children and youth receive assistance.

Recognizing Children's Mental Health Week is one way to bring attention to the seriousness of mental health disorders in our children and spread the message of support for them. The week's events were begun with MO–SPAN's Second Annual Clayton Huey Memorial Benefit Walk-A-Thon and a kickoff event at the Missouri Capitol and continued throughout the week.

It is a privilege for me to be able to recognize the diligent work of families with children who have emotional, behavioral and mental disorders. Likewise, it is also important to celebrate the workers, volunteers, and organizations—like MO–SPAN—who provide vital support, services, information, and advocacy for these families.•

A CELEBRATION OF WOMEN

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Young Women's Christian Association of Trenton, New Jersey, and their Tenth Annual ''Celebration of Women'' luncheon which will honor and recognize six award recipients for their outstanding contributions to the community.

The YWCA of Trenton was established in 1904 with its primary mission to provide a residence and recreational activities for women in the work force during the industrial revolution. Since this beginning, the Board of Directors and staff have developed the YWCA into community based organization committed to the empowerment of women and girls and to erase racism through diverse activities and programs. The YWCA provides leadership training, public advocacy, education, support services, health promotions and recreation within the city of Trenton and the surrounding communities.

The awards given have become a distinguished tradition in the New Jersey capital region since they were first introduced years ago as the Tribute to Women in Industry, or TWIN, awards. The recipients of this year's award embody the mission of the YWCA.

Eileen Thorton will receive the Woman of Achievement Award given to a woman who has achieved distinction in her field while using her power to encourage opportunity. J. Dolores Baker is this year's recipient of the Woman of Inspiration Award presented to a woman who has overcome insurmountable odds. Molly Merlino will receive the Meta Griffith Community Service Award, named after the prominent civic leader. This award is given to a woman who has effectively recognized and addressed community needs through exemplary volunteer service. Gwendolyn I. Long will be the recipient of the Ethel Downing Johnson Memorial Award, named in honor of a YWCA board member who died in 1992. The woman who receives this award has demonstrated an earnest and sincere commitment to mission and purpose of the YWCA. Cotempo Press is the recipient of the Organizational Commitment Award, presented to an organization or corporation which has provided innovative corporate policies and company attitudes enabling women to excel in the workplace. The Artist of the Year award will be given to Carl McClease whose piece, titled ''Trio Sublime,'' will become a permanent exhibit at the YWCA.

Each of these individuals have distinguished themselves this year in their chosen fields. They have made the city of Trenton and the State of New Jersey. I am pleased to recognize the YWCA of Trenton and the six award recipients for their continuing commitment to the people of New Jersey.•

141ST ANNIVERSARY OF THE ADMISSION OF THE STATE OF MINNESOTA INTO THE UNITED STATES OF AMERICA

• Mr. GRAMS. Mr. President, I proudly rise today to honor and celebrate my home State of Minnesota's 141st year of statehood. On this date in 1858, Congress admitted Minnesota into the Union as the thirty-second State.

Let me begin by saying that the name ''Minnesota'' comes from two Sioux Indian words meaning sky-tinted waters. Now Mr. President, if you have ever been to Minnesota you will agree that my State was properly named. These ''sky-tinted waters'' are representative of Minnesota's many lakes (in excess of 12,000) and the numerous rivers and streams which run throughout the State. In fact, Minnesota has more shoreline than California, Florida and Hawaii combined!

Several million Minnesotans and out-of-state visitors take advantage of these waters every year to swim, water ski, boat, canoe, or fish. This Saturday, May 15, represents one of my home State's most treasured yearly experiences, the fishing opener. I have always been impressed with the spirit the opener brings out and the way it joins our State and visitors in a common interest. Out on the lake, people aren't too concerned with the difficulties of everyday life. Once a fishing rod is nestled tightly in hand, Minnesotans tend to forget the phone, the fax, or the other annoyances that consume so much of our lives today. The experience re-connects us to a much simpler time.

In addition to Minnesota's water resources, one-third of the State is covered with forests. Aspen, balsam fir, pine, spruce, and white birch grow in the northern part of the State, whereas groves of ash, black walnut, elm, maple and oak grow in the south. These forests form the centerpiece of 66 State parks, 55 State forests, one national park, and two national forests, all of which provide outdoor enthusiasts with scenic hiking, camping, and other outdoor activities on a year-round basis.

Mr. President, in addition to our beautiful lakes, streams, forests, and parks, Minnesota has much more to offer. My State produces 75 percent of the nation's iron ore which covers a section of northern Minnesota rightly known as the ''Iron Range.'' There are also large deposits of granite found near St. Cloud and along the upper Mississippi River. I am proud to say that over 6,000 tons of Minnesota granite was used to make the walls and floor for the Franklin Delano Roosevelt memorial here in Washington, D.C.

The fertile soil has been key to Minnesota's overall economy, providing

suitable farmland that covers a little more than half the State. Agriculture is Minnesota's largest industry, generating over $22 billion in goods and services per year. One of every four Minnesota jobs is tied in some way to agriculture, and 25 percent of our overall economy is dependent upon farmers and agri-business. Today Minnesota has approximately 87,000 family farms. Even though times are difficult for many of these family farmers, Minnesota depends upon their successful recovery.

Furthermore, Minnesota is home to some of the world's leading job providers—including 3M, Pillsbury, Honeywell, and Cargill, to name a few. Minnesota is also known for its achievements in the area of health care. It is a leader in the medical device industry and home to one of the world's premier health care facilities, the Mayo Clinic in Rochester.

Minnesota is also the birthplace of many great innovations which have become part of our American culture, such as Cellophane Transparent Tape, Post-it Notes, and the world's first enclosed mall located at Southdale Shopping Center in Edina. Today we have the Mall of America in Bloomington which is one of the world's largest enclosed malls and most popular tourist destinations. Among other notable Minnesota facts, we are the source of the Mississippi River, home to the busiest freshwater port in North America (which also happens to be the farthest inland ocean port in the United States), and Minnesota reaches the furthest north of the 48-continental States.

Mr. President, I hope I have managed to convey the pride I have for my state and its people, and in doing so, have perhaps encouraged others to visit. As a U.S. Senator from Minnesota, I wanted to express the honor I feel in representing the people of my State, which I believe is one of the premier States in the greatest country on Earth.●

TRIBUTE TO BARBARA MULLEN, RECIPIENT OF THE JEFFREY MAY MEMORIAL AWARD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Barbara Mullen for being awarded the Jeffrey May Memorial Award from the Londonderry Business Council. It is a pleasure to recognize her contributions to her community and the Granite State.

In 1980, Barbara established the Londonderry Dance Academy and has been teaching children to dance ever since. Her community involvement has helped shape the lives of many young people in Londonderry and across the state. Barbara nurtures the aspirations of the town's youth by sharing her love and expertise of dance.

As a faculty member of the Department of Dance at the University of New Hampshire, Barbara also instructs dance students at the college level. In addition, during the holiday season, Barbara and her students perform the ''Nutcracker'' at local schools and in other communities, in an effort to spread a greater appreciation for the arts.

Barbara's dedication to dance, children and the community is exemplary and an example for others to follow.

Mr. President, I wish to commend Barbara Mullen on her achievements and congratulate her on receiving this prestigious award. It is an honor to her in the United States Senate.●

MAINE SOUTH HIGH SCHOOL AND THE ''WE THE PEOPLE'' COMPETITION

● Mr. FITZGERALD. Mr. President, last week, high school students from across the United States came to Washington, D.C. to compete in the national finals of the ''We the People . . . The Citizen and the Constitution'' program. These young scholars worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. I am proud to announce that the class from Maine South High School from Park Ridge, Illinois won the competition.

The ''We the People . . . The Citizen and the Constitution'' program is designed to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of expert judges. The students testify as constitutional experts before a ''congressional committee,'' that is, a panel of judges representing various regions in the country and a cross-section of professional fields. The student testimony is followed by a period of questioning during which the judges quiz students for their depth of understanding and their ability to apply their constitutional knowledge.

I congratulate all the student teams who made it to the national finals. Each of those young people took the time to truly learn about our Constitution and Bill of Rights. In return, they got the opportunity to come to Washington and to meet other students from around the country. I applaud their efforts and initiative.

I am particularly proud that the winning team is from Maine South High School in Park Ridge, Illinois. Led by their teacher, Patton Feichter, the students won the three day competition to become national champions. At a time when so much of our attention is focused on youth violence, it is particularly refreshing to congratulate an outstanding group of young people who worked very hard to achieve their goals. I congratulate the students, parents, and Maine South faculty members on all their hard work to win the competition.●

TRIBUTE TO KENNETH WINTERS

● Mr. McCONNELL. Mr. President, I rise today to honor Dr. Kenneth Winters on the occasion of his retirement as president of Campbellsville University. Ken is a good personal friend and an admired leader in Taylor County.

Ken served as Campbellsville's president for the past 11 years, and accomplished much during his tenure. Under Ken's leadership, the school gained university status after having been known as Campbellsville College since its inception in 1909. The added prestige that comes with university status, coupled with Ken's hard work to make the school an academic success, helped increase Campbellsville enrollment by stunning 150 percent. The university also has been duly recognized by publications such as U.S. News & World Report, Money and Newsweek for its outstanding academic reputation. Ken's presidency brought a strong, guiding presence to Campbellsville, leaving a legacy of growth and progress.

As importantly, Ken showed unswerving commitment to the students and faculty at CU, and was well-liked and respected by all. Ken's colleagues describe him as a man with great strength of character—a man who demonstrated honesty and integrity, and who served as a campus role-model.

I am certain that the legacy of excellence that Ken Winters has left will continue on, and will encourage and inspire others toward that same goal. Ken, best wishes on your future endeavors, and know that your efforts to better Christian higher education will be felt for years to come. On behalf of myself and my colleagues, thank you for your contribution to Taylor County, the State of Kentucky, and to our great Nation.●

TRIBUTE TO CONSTANCE ROSS, THE 1999 LONDONDERRY EDUCATOR OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize and congratulate Constance Ross for being named the ''1999 Educator of the Year'' by the Londonderry Business Council.

From teacher to administer, Constance has built a reputation for excellence and achievement in many areas of education. In addition to serving the community as the Assistant Principal of South Londonderry School, she has become known throughout the State of New Hampshire for her tireless efforts to promote literacy among children. Constance's expertise in the teaching and advocacy of reading have propelled her to the position of co-chair of the ''Governor's Best Schools Initiative,'' as well as president of the New England Reading Association.

Active inside and outside of classrooms and schools, Constance has demonstrated wisdom, compassion, and

sensitivity with children, parents, and co-workers. These qualities are at the heart of what makes a good teacher special.

The mark of a great teacher is one who cares, unconditionally, about the success and well-being of students. Mr. President, as a former teacher and school board member, I understand the challenges, responsibilities and dedication involved with teaching. I admire and respect Constance for establishing herself as a devoted teacher and administrator in the Londonderry school district. Most importantly, she is helping to shape the lives of the young students who are the future of New Hampshire and the country.

I am proud to recognize Constance's achievements and it is an honor to represent her in the United States Senate.●

IN RECOGNITION OF MACOMB COUNTY'S TRIBUTE TO PRIVATE FIRST CLASS WALTER C. WETZEL

● Mr. LEVIN. Mr. President, I rise today to recognize Macomb County, Michigan for its tribute to a brave World War II soldier, Private First Class Walter C. Wetzel. With the dedication of a bust of Private Wetzel at the new county administration building, Macomb County will recognize the selfless actions of an American war hero.

Walter C. Wetzel entered the United States Army in Roseville, Michigan and served in European theater. Private Wetzel was an acting squad leader with the Antitank Company of the 13th Infantry in Birken, Germany, during the early morning hours of April 3, 1945, when he detected strong enemy forces moving in to attack. Private Wetzel alerted his comrades and immediately began defending their post against heavy automatic weapons fire. Under cover of darkness, the Germans eventually forced their way close to the American position, hurling two grenades into the room where Private Wetzel and others had taken up firing positions. Shouting a warning to his fellow soldiers, Private Wetzel threw himself on the grenades and absorbed their entire blast, suffering wounds from which he died. The supreme gallantry of Private Wetzel saved his comrades from death or serious injury and made it possible for them to continue the defense of their post. His unhesitating sacrifice of his life was in keeping with the highest traditions of bravery and heroism. Because of his actions, Private Wetzel was posthumously awarded the Congressional Medal of Honor.

Private Wetzel and his courageous deeds have considerable meaning to his family, and to the residents of Macomb County and the State of Michigan. Private Wetzel is the only person from Macomb County to receive the Congressional Medal of Honor. His life has been honored by the Michigan State Legislature and an important street in Macomb County was named Pfc. Walter Wetzel Drive.

Mr. President, Private Wetzel is an example of the selfless and courageous commitment our soldiers display every day. I know my colleagues will join me in saluting Macomb County for its recognition of Private First Class Walter C. Wetzel and the sacrifice of the men and women of our Armed Services.●

ST. JOHN'S HOSPITAL, SPRINGFIELD

● Mr. DURBIN. Mr. President, I rise today to commend St. John's Hospital in Springfield. This is National Hospital Week, when communities across the country celebrate the people that make hospitals the special places they are. This year's theme sums it up nicely: ''People Care. Miracles Happen.'' It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days a year, curing and caring for their neighbors who need them.

An example of this dedication is the Parent Help Line of St. John's Hospital in Springfield, Illinois. The program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence, which highlights special contributions of hospital volunteers.

The Parent Help Line provides parents and agencies with easily accessible, low-cost parenting information and support to help strengthen families and prevent child abuse. Trained volunteers give parenting tips, support and referrals to about 100 callers a month. Volunteers also visit parents of newborns and offer information about infant growth and development and about the Parent Help Line services, and a volunteer nurse makes a follow-up call to each family one month after discharge. Volunteers taking part in an intervention program regularly call parents identified as high risk. Parenting classes, program and support groups are made available to parents, and a television show on parenting issues airs weekly on a local public access channel. A monthly newsletter is mailed to more than 1,500 individuals and agencies in central Illinois.

Mr. President, I want to congratulate St. John's Hospital for this award-winning program.●

TRIBUTE TO MAUREEN HEGG, THE 1999 LONDONDERRY CIVIC VOLUNTEER OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Maureen Hegg on being named the ''1999 Civic Volunteer of the Year'' by the Londonderry Business Council. I commend her outstanding accomplishments and I wish to congratulate her for receiving this distinguished award.

As President of the Londonderry Cares Organization, Maureen has worked diligently toward making a difference in the lives of Londonderry's youth. Under Maureen's guidance, the organization affords the town's young people a place to go in the evening for planned activities.

Along with a group of dedicated individuals, Maureen has been working to open a YMCA in the Town of Londonderry. As such, Maureen is the chairperson of the Nutfield YMCA Kickoff Fundraising Dinner, an event established to assist in attracting a YMCA.

There is no greater gift to a community than one's time, talent, and energy. Volunteerism is truly special and is at the heart of what makes this community and this nation a great place to live.

Mr. President, Maureen Hegg has demonstrated a deep commitment to the Town of Londonderry and its citizens. Her tireless efforts to improve the quality of life in the town and provide the youth of Londonderry with recreational programs is outstanding. I congratulate Maureen on being named ''Civic Volunteer of the Year,'' and it is an honor to represent her in the United States Senate.●

MOUNT CARMEL MEDICAL CENTER IN PITTSBURG, KANSAS

● Mr. ROBERTS. Mr. President, I rise today to celebrate National Hospital Week. During this week when we pay tribute to our nation's hospitals and health systems. I would like to recognize one particular facility in Kansas that has gone above and beyond the call of duty in order to meet the needs of the community—the Mount Carmel Medical Center in Pittsburg, Kansas.

Mount Carmel Medical Center is located in the southeast corner of Kansas. The community has 20,000 residents. About 25 percent of the town's children are from families who live at or below the federal poverty level. More than half of the families in Pittsburg are headed by single parents who often work two jobs.

As one of the largest employers in the community, Mount Carmel Medical Center recognized that the entire community was suffering from the lack of quality child care. Teachers noticed that children were unready to learn, they needed immunizations and hearing tests. After a confirmation by the hospital's employee assistance program and a staff-initiated community health assessment, Mount Carmel decided to take action. They formed a partnership with the Pittsburg schools and Pittsburg State University to establish the Family Resource Center to meet many of the community's needs. The Family Resource Center now provides child care to more than 200 children and offers a wide range of social services. It also serves as the site of a free clinic staffed with local physicians for those without health insurance coverage.

The Mount Carmel Medical Center has been nationally recognized for its achievements. The American Hospital

Association recently awarded the Mount Carmel Medical Center the 1999 NOVA award. NOVA awards recognize innovative community partnerships that address communities' needs.

The collaborative outreach efforts of Mount Carmel Medical Center demonstrates true dedication to the community. I am pleased and proud to recognize Mount Carmel Medical Center for its leadership, vision, and achievements. Mount Carmel is an excellent example of a hospital that has made a difference.●

NATIONAL HOSPITAL WEEK

WASHINGTON REGIONAL MEDICAL CENTER

● Mr. HUTCHINSON. Mr. President, I would like to take this opportunity to recognize National Hospital Week, when we pay tribute to our Nation's hospitals, and the millions of workers, health care professionals, and volunteers who have dedicated themselves to caring for those who are sick and in need.

I would like to give special recognition to Washington Regional Medical Center, located in Fayetteville, Arkansas, and a 1999 recipient of the American Hospital Association's NOVA award. This award highlights innovative community partnerships that respond to a particular community's needs.

Washington Regional Medical Center is a 1999 NOVA award winner for its outstanding commitment to the children in Washington County. Chronic disease and disability, which can lead to death, are often attributed to poor health habits that are formed during childhood. The Washington Regional Medical Center is working to reverse this trend through its Kids For Health program. By partnering with the Washington County school system, the medical center has been able to teach more than 8,000 children about the importance of general health, nutrition, fitness, hygiene, safety, environmental health, and self-esteem.

A sign of the program's success, Kids For Health is the recipient of a five-year grant from the Harvey and Beatrice Jones Charitable Foundation. Kids For Health is a stellar example of how a hospital can make a difference in its community, and I commend Washington Regional Medical Center and all those who have made this program possible for their excellent achievements.●

YAKIMA VALLEY MEMORIAL HOSPITAL

● Mr. GORTON. Mr. President, this week hospitals and communities across America are celebrating National Hospital Week. This week is set aside to celebrate the caring and commitment of our nation's hospitals and health systems and the workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year for their neighbors who need them.

An example of this dedication is Yakima Valley Memorial Hospital in Yakima, Washington. I want to commend Yakima Valley Memorial Hospital for receiving the American Hospital Association's 1999 NOVA award. These awards spotlight innovative community partnerships that respond to local needs.

Yakima Valley Memorial was chosen as a NOVA award winner for creating the Children's Village for children with special health care needs. The entire building has the feel of an old western town. It features logs on the outside, stone floors, a covered wagon for a reception desk and an elevator disguised as a mineshaft stocked with treasure.

More important than the architecture is the integrated services of fourteen area health, education and service providers that work together at the Children's Village. Children that used to travel two hours or more for care now have access to specialty care in their local community. Parents can schedule a single appointment for their child that combines several treatments and therapies. The village also offers specialty clinics for fetal alcohol syndrome, cardiology, neurology, and cleft lip and palate.

I am proud to recognize Yakima Valley Memorial Hospital for its achievements. It is an outstanding example of a hospital that makes a difference in its community.●

TRIBUTE TO AMY LYMBURNER, THE 1999 LONDONDERRY YOUTH OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Amy Lymburner on being named the ''1999 Youth of the Year'' by the Londonderry Business Council. I commend her outstanding accomplishments and congratulate her on receiving this distinguished honor.

Active in both her school and community, Amy has set high standards of community involvement that is an example for others to follow. As a student at Londonderry High School, Amy is recognized by her teachers and peers as a role model for others. In addition to striving for academic excellence, Amy is a member of the National Honor Society, Student Council, Drama Club, and the Math League.

Attempting to make a difference in her town and state, Amy is President of Crossroads, a Christian youth group. Community leaders have commended Amy for her leadership abilities, integrity, spirit, and service to her school, church, and peers.

Mr. President, young people are our nation's greatest asset, and it is heartwarming to see people such as Amy taking an active role in the betterment of the community. I am proud to call her one of New Hampshire's own. I wish to congratulate Amy on her accomplishments, and it is an honor to represent her in the United States Senate.●

SPECTRUM HEALTH'S UNIVERSAL INFANT HEARING SCREENING PROGRAM

● Mr. LEVIN. Mr. President, this is National Hospital Week, and one of Michigan's hospitals, Spectrum Health in Grand Rapids, Michigan, is being honored by the American Hospital Association (AHA). National Hospital Week gives health care workers, volunteers, and other health professionals the recognition that they deserve for all the care they provide.

Spectrum Health has been singled out by the AHA for its Universal Infant Hearing Screening program, located at Spectrum's Downtown Campus in Grand Rapids. This program is the recipient of the AHA's prestigious Hospital Award for Volunteer Excellence, an award which highlights special contributions of hospital volunteers.

Spectrum's Universal Infant Hearing Screening program identifies potential hearing loss in all babies born at or transferred to the Spectrum Health Downtown Campus. It is well known that such early identification and intervention can prevent a hearing problem from becoming a handicap.

Universal Infant Hearing Screening volunteers must undergo extensive training to prepare for this program. After the volunteers administer the screening, audiologists review the test results to identify infants with potential problems. Those infants with abnormal results are referred for rescreening or diagnostic testing. Without the work of the volunteers, it would be impossible to provide this vital service to the thousands of babies born at Spectrum Health every year.

Mr. President, I would like to congratulate Spectrum Health for its award winning program.●

NATIONAL COMMUNITY ACTION MONTH

● Mr. SARBANES. Mr. President, I rise today to commemorate a group of individuals and agencies whose cause represents the ideal of public service—the improvement of the lives of those who are less fortunate. The Maryland Association of Community Action Agencies (MACAA), which begins its annual conference Monday in Ocean City, is a group of seventeen Community Action Agencies (CAA) which combat poverty in cities, towns and rural communities throughout our State, and provide services to countless low-income families and individuals.

This year's MACAA conference is made even more significant as 1999 marks the 35th anniversary of the creation of Community Action Agencies. CAA's were developed as part of the Economic Opportunity Act of 1964 which was the centerpiece of President Johnson's War on Poverty. This Act also began other critical social service programs including the Head Start preschool program and the Job Corps Training Center program.

Currently, the MACAA serves individuals and families in Baltimore City and 23 counties throughout Maryland. Working with 1000 agencies nationwide, CAA's serve 98% of our Nation's cities and counties and are a primary source of support for the more than 38 million Americans living in poverty in rural and urban areas. Services provided by CAA's and their dedicated volunteers include employment training, adult and child educational services, senior assistance, income management, housing and rental assistance, emergency services and food and nutritional relief. Whether it is through the exchange of information on poverty issues, the provision of services and assistance, the development of funding resources, or the effort to influence public policy, the ultimate mission of these agencies and volunteers is to assist low-income citizens to achieve a higher level of self-sufficiency.

Mr. President, for more than 30 years, MACAA has sponsored this annual conference which brings together hundreds of individuals involved in the effort to eliminate poverty. Appropriately, this May has been designated National Community Action Month, and May 4–10 has been designated National Community Action week to publicize the achievements of CAA's and to emphasize their continuing importance in our communities. This is a most fitting occasion to celebrate a coalition such as MACAA, which is so integral to the health and well being of citizens throughout Maryland. I am pleased to congratulate the MACAA for thirty years of invaluable service, and for their efforts to, to borrow the CAA credo, provide a ''hand up, not a hand out.''●

TRIBUTE TO RITCHIE BERNARD, THE 1999 LONDONDERRY BUSINESS PERSON OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ritchie Bernard of Londonderry, New Hampshire, for being named the ''1999 Business Person of the Year'' by the Londonderry Business Council. I congratulate him for his record of excellence in business and community development.

Ritchie owns the House of Samurai in Londonderry, New Hampshire. Dedicated to educating the youth of Londonderry in the martial arts, the House of Samurai is currently celebrating its 25th anniversary.

As a devoted contributor to the Londonderry business community, Ritchie has served on the Board of Directors of the Londonderry Rotary Club, the Londonderry Chamber of Commerce, and the Greater Derry Boys and Girls Club. His activism extends far beyond the business realm and is evident by his participation in various community organizations and causes. Ritchie is highly regarded in the Londonderry community and across the state for his karate school programs, his support of town programs, and his involvement in many volunteer organizations.

Small business is the backbone of our economy in the United States. I am proud to honor Ritchie for preserving and establishing a thriving business in New Hampshire. He has devoted himself to working toward the betterment of the community through his activism and his desire to educate the youth of New Hampshire in the martial arts.

Mr. President, as a former small business owner myself, I understand the demands of running a business. I commend Ritchie for his diligent work in his business as well as the devotion he has shown to the community. I wish to congratulate Ritchie on receiving this distinguished award, and it is an honor to represent him in the United States Senate.●

HONORING SENATOR JOE BIDEN ON THE OCCASION OF HIS 10,000TH VOTE

● Mr. REID. Mr. President, two American soldiers have died in Kosovo, the first American casualties of a war to stop a genocide.

The contrast between what is unfolding in the Balkans, and what is happening here in Congress, could not be more clear.

A dictatorship, like the government of Slobodan Milosevic, imposes its will through force.

A democracy expresses its will through the act of voting.

Every vote that we cast in this body is an affirmation of the power of a democracy to solve its problems peacefully.

Today, my colleague and good friend JOE BIDEN cast his 10,000 vote in this body. That number reflects a record of public service matched by very few even in an institution like this one, through which so many great men and women have passed.

As Senators, we are all Members of a very exclusive club. We have been sent here on behalf of the good people of our respective States, to do their business.

With his 10,000th vote, JOE BIDEN has joined an even more exclusive club.

Over the history of this republic, thousands of men and women have served as Senators. But only a very few can say that they did such a good job—and kept doing a good job over such a long period of time—that they lasted long enough to vote as many times, on as many different issues, as JOE BIDEN.

But the thing that impresses me the most about JOE BIDEN's 27 years in the Senate isn't what he has done on the floor, or the number of votes he has cast—although his leadership, courage and dedication are well-known to those of us who are privileged to serve with him every day.

Instead, what impresses me most is his role as a husband to his wife Jill, and father to his sons Beau and Hunter and his daughter Ashley.

JOE BIDEN still lives in Delaware with his family and commutes every day between Delaware and Washington on the train.

Those 10,000 votes represent thousands of hours spent alone on the train to Delaware so that JOE BIDEN could spend a few precious hours with his family each night before returning to Washington on the train the next morning.

I also want to talk about the courage that my friend JOE BIDEN has shown during his long tenure as a Senator. I want to do this so that people know just what that number—10,000 votes—really means.

Only one month after first being elected to the Senate in 1972, JOE's first wife Neilia died tragically in an automobile accident along with his one-year old daughter.

In 1988, JOE was almost killed by a brain aneurysm. He under went two risky operations and returned to the Senate after only a few months.

Mr. President, I speak of these tragedies today because I know that it has not been easy for JOE. But he has never complained—just done his work. Senator BIDEN is a great orator, but an even Better father, husband and friend.

When you see what he has had to overcome, that gives a whole new meaning to that number 10,000.

Those of us who work with JOE BIDEN have long known of his dedication to the ideals of this body, and his devotion to his family.

With the attention that his 10,000th vote should bring, I hope that more people are able to see the qualities that we are privileged to see every day.●

RECOGNIZING NEVADAN JERRY CRUM

● Mr. BRYAN. Mr. President, I rise today to recognize an outstanding Nevadan for his exemplary volunteer service to the disabled community both in Northern Nevada and across the United States. Jerry Crum has become a recognized leader through his advocacy on behalf of people afflicted with Chronic Fatigue Immune Dysfunction Syndrome, CFIDS. Since being diagnosed with CFIDS himself in the mid 1980's, Jerry has worked to increase awareness of this often misunderstood disease, and to improve the lives of those who suffer from it.

Jerry was incapacitated through much of the 1980's. After several years in and out of hospitals, however, he made a strong, though not complete recovery. As his strength increased, so did his efforts to help others with this debilitating condition. At the same time, he also saw that people with other disabilities and chronic illnesses had encountered many of the obstacles he had. He then sought to share his story with others, and to teach others with disabilities how to be effective advocates for themselves.

In 1990, Jerry became a charter member of the CFIDS lobbying organization called CACTUS. In 1992, he helped start the CFIDS Association of America's

Public Policy Action Committee, and later founded ''Lobby Day,'' an opportunity for people with CFIDS to travel to Washington, DC to meet with their federal representatives and advance funding and policy needs of CFIDS. Since then, he has testified at a Senate hearing examining the affects of this illness.

Although Jerry has always spoken on behalf of all people with disabilities, he specifically expanded his focus in 1998 to include people with lymphoma when he was diagnosed with this rare form of cancer himself. He became active in the Carson Advocates for Cancer and was the Nevada co-chair of the 1998 National Cancer March. He came to Washington again, and marched along-side cancer survivors such as Norman Schwarzkoph as they crusaded to encourage research to find a cure for this terrible disease.

Jerry has been a catalyst in bringing advocates together to achieve victories for the disabled. I thank him for his service to Nevada and to all who suffer from chronic, disabling conditions such as CFIDS. He has made Nevada proud.●

TRIBUTE TO RE/MAX 1ST CHOICE OF LONDONDERRY, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to RE/MAX 1st Choice of Londonderry, New Hampshire, for being named ''Company of the Year'' by the Londonderry Business Council. It is indeed a prestigious honor.

RE/MAX 1st Choice is a fast growing real estate business that has recently opened in Londonderry. Under the direction of Arlene Hajjar, RE/MAX 1st Choice has worked hard to establish itself within the real estate market of Londonderry.

RE/MAX 1st Choice has worked hard for the community. It has sponsored a number of activities to benefit both charities and the community as a whole. Admirable business practices, community involvement, and charitable donations and sponsorships have made the company a rising force in the Londonderry business community. Its dedication to the town has been admirable and gracious.

Arlene has been one of the main reasons behind RE/MAX 1st Choices' success. She is a member of the Londonderry Business Council and works diligently to represent the business community. She has helped shape not only her company, but also the community through her activism with the town.

As a former real estate business owner, I understand the demands and the trials associated with owning and operating a real estate business. I commend Arlene Hajjar and the staff of RE/MAX 1st Choice on their success. I wish them the best of luck and congratulate them once again for receiving this award. It is an honor to represent them in the United States Senate.●

CONGRATULATING VALLEY HIGH SCHOOL

● Mr. HARKIN. Mr. President, I ask my colleagues to join me in congratulating the students and teachers from Valley High School in West Des Moines, IA for achieving the top score in the 1999 National GRAMMY Signature School Competition.

It took hard work and dedication to achieve this honor, and I congratulate the students, teachers, and others who make it happen. Valley High School enrolls over 2,200 students, and fully 600 students, nearly a third of the student body, participates in one or more music programs. On February 4, 1999 the GRAMMY Signature School designated Valley High School the best music program among 250 public schools from around the country. They were judged by a panel of top musical educators and professionals and were selected based on their high level of commitment to music education.

In light of this announcement, U.S Secretary of Education Richard W. Riley, said, ''At a time when creativity and communication skills are at a premium, schools likes those being recognized at this program are using arts for their rich potential to captivate and engage students in the process of learning. The arts help children learn to solve problems, think creatively, and develop mental discipline, which are valuable skills for any academic endeavor.''

Mr. President, year after year underfunded public schools continue to slash funding for all forms of arts and humanities education, thereby weakening the strong cultural heritage the United States has always enjoyed. We should therefore commend the students and teachers of the Valley High School music program for their commitment to a quality music education, and the benefits their efforts reap upon the cultural landscape of the state of Iowa. It is a true honor to serve as their Senator, and I believe they are examples of what all Americans should strive to be.●

GIRL SCOUTS FROM KETCHIKAN

● Mr. MURKOWSKI. Mr. President, I rise today to recognize the work of three Girl Scouts from Ketchikan, Alaska. Angela Pfeifer, Chelsea Pfeifer and Tennille Walker are each working towards the Girl Scout Gold Award. As a part of their service, they are attempting to enhance the visibility, respect and care of the American flag in Ketchikan.

The following is an excerpt from a letter in which Chelsea explains the pride and respect she has for our nation's flag.

This Spring Break I went down to Florida to visit my grandparents. My Grandfather served in World War II. At 87, he still put up the U.S. flag every morning, and takes it down every night. It makes my think of the number of people who died serving this country, so that we could have the freedoms that we enjoy today. The flag serves as a symbol of the respect and honor that should be given to those who fought. I observed that many of the retired people display the Flag proudly on a daily basis outside their homes. It would be my goal to see that my generation carry out this tradition and be proud to be an American.

In their efforts to instill this same sense of pride and respect. Chelsea, Angela and Tennille have conducted school assemblies at Ketchikan area elementary schools, have placed flags in every classroom at Ketchikan High School and have spoken to local governments officials about erecting a new flag pole in Ketchikan City Park.

Currently, there is no flag flying in Ketchikan City Park. Angela, Chelsea and Tennille have addressed this with Ketchikan—Gateway Borough Mayor Jack Shay. As a result, the Mayor and Borough Assembly agreed to install a flag pole in City Park.

It is my honor to present these three outstanding Alaskans with an American flag flown over the United States Capitol. The flag will be presented to the City of Ketchikan on June 14, 1999, Flag Day, and will be the first flag to fly in City Park.

I commend the work of Angela, Chelsea and Tennille and the Girl Scouts of Ketchikan. They have shown their ability to make a difference and have made a lasting impression on their community.●

75TH ANNIVERSARY OF THE VERMONT STATE PARK SYSTEM

● Mr. JEFFORDS. Mr. President, I rise today to recognize the 75th anniversary of the Vermont State Park System.

In 1924 Frances Humphreys donated the peak of Mt. Philo and surrounding lands to the State of Vermont as the first State Park. Mt. Philo was the perfect location for the first park; looking east from the summit one views Lake Champlain, North America's most beautiful lake stretching as far as the eye can see to the north and south; looking west one views the Green Mountain range rolling across Vermont to the Connecticut River. There are limitless recreational opportunities within and surrounding our first park.

After 75 years, Vermont now has 50 State Parks, from Alburg Dunes on Lake Champlain, to Wilgus on the Connecticut River; from Mount Mansfield, Vermont's highest peak to Quechee, our deepest gorge.

Vermont's State Parks are rich in history. Many of the nation's first ski trails were carved out in Vermont State Parks by the Civilian Conservation Corps, creating the New England ski industry. Under the direction Perry Merrill, who oversaw the State Parks for 37 years, more than 40,000 ''CCC Boys'' created a parks infrastructure that is intact, and unparalleled even today.

Recognition should also go to the many Vermonters who, over the years, have followed the example of Frances

Humphreys in donating land to become state parks, including one of our newest parks, Sentinel Rock, which was recently donated by Windsor and Florence Wright.

Mr. President, it is with great pleasure that I recognize 75 years of visionary conservation and recreation development by the State of Vermont, and by those who have conceived and built the State Park System.●

TRIBUTE TO THE TOWN OF PLAISTOW, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Plaistow, New Hampshire on its two hundred and fiftieth anniversary. The town's residents will celebrate this historic occasion on June 27, 1999 with a number of festivities including a grand reception. I was proud to be invited to participate in this meaningful event.

Plaistow's history first dates back to the year 1642 when families first settled in the Plaistow area. It was then that the Plaistow area was purchased. In 1749, Plaistow was incorporated. At that time, it was separated from Haverhill, Massachusetts. Then Governor Benning Wentworth, along with King George II signed the town's first charter.

The town has had a rich and fruitful history. The First Baptist Church was built in 1837, and subsequently remodeled in 1906. The first Catholic Church, Holy Angels, was built in 1893, then redone in 1964. The first high school was built in 1966. Prior to that, the students traveled outside the town for schooling.

Plaistow has steadily grown throughout the years. In 1854, there were 800 people. In 1949, the town had grown to 1800 people. Today, over 7000 people are residents of Plaistow.

Through the years, Plaistow residents have courageously served their country. They have served in the Colonial War, Revolutionary War, Civil War, World War I, World War II, the Korean War and the Vietnam War.

The most well known benefactor of the town was Arthur Pollard. Pollard donated the bell for the First Baptist Church, the land for Pollard School and the town hall, and the Civil War statue and cannons on the town green.

I congratulate the town of Plaistow, and all of the dedicated and patriotic citizens there. I am proud to be their Senator.●

HONORING THE LIVINGSTONS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Robert and Nellie Livingston, who on June 4th, 1999, will celebrate their 50th wedding anniversary. Many things have changed in the 50 years they have been married, but the values, principles, and commitment this marriage demonstrates are timeless. As Mr. and Mrs. Livingston celebrate their 50th year together with family and friends, it will be apparent that the lasting legacy of this marriage will be the time, energy, and resources invested in their children, friends, and community. My wife, Janet, and I look forward to the day we can celebrate a similar milestone.

The Livingstons' commitment to the principles and values of their marriage deserve to be saluted and recognized.●

RECOGNIZING THE WASHINGTON REGIONAL MEDICAL CENTER

● Mrs. LINCOLN. Mr. President, I take this opportunity to recognize the Washington Regional Medical Center in Fayetteville, AR, for being awarded the American Hospital Association's prestigious 1999 NOVA award. This award is given to acknowledge hospitals that create and implement new and innovative community partnerships. Only nine hospitals nationwide were honored by this distinction.

The Washington Regional Medical Center is a leader in its commitment to the health and well-being of Washington County's children. The Washington Regional Medical Center works to reverse the trend of chronic disease, disability, and even death through its ''Kids For Health Program.'' In collaboration with the Washington County school system, more than 8,000 children have been educated about self-esteem, general health, nutrition, fitness, hygiene, safety, and environmental health. Good health habits learned at a young age often parlay into better health in adult life. The ''Kids For Health Program'' proves that communities which educate their children in healthy habits reap vast benefits by becoming healthier communities overall.

On behalf of all the children in Arkansas, I thank the Washington Regional Medical Center for its impressive achievement in children's health and its contribution to stronger communities.●

NATIONAL PEACE OFFICERS MEMORIAL DAY

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to our nation's law enforcement officers who have lost their lives in the line of duty. I am proud to be a cosponsor of S. Res. 22, a resolution passed earlier this year by the Senate to commemorate and acknowledge the dedication and sacrifice made by these men and women. The resolution declared this Saturday, May 15th, as National Peace Officers Memorial Day.

Currently, there are more than 700,000 men and women who serve this nation as the guardians of law and order. The duties of a law enforcement officer are both vitally important and extremely dangerous. Officers place themselves between our communities and the criminals who would do us harm. Every year, approximately 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. In 1998, 156 federal, state and local law enforcement officers lost their lives in the line of duty.

My home state of Vermont is familiar with the sacrifices made by law enforcement officer. Since 1965, the nine Vermont law enforcement officers listed below have lost their lives in the line of duty.

July 9, 1965, Chief Alexander Pontecha, Lyndonville Police Department.

December 12, 1972, Chief Dana L. Thompson, Manchester Police Department.

January 17, 1978, Deputy Sheriff Bernard J. Demag, Chitternden County Sheriff's Department.

April 27, 1978, Game Warden Arnold J. Magoon, Vermont Fish and Wildlife Department.

October 1, 1982, Deputy Sheriff George J. Bent, Chittenden County Sheriff's Department.

May 13, 1983, Lieutenant Arthur L. Yeaw, Vermont Department of Public Safety.

June 14, 1987, Detective Sergeant William J. Chenard, Vermont Department of Public Safety.

June 25, 1989, Investigator Eugene N. Gaiotti, Vermont Department of Liquor Control.

May 12, 1992, Sergeant Gary Gaboury, Vermont Department of Pubic Safety.

It is my hope that the National Peace Officers Memorial Day will remind Vermonters and Americans everywhere of the sacrifices made by law enforcement officers, and of the vital duties they perform every day. Whether by apprehending dangerous felons, assisting stranded motorists on the side of the road, or improving the lives of our young people, law enforcement officers make our towns, cities, states, and Nation safer places to live and work. We owe a tremendous debt of gratitude to those officers, and their families, who have given so much to improve all of our lives.●

TRIBUTE TO ARTHUR PSALEDAS, THE 1999 LONDONDERRY CITIZEN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Arthur Psaledas of Londonderry, New Hampshire, for being named the ''1999 Citizen of the Year'' by the Londonderry Business Council. I commend

his outstanding community involvement, and congratulate him on this well-deserved honor.

For the past 20 years, Arthur has continuously exhibited his selfless dedication to the youth of Londonderry. As an avid supporter of education, Arthur has served the community as a member of the Londonderry School Board, seeking to strengthen both teaching and learning in the town. He has also shown his true dedication to children through his work as President of the Londonderry Athletic and Field Association and Director of the Londonderry Recreation program.

Many know Arthur as always willing to take responsibility and for displaying leadership within the town. He is a teacher, coach and an active member of the YMCA advisory committee. Arthur's participation in each organization and cause makes a real difference in the Londonderry community. He is an inspiring leader whose actions and beliefs have become a catalyst for significant change and increased community involvement resulting in profound achievements.

Mr. President, Arthur Psaledas has dedicated his time and his heart to serving the Town of Londonderry and the people of New Hampshire. It is people like Arthur that make New Hampshire a special place to live, and it is an honor to represent him in the United States Senate.●

TIMKEN COMPANY'S 100TH ANNIVERSARY

● Mr. VOINOVICH. Mr. President, on behalf of Senator MIKE DEWINE, Representative RALPH REGULA, and myself, I wish to honor a distinguished Ohio company celebrating its 100th anniversary this year. I ask that the following statement recognizing the achievements of this fine Ohio company be printed into the RECORD.

The statement follows:

IN RECOGNITION OF THE TIMKEN COMPANY ON THE CELEBRATION OF 100 YEARS OF MANUFACTURING IN 1999

Expressing the sense of Congress congratulating The Timken Company, headquartered in Canton, Ohio, on the celebration of 100 years of manufacturing in 1999.

Whereas The Timken Company's life spans 100 years of manufacturing anti-friction bearings and more than 80 years of producing specialty alloy steel;

Whereas it has ranked among the 250 largest U.S. industrial corporations since the 1920's;

Whereas the company is the world's largest manufacturer of tapped roller bearings and mechanical seamless steel tubing with more than 50 plants and 100 sales, design and distribution centers in 25 countries with over 21,000 associates;

Whereas Timken has invested millions of dollars to protect the earth's air, water and land; in Canada the company recycles 30 million gallons of water daily; its steel plants recycle the equivalent of 5,600 cars every operating day;

Whereas the official company policy, and company practice, is that all Timken associates are expected to work consistently to the highest standards of ethical conduct;

Whereas the distinctiveness and the strength of the company's character has been derived from the sustained role of its founding family which has provided leadership over four generations to this day;

Whereas the corporate culture of The Timken Company is a fast-paced, team-oriented organization where decisions are made by people closest to the issues and its comprehensive strategic plan is structured to build on emerging trends and respond quickly to major fluctuations in today's marketplace;

We, the undersigned, are resolved that we

(1) extend our appreciation and recognition to The Timken Company for its significant contributions to the technological and institutional developments that have shaped our age;

(2) offer our congratulations for the significant achievement of attaining 100 years of continuous operations and growth since its founding as The Timken Roller Bearing Axle Company in 1899 in St. Louis, Missouri;

(3) acknowledge that the Timken name is not just as a trademark, but is a focus of pride for the company's associates around the world and a synonym for quality within the bearing and steel industries; and

(4) state our intent and desire that The Timken Company continues its successes as it moves into its second century, providing leadership to U.S. manufacturers and our nation for another 100 years.

Mike DeWine, United States Senator, Ohio.

George V. Voinovich, United States Senator, Ohio.

Ralph Regula, United States Representative, Ohio, 16th District.●

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the Senator from Arkansas (Mr. HUTCHINSON) to the Commission on Security and Cooperation in Europe (Helsinki).

The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 105–186, appoints the Senator from Oregon (Mr. SMITH) to the Presidential Advisory Commission on Holocaust Assets in the United States, to fill a vacancy thereon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 53. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald T. Kadish, 0000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 12, 1999

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 12. I further ask consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the juvenile justice crime bill, S. 254. I further ask consent that at 9:30 a.m. there be 1 hour of debate on the Leahy amendment, equally divided in the usual form, prior to a motion to table, with no amendments to the amendment in order prior to the vote. I ask consent that following the vote, Senator BROWNBACK be recognized to offer a code of conduct amendment.

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

PROGRAM

Mr. DEWINE. For the information of all Senators, the Senate will convene on Wednesday, May 12 at 9:30 a.m. and immediately resume consideration of the Leahy amendment, with a vote to take place at approximately 10:30 a.m. Following the disposition of the Leahy amendment, Senator BROWNBACK will be recognized to offer an amendment. Senators can expect votes throughout Wednesday's session of the Senate, with the possibility of votes into the evening. I appreciate the cooperation of my colleagues.

ORDER FOR ADJOURNMENT

Mr. DEWINE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator GRAMS.

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

Mr. DEWINE. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

TAX FREEDOM FOR WORKING AMERICANS

Mr. GRAMS. Mr. President, as we wrap up this work day here in the Senate, I want to take a little time to talk about a subject that is near and dear to everybody's heart, and, of course, that is taxes.

Most Americans believe they pay too much in taxes. And you know, they are right.

One of the biggest and best indicators of how exhausting the tax burden has become is the annual arrival of what we call Tax Freedom Day, and that is the day on which Americans stop working just to pay their State, Federal, and local taxes and actually begin working and keeping their earnings for themselves and their families.

This year, Americans had to wait until today, May 11, before Tax Freedom Day actually arrived. At least 132 days into the year, this is the latest arrival of Tax Freedom Day ever.

As a sign of just how far and fast taxes have come, in 1950, Americans marked Tax Freedom Day on April 3.

For residents in my home State of Minnesota, the situation is even more troubling because this year's Tax Freedom Day has been pushed forward to May 21, nearly 2 weeks later than the rest of the country.

That ranks Minnesota third in the Nation; only in New York and Connecticut do taxpayers have to wait even longer to begin keeping their own money.

Tax Freedom Day, as calculated by the nonpartisan Tax Foundation, reveals an ever-increasing tax burden over the past 25 years. And the single most potent explanation for America's late Tax Freedom Day is our seriously flawed tax system.

Our tax system is unfair, it is complicated, and it is designed to squeeze more money out of the wallets of working Americans to expand Government.

Since 1993, for instance, Federal taxes have increased by 54 percent. Can you imagine that? Since 1993, Federal taxes have increased 54 percent, which for the average taxpayer translates into a $2,000 per year increase in the amount of taxes they pay to the Federal Government. That is $2,000 a year more today than just 6 years ago was paid to the Federal Government by the average taxpayer. As a result, Americans today have the largest tax burden ever in history, including World War II, and it is still growing.

Federal taxes now consume on average about 21 percent of our national income, compared to just over 18 percent in 1992. So again, 3 percent more of this country's GDP goes to taxes than it did just 6 years ago. On average, every American—each and every American—is paying $10,298 this year in Federal, State and local taxes. On average, each American is paying $10,298 this year to support Government.

A typical family now pays more of its income in total taxes than it spends on food, clothing, transportation, and housing combined. More and more middle income families are being pushed into higher tax brackets every year.

Here is an example of the devastating ''middle class tax squeeze.'' There are more than 20 million American workers today with annual earnings between $30,000 and $50,000. Before 1993, they paid income taxes at the 15 percent tax rate. But most of them have now been pushed into the 28 percent tax bracket, and that is due to inflation and economic growth. Worse still, they have to pay the 28 percent federal income tax rate on top of a 15.3 percent payroll tax.

This adds up, for average Americans making between $30,000 and $50,000, to a tax rate of 43 percent to the Federal Government, and that is without counting State, local, and other taxes. So for many Americans, making between $30,000 and $50,000 a year, they are paying about 50 percent of their income to support Government. So any gains the taxpayers might have made in wages have been snatched away by Washington in the form of a bigger tax bite. This is the most important reason for the late arrival of Tax Freedom Day.

People today work hard and then are penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult, and even for some, it makes it impossible.

The only way we can effectively stop this and push back Tax Freedom Day is to terminate the Tax Code and replace it with one that promotes freedom and economic opportunity. We must repeal the 16th amendment and abolish the IRS.

We must create a new tax system that is fair, simple, and friendly to the taxpayers—when they no longer need to file a tax return with the IRS, and when their families' finances aren't revealed to Government bureaucrats, and when they are no longer penalized for getting or staying married—or for dying, for that matter—when everyone pays the same tax rate without any loopholes for any special interest groups, and when hidden taxes are eliminated and everyone can easily understand the tax laws. And finally, there will be no more IRS audits and abuse—because, again, we need to pull out the IRS by the roots to abolish the IRS entirely.

Pending fundamental tax reforms, Congress must provide meaningful tax relief to help alleviate the tax burden on working Americans.

That is why the recently-passed budget resolution reserves nearly $800 billion of the non-Social Security surplus over the next 10 years earmarking it for tax relief.

This proves that this Congress is committed to providing meaningful tax relief in 1999, while protecting Social Security and Medicare, reducing the national debt, and funding important national priorities.

This year's budget also includes my amendment calling on the Congress to place a priority on middle income tax relief by returning tax overpayments to those from whom it was taken.

It includes options for tax relief, such as a broad-based tax cut, marriage penalty relief, retirement savings incentives, death tax relief, health care-related tax relief, and education-related tax relief. If enacted, this will be the largest tax relief since the Reagan tax cuts of the 1980s.

Americans are frustrated by the late arrival of Tax Freedom Day. They are worried about their future economic security. And they also want the opportunity to put their dollars to work supporting their families, not supporting the Government.

We owe it to the American taxpayer to work together to fix the system through fundamental tax reform. We can do this through turning Tax Freedom Day from a day of disappointment into a day finally worth celebrating.

I thank the Chair, and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7 p.m., adjourned until Wednesday, May 12, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1999:

STATE JUSTICE INSTITUTE

FLORENCE K. MURRAY, OF RHODE ISLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JAY M. BERGMAN, OF VIRGINIA
ROBERT STEPHEN BRENT, OF FLORIDA
MARY ALICE KLEINJAN, OF THE DISTRICT OF COLUMBIA
PAUL E. WEISENFELD, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN PATRICE GROARKE, OF THE DISTRICT OF COLUMBIA
TERRY LEE HARDT, OF TEXAS
CAROL HORNING, OF OHIO
ANA R. KLENICKI, OF VIRGINIA
EARLE G. LAWRENCE, OF MARYLAND
THOMAS H. STAAL, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JEFFREY W. ASHLEY, OF ILLINOIS
ROBERTA MARIE CAVITT, OF ALASKA
AZZA EL-ABD, OF TENNESSEE
HOLLY LYNN FERRETTE, OF NEW JERSEY
ERIN ELIZABETH KINDER, OF CALIFORNIA

SARAH-ANN LYNCH, OF THE DISTRICT OF COLUMBIA
KRISTINE SMATHERS, OF CALIFORNIA
ZDENEK LUDVIK SUDA, OF PENNSYLVANIA

DEPARTMENT OF STATE

KATHERINE DUFFY DUEHOLM, OF SOUTH CAROLINA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE, THE DEPARTMENT OF STATE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SUSAN K. ARCHER, OF VIRGINIA
ROBIN ELIZABETH BLUNT, OF INDIANA
CHARLES EDWARD BOULDIN, OF CALIFORNIA
WILLIAM HARVEY BOYLE, OF ARIZONA
C. LEE BURTON, JR., OF VIRGINIA
VALERIE L. BUSS, OF PENNSYLVANIA
CAROLE J. BUTLER, OF FLORIDA
LUCY M. CHANG, OF MARYLAND
BETTY ANNE COMPTON, OF VIRGINIA
RICHARD L. CORRELL, OF VIRGINIA
THERESE A. COSTIGAN, OF VIRGINIA
JAMES M. CUNNINGHAM, OF CALIFORNIA
JOHN J. DAIGLE, OF LOUISIANA
BRYAN D. EDWARDS, OF VIRGINIA
ELIZABETH M. GRACON, OF VIRGINIA
BRIAN M. GRIMM, OF PENNSYLVANIA
JENNIFER JEANNE HALL, OF ALABAMA
PATRICK N. HANISH, OF WASHINGTON
DAVID CHRISTOPHER HANSON, OF ALABAMA
CLIFFORD D. HEINZER, OF NEW JERSEY
CATHERINE A. HERRING, OF NEW JERSEY
CHRISTINA MARIA HUTH, OF VIRGINIA
THOMAS E. KELLY, OF FLORIDA
DAVID ANDREW KRZYWDA, OF VIRGINIA
HELEN GRACE LA FAVE, OF NEW HAMPSHIRE
LAURA G. LEVENTIS, OF SOUTH CAROLINA
THOMAS L. MAASS, OF VIRGINIA
RAFIK MANSOUR, OF CALIFORNIA
ROBERT LYND MCKAY, OF FLORIDA
JOHN HOLMES MONGAN, OF MASSACHUSETTS
KENDALL DUANE MOSS, OF TEXAS
THOMAS W. OHLSON, OF FLORIDA
DEMITRA M. PAPPAS, OF NEW YORK
GWENDOLYN JILL PASCOE, OF NEW YORK
TERRYL A. PURVIS-SMITH, OF NEW JERSEY
JOHN WILLIAM RAINES, OF TENNESSEE
HEIDI NICOLE GOMEZ RAPALO, OF NEW JERSEY
CHARLENE L. ROBINSON, OF NEVADA
ALBERTO RODRIGUEZ, OF PUERTO RICO
KAREN M. RODRIGUEZ, OF PENNSYLVANIA
REBECCA A. ROSS, OF FLORIDA
AMY E. RUSSELL, OF NEW HAMPSHIRE
TRENT D. SCHERER, OF VIRGINIA
AMEER IBRAHIM SHALABY, OF MARYLAND
JOHN E. SIMMONS, OF CALIFORNIA
PATRICK I. SMELLER, OF HAWAII
COLLEEN F. STACK, OF CONNECTICUT
NICOLE D. THERIOT, OF ILLINOIS
ELIZABETH K. THOMPSON, OF WASHINGTON
ELLEN I. THOMPSON, OF VIRGINIA
RUPERT DACOSTA VAUGHAN, OF VIRGINIA
SUSAN C. WEBSTER, OF KENTUCKY
AMY RACHEL WENDT, OF THE DISTRICT OF COLUMBIA
DENNIS PEREN WILLIAMS, JR., OF NEW JERSEY
ELI THOMPSON WINKLER, OF NEW JERSEY
JULIAN T. WOLFE, OF MARYLAND
COREY D. WRIGHT, OF THE DISTRICT OF COLUMBIA
KAREN BETH ZARESKI, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES CURTIS STRUBLE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE FEBRUARY 16, 1997:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOAN E. GARNER, OF RHODE ISLAND
JEAN ANNE LOUIS, OF VIRGINIA
SHARON K. MERCURIO, OF CALIFORNIA
ROBIN LANE WHITE, OF MASSACHUSETTS

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD T. KADISH, 0000.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE BIOMASS ENERGY EQUITY ACT OF 1999

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HERGER. Mr. Speaker, I am pleased to join with my colleague, Mr. MATSUI, and our cosponsors—Mr. MCCRERY, Mr. CAMP, Mr. FOLEY, Mr. WELLER, Mr. NEAL, and Mr. THOMAS—to announce the introduction of H.R. 1731, The Biomass Energy Equity Act of 1999, legislation that will help sustain the economic and environmental benefits provided to the public by the biomass power industry in the United States. This bill is a new and improved version of H.R. 4407 that we introduced in the 105th Congress. Also, I am pleased to announce that a companion bill, S. 984, has been introduced in the Senate by Senators COLLINS and BOXER.

The biomass power industry is a unique source of renewable electricity. It generates electricity by combusting wood waste and other nonhazardous, organic materials under environmentally controlled conditions as an alternative to disposal or open-incineration of these materials. In effect, the biomass power industry makes constructive use of waste materials that would otherwise become a public liability.

Mr. Speaker, the organic materials used as fuel by this industry are gathered from the agricultural and forest-related sectors of our economy and from our urban waste streams. In addition to the jobs that are generated by this activity, a range of quantifiable benefits arise: the risk and severity of forest fires is diminished, air pollution from open burning of agricultural residues is avoided, and landfill space is preserved. In the absence of this $7 billion per year industry, the nation would face a series of negative consequences above and beyond the loss of the renewable electricity itself.

Congress recognized the importance of the biomass power industry when it enacted a biomass energy production tax credit in 1992. Unfortunately, the production tax credit provided by this code section—due to expire this year—has never been accessible to the biomass power industry due to excessively narrow drafting. Our legislation corrects this defect in order to recognize and retain the public benefits, including the national security and system reliability benefits, of this important industry.

Mr. Speaker, when I introduced this bill last year I truly believed that this is a ''good government'' issue whose clear merits and environmental benefits transcend partisan and regional politics. Today, as I reintroduce the Biomass Energy Equity Act, I remain convinced of the merits of the proposal, and I would urge all of my colleagues—on both sides of the aisle—to cosponsor this important and much-needed legislation.

ADDRESS OF THE HONORABLE MILES LERMAN AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis,* which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and the other death camps of Hitler's Holocaust.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated.

Miles Lerman, the Chairman of the United States Holocaust Memorial Council since 1993, eloquently expressed the moral cost of inaction at the Days of Remembrance ceremony. ''As we remember the victims of the *St. Louis* and all of the eventual victims of the Holocaust, we have a better understanding why we are in Kosovo and why the free world cannot afford to stand with their hands folded while murder and mass atrocities run rampant. This is a lesson that the world has learned in the past and cannot afford to forget.''

In addition to his responsibilities with the Holocaust Memorial Council, Miles Lerman serves as a member of the Advisory Board of the President's Commission on the Holocaust. Prior to his appointment to lead the Council, Mr. Lerman directed its International Relations Committee and served as National Chairman of the Campaign to Remember. During the Holocaust, he fought as a partisan in the forests of southern Poland. He and his wife, Chris, a survivor of Auschwitz, rebuilt their lives in the United States. They have two children.

Mr. Speaker, I submit the full text of Mr. Lerman's address to the Days of Remembrance ceremony to be placed in the CONGRESSIONAL RECORD.

REMARKS BY MILES LERMAN, DAYS OF REMEMBRANCE

The greatness of the United States of America rests on the fact that America and its people have the courage to acknowledge its mistakes of the past and draw lessons for the future. This virtue is reflected in today's program.

The theme of today's commemoration is to remember the *St. Louis,* a ship with more than 900 Jewish refugees who were promised safe harbor in Cuba but as the ship approached Havana, their entry visas were rejected. The desperate pleas of the passengers not to be sent back to Germany and to be granted temporary entry to the United States fell on deaf ears.

When all pleas were exhausted, the *St. Louis* with its passengers had to return to Europe where many of them eventually perished in the Holocaust.

Very few countries in the World would lend their national rotunda to recall a moment in their nation's history, which should have been different than it was.

This is what makes America the great country that it is because it understands that nations must have the strength to come to terms with their own history.

America clearly understands that if it is to be the world leader among nations, it must lead the way in acknowledging its own shortcomings. It must be the first among nations to acknowledge the fact that standing by idly while genocidal crimes are being committed, is tantamount to being a partner to these crimes.

When we look back to the early years of Hitler's rise to power, it becomes clear that had the leaders of the Western nations of those days been more decisive in their actions, the outcome of history could have been quite different.

These are facts that the world can never forget.

Remembering the tragic lessons of the past can only have meaning if we apply these lessons to today and to the future.

It is encouraging to know that our nation remembers the wrongs of yesteryear and is leading the way in finding solutions to injustices that have been lingering on for over 50 years.

Last December, the State Department jointly with the United States Holocaust Memorial Council, co-chaired an International Conference on Holocaust-era assets.

Forty-four nations participated in this Conference, which produced very encouraging results. These results can be attributed to the fact that the U.S. Government has set the tone by creating a Presidential Advisory Commission on Holocaust Assets in the United States. This Commission was charged by the President to explore whether all U.S. agencies have acted judiciously regarding the restitution of all Nazi-era assets to the rightful owners.

This Presidential Commission is hard at work to ensure that just and legal procedures will be applied to all cases at hand and will not rest until a proper resolution is found.

However, it is essential that we bear in mind that no matter how important it is to deal with the material issues and find a way to compensate the rightful owners for what is justly theirs, the last word on the Holocaust cannot be bank accounts or insurance policies.

The last word on the Holocaust must be remembrance and an ongoing process of Holocaust education.

We must create a global educational initiative—a process that will serve as a lesson and a warning to future generations to the dangers of racism, xenophobia and indifference.

The Holocaust Memorial Museum and its Center for Advanced Holocaust Studies stands ready to lend its expertise in this field and we hope to be one of the leading factors in implementing a worldwide educational network on all levels, ranging from middle schools to graduate schools.

So as America remembers the *St. Louis,* America is saying to the world, we too are not totally free of some guilt. In the early years, we had an opportunity to set examples, which we did not set.

These are facts from which we must draw lessons for the future.

We remember this unfortunate event of sixty years ago, not for the purpose of chastising ourselves but to learn from it. If we want a better world for tomorrow, we must look back and remember the past. Today, as we remember the victims of the *St. Louis* and all of the eventual victims of the Holocaust, we have a better understanding why we are in Kosovo and why the free world cannot afford to stand with their hands folded while murder and mass atrocities run rampant. This is a lesson that the world has learned in the past and cannot afford to forget.

CONGRATULATING GARRET DYKHOUSE ON HIS SERVICE TO THE CHRISTIAN HEALTH CARE CENTER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Garret Dykhouse on his nine years of service as a member of the Board of Trustees of the Christian Health Care Center in Wyckoff, New Jersey. Gary, as he is known to his countless friends, is one of the most dedicated public individuals in the field of health care. He is stepping down after serving the past four years as chairman of the board. His inspirational leadership will be missed, but his many accomplishments will never be forgotten.

The Christian Health Care Center is a not-for-profit organization that has been serving the elderly and mentally ill for the past 88 years. Mr. Dykhouse has led the center in maintaining the highest level of devotion to the provision of quality care to the center's patients. Guiding a joint effort of the governing body and staff, he developed a comprehensive mission and vision statement that will guide the center into the next century. His efforts have allowed the center to continue to grow and expand its ability to assist the most vulnerable individuals among the elderly and mentally ill in the communities the center services.

In addition to the intangible qualities of leadership, Mr. Dykhouse has supervised the creation of a number of very real, ''bricks and mortar'' projects for the center. Among them have been Evergreen Court, a 40-unit supportive housing facility for low and moderate income seniors; Southgate, a specialized long-term care program for adult dementia patients who require more care than a nursing home can provide but do not need to be in a psychiatric hospital; and the soon-to-open The Longview, the first non-profit assisted living residence in Bergen County. In addition, the center's Heritage Manor nursing home has received a perfect score from the state Department of Health and Senior Services, while the Ramapo Ridge Psychiatric Hospital has seen its accreditation rise to the level of ''accreditation with commendation.'' It is important to note that all of these accomplishments have come while Mr. Dykhouse has served above and beyond the call of duty as a member of the Board of Trustees.

In addition to his work at the Christian Health Care Center, Mr. Dykhouse and his wife, Raeann, are long-standing volunteers with the American Red Cross. Mrs. Dykhouse's work with the Red Cross began in 1984 in response to a call for volunteers to aid flood victims in Wayne. Five years later, both she and Mr. Dykhouse officially enlisted in the National Disaster Program. They regularly travel to the sites of natural disasters throughout New Jersey and across the United States to assist with relief efforts—including fires, floods, earthquakes, tornadoes and ice storms—often for weeks at a time. In fact, they were honored earlier this month as ''Outstanding Community Volunteers'' by the Bergen Crossroads Chapter of the Red Cross.

Mr. and Mrs. Dykhouse have also been members of the Wyckoff Volunteer Ambulance Corps, holding every officer's position in the corps between the two of them. They are very active members of Faith Community Christian Reformed Church in Wyckoff. Mr. Dykhouse has also been a member of the Board at the Eastern Children's Retreat in Wyckoff and the Eastern Christian School Association in North Haledon.

Aside from his volunteer activities, Mr. Dykhouse spent 41 years with the Royal Insurance Co. before his retirement in 1989 as a top executive. He is a graduate of the College of Insurance in New York, and taught insurance both there and at Seton Hall University. He is a former chairman of the Inland Marine Underwriters Association and a member of numerous other insurance trade associations. He and Mrs. Dykhouse have three sons, David, Larry and Tom, and 11 grandchildren.

Mr. Dykhouse is truly an inspiring example of volunteer efforts that are totally unselfish and completely devoted to improving the lives of others. Mr. Dykhouse lives his life in a manner that reflects his obedience to the Lord's command to ''love your neighbor as you love yourself.'' I ask my colleagues in the House of Representatives to join me in offering our thanks and congratulations to this extraordinary gentleman.

CONGRATULATIONS TO GORDON MURCHIE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the 1998 Virginia Wine Industry Person of the Year, Gordon Murchie. This honor was bestowed upon Mr. Murchie by the Virginia Winegrowers Advisory Board. Murchie holds several key positions including the Presidency of the Vinifera Wine Growers Association and the Executive Director position for the Licensed Beverage Information Council. Murchie tirelessly promotes the Virginia wine industry around the world. He is only the second East Coast wine industry individual to ever receive the coveted ranking of Supreme Knight by the Brotherhood of the Knights of the Vine. He organizes and manages many state and regional wine events including the Annual Virginia Wine Competition and festival in Northern Virginia which is one of the oldest running wine festivals on the East Coast.

Murchie regularly conducts wine tasting of award-winning Virginia wines in California and other locations for wine enthusiasts and trade people. He also has conducted similar wine presentations at major U.S. Chamber of Commerce meetings and at U.S. Congressional receptions.

As the former Executive Director of the National Wine Coalition, trade association umbrella for the U.S. wine industry, he served as an industry liaison and lobbyist during four sessions of the U.S. Congress, as well as organizing the first nationwide wine issues forum focusing on health and wine which contributed to the overall industry effort to gain national recognition of the potential health benefits of responsible, moderate consumption.

''Gordon's contributions to the Virginia wine industry has been invaluable,'' said Virginia Winegrowers Advisory Board Chairman Doug Flemer. ''Our industry is fortunate to have such an individual with his expertise and experience working on our behalf,'' added Flemer.

Additionally, Murchie serves as a wine consultant and provides guidance and advice to Virginia wineries. He also acts as consultant for the very successful Mount Vernon wine festival, now in its third year.

He is nationally considered an authority on many subjects relating to wine and is a frequent guest lecturer for groups on topics such as ''The History of the Virginia Wine Industry.'' Murchie is often selected to lead U.S. viticulture and enology delegations to international wine growing regions such as the People's Republic of China, South Africa, Australia, Argentina and Chile.

Given Murchie's extensive U.S. Foreign Service background and his experience in international diplomacy, it is natural that he has chosen to pursue the Jeffersonian dream of promoting an American wine industry.

The Virginia Wine Industry Person of the Year award annually recognizes outstanding contributions to the industry. This year's award was presented to Murchie at the Virginia Wine Honors at the Library of Virginia in downtown Richmond.

Mr. Speaker, I rise today to congratulate Gordon Murchie, Virginia Wine Industry Person of the Year. I applaud the invaluable contributions he has made to the American wine industry. I ask my colleagues to join me in wishing Gordon Murchie many more years of success.

TRIBUTE TO STEVEN JAY FOGEL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Steven J. Fogel, for his contributions to the Jewish community.

The Talmud states, ''He who does charity and justice is as if he had filled the whole world with kindness.'' Stephen S. Wise Temple has recognized Steven for his many accomplishments in the Jewish community. I commend Steven for selflessly devoting his time and his efforts. He helps enrich us with his zeal for life and his determination to better our community.

Aside from his achievements as president of Stephen S. Wise, Steven has made his mark in other aspects. He worked his way through college as a professional photographer, first at USC and then as a graduate student at the Anderson School of Business at UCLA.

In 1967, he co-founded Westwood Financial Corp., which owns and operates over 125 shopping centers. In addition to writing three published books, Steven is a self-taught artist, with over fifty portraits in private collections.

Along with his devoted service to the community, Steven and his wife, Darlene, have maintained an unwavering commitment to their family. They have raised their four children in a Jewish home which is compassionate, accepting, moral and intellectually alive.

Mr. Speaker, distinguished colleagues, please join me in honoring Steven J. Fogel for his past, present, and future achievements for both the Jewish community and the community at large.

KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

SPEECH OF

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes:

Mr. SHOWS. Mr. Chairman, today I stand before my colleagues and the American people to discuss the American Farmer. I stand before you to urge quick and complete passage of the emergency supplemental bill for America's farm families.

My district, in Mississippi, is largely supported by agriculture. Family farmers, and might I add I was once a farmer, are our neighbors, friends, and community leaders. They provide a foundation of sound American values and a strong work ethic to communities all across our nation. When you get right down to it, they are good people who work real hard to make a living and raise their families.

There's more, much more, to say about our farmers, though. The American family farmer is the most successful and efficient farmer in the world. Our agricultural industry feeds and clothes more people than any other system of agriculture on the planet. The American farmer is one of America's greatest success stories. They have excelled through the best and worst of times.

Our farmers fed a hungry nation during the Great Depression, sustained our great army during World War II. And, when the soldiers came home, our farmers went to work with new and dynamic technologies and machinery. They have helped feed, clothe, fuel, and grow our economy without ever looking back.

We can not turn our backs on our farmers when they need our help. We can not afford to.

Our farmers and ranchers are feeling financial and emotional stress. Prices of commodities have been spiraling downward over the past year. Many of our farm families have seen prices for their hard work hit decade lows over the recent months. We must act now to support our American farm families. And, we can not allow nonfarm related issues cloud the language of the serious request.

It has been 2 months since the supplemental spending request was submitted to Congress seeking emergency assistance to our farmers. Two months . . . It is now time for farmers to plant their crops and no action has been taken to get this crucial money to the farm community. The money is sorely needed. USDA loan funds are running dry as the farm crisis has created four times the normal demand for farm loan programs.

I can not attempt to describe how important this money is to farm families across Mississippi and, indeed, across America.

Since this supplemental spending request was made, over 8,000 applications for loans from farmers have been received. The American people must understand how important . . . how crucial the need is out there for our farmers. This isn't play money. Farmers need money to farm.

Let's pass this legislation and support our farm families today. Let's support our farmers because they support us everyday.

ADDRESS OF LENNY BEN-DAVID, DEPUTY CHIEF OF MISSION AT THE EMBASSY OF ISRAEL, AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis,* which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and other death camps of Hitler's Holocaust.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated.

Lenny Ben-David, the Deputy Chief of Mission at the Embassy of Israel, reminded us of our moral responsibility at the Days of Remembrance ceremony. He quoted the sage advice of the late Rabbi Yosef Dov Soloveitchik: ''The function of the halachic (righteous) man is to redress the grievances of those who are abandoned and alone, to protect the dignity of the poor and to save the oppressed from his oppressor.'' Mr. Speaker, this is true now more than ever.

Lenny Ben-David was appointed Deputy Chief of Mission at the Embassy of Israel by Prime Minister Benjamin Netanyahu in 1997. Prior to this appointment, Mr. Ben-David served as an independent consultant on public and political affairs. He held senior posts in the American Israel Public Affairs Committee (AIPAC) for 25 years, opening and directing AIPAC's office in Israel for almost 15 years. Mr. Ben-David is a graduate of Yeshiva University in New York. He received a Masters degree in Political Science from the American University in Washington, D.C. He and his wife, Rochelle Black, have six children.

Mr. Speaker, I submit the full text of Mr. Ben-David's address at the Days of Remembrance ceremony to be printed in the CONGRESSIONAL RECORD.

DAYS OF REMEMBRANCE PROGRAM, U.S. CAPITOL ROTUNDA, APRIL 13, 1999

(Remarks by Lenny Ben-David, Deputy Chief of Mission, Embassy of Israel)

Ever since I heard of today's theme (The S.S. St. Louis), I have been obsessed with the thoughts of ships.

First, the St. Louis, with more than 900 Jews, including children. We are told that little children on board played a game: they formed a barricade from the deck chairs. Two children served as guards and other children sought permission to pass.

''Are you a Jew?'' asked the child guard.

''Yes,'' was the other child's reply.

''Jews are not allowed to pass,'' the guard responded.

''Oh please let me in. I am only a very little Jew.''

Little or big, Jews on that ship never disembarked in Cuba or America.

A few years later, another ship was fitted up in the Baltimore harbor. Ultimately it became known as the Exodus. Loaded with 4,500 survivors, this boat could not deliver its human cargo to the shores of Eretz Yisrael in 1947. Like the passengers on the St. Louis, they too were forced to return to the countries from which they had fled. Thank God, for their sake, the Nazis had been defeated, but anti-Semitism was not. Jews could still not disembark from a sinking ghost ship called Europe. Pogroms were still taking place.

Finally in May 1948, safe haven was secured when Israel was founded.

I am reminded of another boat. Some 30 years later, another ship full of refugees was floundering in the China Sea. Vietnamese refugees, starving and thirsty, they were picked up by an Israeli ship. In his first official act in office, Prime Minister Menachem Begin ordered that they be given haven in Israel.

And other ships come to mind: Small boats smuggling the precious cargo of Jews from North Africa. Some never made it. Missile boats of the Israeli Navy quietly sailing up to the shores of Africa in the dead of night to take the Jews of Ethiopia home, a journey of

hundreds of miles and hundreds of years of culture. Later, the air ships would fly the Ethiopians to Israel by the thousands as they did their Yemenite brothers and sisters 40 years earlier.

Today, the ships of the air continue to fly, loaded with Jews from Moscow and Minsk, Bucharest and Bukhara, Kiev and St. Petersburg. In recent weeks, they have been arriving from Belgrade and Kosovo, too. As Israel has been a haven to Jews, so it has also been, in its small way, a haven to Moslem refugees from Bosnia and Kosovo.

Ladies and gentlemen, I am reminded of one other boat. The ship's log is found in the Tanach, the Jewish Bible, ''The Lord then hurled a furious wind upon the sea; there was a heavy storm at sea, and the ship was about to be broken up. The sailors were frightened, each cried to his own god and they threw overboard the cargo that was in the ship in order to lighten it; but Jonah had gone down below deck and was lying fast asleep.'' Later, when they cast lots, and the lot fell upon Jonah, the ship's crew turned to Jonah and asked, ''What have you done?! They knew that Jonah was running away from the Lord's presence.''

Friends, Jonah could not run away from his duties, and he realized after experiencing the dark and dank belly of the great fish, that you could try to run from your responsibilities even to the depths of the ocean, but you cannot hide. That is why the book of Jonah is traditionally read in synagogues on Yom Kippur.

The late contemporary sage, Rabbi Yosef Dov Soloveitchik, would quote his grandfather, Rabbi Chaim of Brisk: ''The function of the halachic (righteous) man is to redress the grievances of those who are abandoned and alone, to protect the dignity of the poor and to save the oppressed from the hands of his oppressor.''

Yes, that is how we can and must avoid the moral shipwreck caused by apathy and indifference, and bring humankind to safe port. Thank you.

BENJAMIN MEED SPEECH ON THE DAYS OF REMEMBRANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. MALONEY of New York. Mr. Speaker, I would like to share with my colleagues the remarks of Mr. Benjamin Meed who recently gave an exceptionally moving speech about Yom Hashoah, The Days of Remembrance, at Congregation Emanu-El in my district in New York City. Mr. Meed is Chairman of both The Warsaw Ghetto Resistance Organization (WAGRO) and The Days of Remembrance Committee, United States Holocaust Memorial Council. He is also the President of the American Gathering of Jewish Holocaust Survivors. Mr. Meed is a champion of humanitarian causes around the world.

TRIBUTE TO THE SIX MILLION JEWISH MARTYRS—56TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

Today, Jews gather to pay tribute to the memory of our Six Million brothers and sisters murdered only because they were Jewish; We gather to honor the fighters of the Warsaw Ghetto; to grieve; and to continue asking the questions: Why did it happen? How could the civilized world allow it to happen? Why were we so abandoned? Six million times, why?

This year's national Days of Remembrance theme is dedicated to the voyage of the SS St. Louis. It is a story of refuge denied; it is a tale of international abandonment and betrayal. Why were they refused entry into this country? How can we ever understand why this was allowed to happen? Today, it is inconceivable to us just how that ship in those days was turned away.

Today 54 years ago the American soldiers came across Nazi Germany slave labor camps and liberated Buchenwald and saved many of us who are here present today. Our gratitude will remain with us forever. We will always remain grateful to these soldiers for their kindness and generosity, and we will always remember those young soldiers who sacrificed their lives to bring us liberty.

Today, wherever Jews live—from Antwerp to Melbourne, from Jerusalem to Buenos Aires, from New York to Budapest—we come together to remember to say Kadish collectively.

Remembering the Holocaust is now a part of the Jewish calendar. We are together in our dedication to Memory and our aspiration for peace and brotherhood. Yom Hashoah, the Days of Remembrance, time to collectively bear witness as a community.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again the impossible is possible again. Ethnic cleansing, genocide, is happening as I speak. It can happen to any one or any group of people. The slaughter in Kosovo and in other places must be brought to an end.

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent human life for no other reason than birthright.

It is vital that we remember; it is our commitment to those who perished, and to each other; a commitment taken up by our children and, hopefully, by the generations to come. What we remember is gruesome and painful. But remember we must. Over the years, we have tried to make certain that what happened to us was communicated and continues to be told, and retold, until it becomes an inseparable part of the world's conscience.

And yet, some fifty years after the Holocaust, we continue to be repulsed by revelations about the enormity of the crimes against our people. And we are shocked to learn of the behavior of those who could have helped us, or at least, not hurt us, but who, instead, actually helped those whose goal was to wipe us out. Sadly, many of those who claimed they were neutral were actually involved with the German Nazis. They were anything but not neutral.

The world has now learned that the Holocaust was not only the greatest murder of humanity, the greatest crime against humanity, but also the greatest robbery in the history of mankind. Driven from our homes, stripped of family heirlooms—indeed of all our possessions—the German Nazis and their collaborators took anything that was or could be of value for recycling. They stole from the living and even defiled the Jewish dead, tearing out gold fillings and cutting off fingers to recover wedding bands from our loved ones who they had murdered.

But the German Nazis did not—could not—do it alone. The same people who now offer reasonable sounding justifications for their conduct during the Holocaust were, in those darkest of times, more than eager to profit from the German war against the Jews.

None of the so-called ''neutral'' nations has fully assumed responsibility for its conduct during the Holocaust. The bankers, brokers, and business people who helped Nazi Germany now offer some money to survivors, but they say little about their collaboration. They utter not a word about how they sent fleeing Jews back to the German Nazi's machinery of destruction, nor about how they supported the Nazis in other ways—no admission of guilt; no regret; no expression of moral responsibility.

We must guard against dangerous, unintended consequences arising from all that is going on now. Hopefully, family properties and other valuables will be returned to their rightful owners. But the blinding glitter of gold—the unrealistic expectations created by all the international publicity—has diverted attention from the evil which was the Holocaust.

For five decades, we survivors vowed that what happened to our loved ones would be remembered and that our experiences would serve as a warning to future generations. We must continue to make sure that the images of gold bars wrapped in yellow Stars of David do not overshadow the impressions of a mother protecting her daughter with her coat, upon which a Star of David is sewn, or of a young boy desperately clutching his father's hand a Auschwitz/Birkenau before entering the gas chambers.

The search for lost and stolen Jewish-owned assets has generated enormous publicity and excitement, but it also has created serious concerns. Gold, bank accounts, insurance policies and other assets have become the focal point of the Holocaust. That somehow minimizes Germany's murderous role.

Great care must be taken to find a balance. The various investigations must continue to uncover the hidden or little publicized truths about the so-called neutral countries that collaborated, and to recover what rightfully belongs to the victims, survivors and their families.

The focus should never be shifted from the moral and financial responsibility of Germany for the slaughter of our people—acts for which there is no statute of limitations, acts for which Germany remains eternally responsible. Our books should not and cannot be closed.

Let us Remember.

PERSONAL EXPLANATION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. WYNN. Mr. Speaker, I missed rollcall vote No. 97 and subsequent votes due to a bout with pneumonia that resulted in a stay in the hospital. I have listed each missed vote below and how I would have voted on each measure had I been present.

Rollcall votes: No. 97 ''yes''; No. 98 ''yes''; No. 99 ''no''; No. 100 ''no''; No. 101 ''no''; No. 102 ''no''; No. 103 ''yes''; No. 104 ''yes''; No. 105 ''yes''; No. 106 ''yes''; No. 107 ''yes''; No. 108 ''yes''; No. 109 ''yes''; No. 110 ''no''; No. 111 ''yes''; No. 112 ''no''; No. 113 ''yes''; No. 114 ''no''; No. 115 ''yes''; No. 116 ''no''; No. 117 ''no''; No. 118 ''yes''; No. 119 ''no''; No. 120 ''yes''.

26TH ANNUAL HANK STRAM-TONY ZALE SPORTS AWARD BANQUET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, will be hosting the 26th Annual Hank Stram-Tony Zale Sports Award Banquet on May 17, 1999, at the Radisson Hotel in Merrillville, Indiana. Twenty outstanding Northwest Indiana High School athletes will be honored at this notable event for their dedication and hard work. These outstanding students were chosen to receive the award by their respective schools on the basis of academic and athletic achievement. All proceeds from this event will go toward a scholarship fund to be awarded to local students.

This year's Hank Stram-Tony Zale Award recipients include: Tiffany Crawford of Chesterton High School; Analisa Dziedziejko of Valparaiso High School; Dana Gombus of Merrillville High School; Laura Jelski of Highland High School; Kevin Krajewski of Crown Point High School; Matt Kubiak of Wheeler High School; Andrius Malinauskas of Hammond High School; Mike McGinley of Lake Station High School; Troy Mezera of River Forest High School; Karen Saliga of Hammond Clark High School; Mary Samreta of Hobart High School; Todd Smolinski of Lake Central High School; Jeremy Stockwell of Andrean High School; Christopher Trojnar of Bishop Noll High School; Justin Valentine of Lowell High School; David Verta of Whiting High School; Joshua Wyant of Boone Grove High School; Robert Yamtich of Munster High School; Laura Zagrocki of Griffith High School; and Jeff Zeha of Portage High School.

The featured speaker at this gala event will be Mr. Paul Hornung. Mr. Hornung is a former football player from Notre Dame University and is known as the original ''Golden Boy.'' He received the Heisman Trophy in 1956 and is a former NFL player for the Green Bay Packers. He was a star player for the Packers in a variety of positions for many years.

Hank Stram, one of the most successful coaches in professional football history, will also be in attendance at this memorable event. Hank was raised in Gary, Indiana, and graduated from Lew Wallace High School where he played football, basketball, baseball, and ran track. While attending college at Purdue University in West Lafayette, Hank won four letters in baseball and three letters in football. During his senior year he received the Big Ten Medal, which is awarded to the conference athlete who best combines athletic and academic success. After college Hank entered the NFL, where he became best noted for coaching the Kansas City Chiefs to a Super Bowl victory in 1970.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, for hosting this celebration of success in sports and academics. The effort of all those involved in planning this worthwhile event is indicative of their devotion to the very gifted young people in Indiana's First Congressional District.

CONGRATULATING NORTHWEST BERGEN CENTRAL DISPATCH ON ACCREDITATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Northwest Bergen Central Dispatch center on becoming the first public safety communications facility in the nation to receive the prestigious new Certificate of Public Safety Communications Accreditation from the Commission on Accreditation for Law Enforcement Agencies. This accreditation is national recognition of the highly professional standards employed at NBCD. The fact that it is the first facility in the nation to receive this rating is a special honor for this team of life-saving public safety professionals.

Police, fire and ambulance services—with the life-saving assistance they bring—are an essential part of our daily lives. And when those services are needed, they are always needed immediately. That is why it is vitally important that public safety agencies have communications facilities that are efficient and reliable. When a citizen makes a 911 call in an emergency, that call absolutely must go through, be answered and be responded to appropriately—with exceptions or excuses. With a facility like NBCD, residents of northwestern Bergen County can rest assured that will be the case.

Established in 1994, NBCD provides 911 and general public safety communications services for the municipalities of Ridgewood, Glen Rock, Franklin Lakes, Ramsey and Oakland in Bergen County, New Jersey. The communications center is located in Ridgewood and features a computer-aided dispatch system, touch-screen radios and an enhanced 911 system. Laptop computers are being installed in police, fire and ambulance vehicles to better link them with dispatchers. The nine full-time and 15 part-time employees work in a modern, four-position communications room. Administrative offices, training and meeting areas, equipment rooms and support facilities complete the center. The entire facility is equipped with emergency electrical generators to keep it operating in the event of power failure. The center currently handles more than 125,000 telephone calls annually. It was designed with expansion in mind and could be enlarged to handle additional services or municipalities.

The goal of accreditation is to improve the delivery of public safety services, to improve the communications services that assist public safety officers, and to offer standards by which organizations' effectiveness and efficiency can be objectively reviewed and improved. To receive accreditation, NBCD had to comply with more than 200 standards set by the commission. A team of commission officials visited the site to verify compliance. In the team's report, officials said, ''Northwest Bergen Central Dispatch has set the benchmark by which communications centers across the United States * * * must now be measured.''

Special recognition is in order for NBCD Manager Robert Greenlaw and his dispatchers for their dedication and hard work. Public safety dispatchers are the public's first contact with the police, fire department or ambulance service in time of emergency. They must possess the ability to remain calm and reassuring while rapidly evaluating the situation and directing help.

Police officers, firefighters and ambulance workers are justifiably known to and given credit by the public. But almost every emergency call begins with a 911 call to a communications dispatch center. Without these hard-working, highly trained and dedicated men and women, our streets would not be as safe as they are today. I ask my colleagues in the House of Representatives to join me in congratulating Northwestern Bergen Central Dispatch on achieving this accreditation, and on the hard work it took to meet the standards involved.

RECOGNIZING KIM PEEK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Kim Peek. Kim was the inspiration for screen writer Barry Morrow's 1988 Oscar-winning movie ''Rain Man.'' Though the movie plot is not about Kim's life, Kim was the original inspiration for the title character.

Kim is a unique person. He was diagnosed as a megasavant born with fetal brain damage which affected his motor sensors. Kim is termed a megasavant because of his knowledge of remarkably diverse subject information and total recall capabilities of almost everything he has read since he was three-years old.

Since March of 1989, when the movie ''Rain Man'' received four Oscars, Kim and his father Fran have traveled throughout the United States taking their message to those who will listen. Kim's message is ''Learn to recognize and respect differences in others, and treat them as you would like them to treat you. This will help give us the kind of world we hope for. Share, care, be your best!''

Kim has been featured on numerous television stations nationwide and in more than 430 newspaper articles. He has been on ABC's 20/20 and on Good Morning America. His story has been broadcast in nearly every state in the United States, as well as South Africa, Australia, England, and Japan.

Mr. Speaker, I rise today to recognize Kim Peek for his uniqueness, and for his contribution to society. I urge my colleagues to join me in wishing Kim and his father many more years of continued success.

TRIBUTE TO DOROTHY AND OZZIE GOREN AND THEIR FAMILY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dorothy and Ozzie Goren and their family for their outstanding contributions to the Jewish community and the community at large for many decades.

The Talmud states that ''He who does charity and justice is as if he had filled the whole

world with kindness.'' The Jewish Family Service has recognized the Goren family for their exceptional commitment others that has done much to improve the quality of life in our community. Their philanthropy sets an example for us all.

Dorothy's dedication to the Jewish Federation began on a mission in 1962. Since then, she has served as chair of the Women's Division Campaign, president of the Western Region, and was the first woman to chair the UJF campaign. She has also served as a past president of the Jewish Federation and continues her service as an active board member on all key committees.

Ozzie has also been very committed to the Jewish community. In addition to serving as president of the Jewish Federation, he has also chaired the UJF campaign. His dedication surpasses the Jewish community with his efforts on issues such as human relations and civil rights.

Both Dorothy and Ozzie have passed these values on to their children. Jerry and Julia are helping to reform the criminal justice system and education. Carol and her husband, Ron Corn, volunteer their time in an array of organizations in the Denver community. Bruce and his wife, Susie, are volunteers in the Los Angeles Community.

Mr. Speaker, distinguished colleagues, please join me in honoring Dorothy and Ozzie Goren and their family. They are true role models for the citizens of Los Angeles.

IN HONOR OF THE GREEK AMERICAN HOME OWNERS ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Ms. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Greek American Home Owners Association on the occasion of the organization's dinner dance.

I rise to bring to the attention of my colleagues an outstanding organization, the Greek American Home Owners. This organization was established 21 years ago to help the homeowners in the area. Its members include new homeowners and multi-dwelling owners.

The organization has consistently striven to meet the needs of the community. Monthly guests speakers from the city, state and federal governments speak on relevant issues. I have enjoyed being one of their speakers. The issues that are discussed relate to the fundamental needs of the community, rents, water meters, citizenship, and more. The meetings are open to the community and not restricted to members only.

Annually they serve over 500 people at the annual Thanksgiving Dinner. They also send out 225 dinners to those who are unable to attend and give 85 turkeys to needy families.

All of these activities are housed in the Greek American Home Owners building located at 23–49 31st Street in Astoria, Queens. The purchase of this building required many monetary contributions and a great deal of work.

On March 20, 1999, the organization wishes to honor the individuals who placed the first bricks of that building: Athanasios Alafogianns, George Alexandrakos, George Alexiou, John Alexiou, William Boutsalis, Athena Bubaris, Triantafilos Golfinopolous, George Katsigianis, James Korakis, Nick Karamatzanis, Dimitrios Karvelis, Irene Ladas, Steve Lagoudis, James Langas, John Lymberis, Kyriakos Michaelides, Nick Michaltos, Aristidis Markos, John Millas, George Moustakos, Demetrios Politis, Theodoros Panagiotakopoulos, Tom Papachristos, Panagiotis Pliakas, George Poulakas, Stavros Pyrovolikos, Dino Rallis, James Spahidakis, Pete Stathatos, George Stavroulakis, Dennis Syntilas, Marina Tsokanos, Antonios Vasilopoulos and Nikitas Vlachos.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Greek American Home Owners Association and to all of these founders who established the Greek American Home Owners Association.

NASA GODDARD SPACE FLIGHT CENTER—40 YEARS OF EXCELLENCE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor Goddard Space Flight Center on its 40th anniversary. Established in 1959, Goddard has played a vital role in furthering the goals of our space program. Whether in the field of Earth science, space or space communication, Goddard is a leader in furthering our knowledge and understanding of the last frontier.

Named after Dr. Robert H. Goddard, a pioneer in rocket research, the center employs some of the world's most renowned scientists and engineers. Located on 1,270 acres in Greenbelt, Maryland, Goddard is a major employer in Prince George's County with almost 12,000 civilian and contractor employees.

Through the years, Goddard has been a leader in many of NASA's most successful programs. Beginning in 1959 as the project manager for Explorer VI, Goddard's scientists beamed down the first images of the Earth for the world to see. Since that historic mission, Goddard has gone on to lead projects like studying aspects of the Earth's environment through the Earth Science Enterprise. By linking together the data of various satellites, the program has been able to monitor land-surface, biosphere, atmosphere and oceans. Joint projects like the Total Ozone Mapping Spectrometer, coordinated with the National Oceanic and Atmospheric Administration, are providing important information on the expanse of the Antarctic ozone hole. And Goddard is working with Japanese scientists from the Japanese National Space Developmental Agency to measure tropical and subtropical rainfall through the Tropical Rainfall Measuring Mission. Goddard is also home to the Space Telescope Operations Control Center, the command center for the Hubble Space Telescope. Not only did Goddard project managers and engineers play a major role in designing the telescope, but they continue to provide expertise in serving Hubble and providing round-the-clock monitoring of the telescope's images and data.

I am proud to have played a role in working with the Maryland congressional delegation and members of the Goddard community in saving the center from closure in 1996. The work that Goddard personnel perform benefits every American and nations around the globe. I look forward to continuing to work with the Goddard community to promote and protect its vital interests and the region's space and technology industries.

Goddard's forty-first year of operation is certain to produce new and exciting advances in space and earth science. Several launches of Goddard programs are planned this year. The GOES–L meteorological satellite will allow meteorologists to improve local forecasts while the FUSE satellite, in collaboration with Johns Hopkins University, will explore the Universe through high-resolution spectroscopy.

I congratulate Goddard Space Flight Center on its leadership not only in space technology and science, but as a leader in the community as well. Whether through educational programs to area schools and universities or through outreach to Goddard's contracting community through the Goddard Alliance, Goddard is an incredible asset to Maryland, our Nation, and world-wide.

Congratulations on forty years of excellence and best wishes for the future.

HONORING WILLIAM GOLTZ

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HOEFFEL. Mr. Speaker, I am here to recognize and honor Scout William Goltz of North Wales, PA. He is the recipient of the 1999 Boy Scout Heroism Award. This award recognizes a Scout for showing skill and heroism for saving or attempting to save a life.

Last year, Scout William Goltz was the first at the scene where a man had a heart attack. Without hesitation he began CPR, which he performed tirelessly until paramedics arrived. CPR continued in the ambulance. In spite of Scout Goltz's efforts, the man later died. William instinctively took charge of the situation and followed his training, but the damage to the stranger's heart was too severe. It should be noted that Scout Goltz was 15 at the time.

I am proud to recognize Mr. William Goltz.

REPORT FROM PENNSYLVANIA—TRIBUTE TO MARGUERITE TREMAINE

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania with my colleagues and the American people. Today, I would like to highlight the lifelong efforts of a remarkable woman.

On June 4th of this year, Marguerite Tremaine of Hellertown, PA, will turn 100 years old. In reaching her centennial birthday, she has made so many rich contributions to others along the way.

Just like so many of us, her family is her most cherished gift. She'll often boast about

her nine grandchildren and 13 great-grandchildren.

Additionally, her gift of writing poetry has been enjoyed and taken up by so many in her family.

As my wife, Kris, and I travel across the 15th District, we meet so many remarkable people. Their stories have truly touched our lives.

The life story of Marguerite Tremaine has touched our hearts.

This concludes my Report from Pennsylvania.

ACHIEVEMENT OF THE GOVERNOR'S SCHOOL AT THE WE THE PEOPLE . . . NATIONAL FINALS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BLILEY. Mr. Speaker, I rise today to commend the outstanding performance of the students at the Governor's School for Governmental and International Studies in Richmond, VA, in the We the People . . . the Citizen and the Constitution national finals held May 1–3, 1999 in Washington, DC.

After successfully competing against other students from Virginia and winning the Virginia State finals, these students went on to win honorable mention as a top ten finalist in the We the People . . . The Citizen and the Constitution. This is the first time a school from Virginia placed in the top ten.

These bright and talented students from the Governor's School competed against 50 other schools comprising more than 1,200 students from across the country. They have worked extremely hard to reach the national finals and demonstrated their superior knowledge and understanding of the U.S. Constitution and the Bill of Rights.

I commend the students and their teacher Philip Sorrentino on this outstanding achievement.

ADDRESS OF RUTH B. MANDEL AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis*, which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and the other death camps of Hitler's Holocaust.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated.

Ruth B. Mandel, the Vice Chair of the United States Holocaust Memorial Council, thoughtfully communicated the moral meaning of the *St. Louis* voyage at the Days of Remembrance ceremony: ''Today, tens of thousands of people in great distress stare at us from the front pages of newspapers and from television screens. Victims of humankind's evil impulses and behavior cry out at the last moment of the twentieth century. Their agonies testify to the continuation of a blind and vicious inhumanity we human beings visit on one another. Today, as we gather here to honor the dead, let us cherish the living.''

Ruth B. Mandel fled Nazi Germany with her parents, Mechel and Lea Blumenstock, in 1939 on the SS *St. Louis*. When the ship returned to Europe, the Blumenstock family was accepted by England. They arrived in the United States in 1947. Professor Mandel is now Director of the Eagleton Institute of Politics at Rutgers, The State University of New Jersey. From 1971 to 1994, she served as Director of the Center for the American Woman and Politics at Rutgers, where she remains affiliated as a Senior Scholar. Professor Mandel was appointed to the United States Holocaust Memorial Council in 1991, was named its Vice Chairperson in 1993, and was the founding Chairperson of its Committee on Conscience.

Mr. Speaker, I submit the full text of Professor Mandel's address at the Days of Remembrance ceremony to be placed in the CONGRESSIONAL RECORD.

DAYS OF REMEMBRANCE

The occasion for a new exhibition which opened yesterday here in Washington at the United States Holocaust Memorial Museum is the 60th anniversary of the voyage of the German ship, the *St. Louis*, into the pages of a shameful history. Many people have heard about this ship carrying over 900 human beings whom no one wanted, or have seen newspaper photographs of the refugees crowding the ship's railings, peering across the short distance between exile on the high seas and rescue on the land. The land, within easy view, was entirely outside of reach. Denied entry by Cuba and shunned by the United States, the ship turned back toward Europe. In a humane and merciful moment, four countries agreed to open their doors. Unfortunately, those passengers who were taken in by Belgium, the Netherlands and France soon found themselves once more trapped under Nazi control. The luckier passengers who were sent to England managed to escape the Nazis and, in some instances, help to wage the war against them.

Several weeks ago, I was taken to a work room behind the scenes at the Museum for an early glimpse of a few of the displays and artifacts being prepared for the new exhibition about this chapter from the Holocaust. I walked around the room looking at photographs of passengers and reading descriptive panels about the plight of over 900 Jewish men, women and children reviled by Germany, repulsed by Cuba, rejected by the United States. I came upon a piece of paper covered with signatures. Apparently this was a ''thank you'' page to Morris Troper, European director for the Joint Distribution Committee, who had devoted himself to saving the passengers and had negotiated their entry into Great Britain, France, Belgium and the Netherlands. As a gesture of gratitude for his great efforts and his leadership on behalf of their plight, passengers had signed their names on a sheet of paper for him to keep. And there, right there on that page of signatures hanging on a wall in the U.S. Holocaust Memorial Museum, there was my mother's unmistakable handwriting. There was her name, Lea Blumenstock, written in exactly the way she had signed letters and checks, exactly as she signed my report cards from school, our medical insurance forms, her citizenship papers. I stood electrified in front of that name I had seen written hundreds of other times in my life. It was as familiar as her voice or her smile. All the stories about the past transformed themselves in that instant into the living reality of my mother's distinctive signature there among the rest. She was there on that ship, she signed that piece of paper. What was she thinking? What was she feeling? Was I, an infant, nearby in someone's arms while she signed, or being held by my father, or in the little stroller they had with them in the photograph of the three of us on the ship's deck? She signed that paper. My God, we really were there!

Over the years, the St. Louis and its journey to nowhere have taken on qualities of a mythic tale. But for me and bout 100 others still able to bear witness (many here in this awesome room today), this story is especially poignant. Its characters and plot line are no fabled product of someone's heated imagination. WE are the characters, and the plot is the story of what happened to us. The voyage of the *St Louis* is my family's personal life experience. Its outcome determined our fate, shaping my parents' adult lives and my childhood.

A recognition that the Holocaust itself in all its grotesque horror is about real people in real time—about victims and killers, bystanders and heroes, craven and indifferent observers, self deluded participants, every kind of human being we have encountered in life—this realization that the Holocaust is about real human beings in a civilized world is the reality to which the U.S. Holocaust Memorial Museum bears witness every day. The reality of the event is the Museum's central educational message: what you see here can happen. And it did happen. It is this reality to which the Museum has already, in six short years, exposed twelve million visitors here in Washington and many more in places where exhibits have traveled or educational materials have been distributed.

Like the disrupted, shattered life histories of millions of Europe's Jews, my own large family's experience involved every kind of loss, humiliation and anguish survivors know as well from their Holocaust histories. But our immediate, small family—that is, my father, my mother and myself—we were ultimately much luckier than so many of our relatives.

My childhood was supposed to have played out differently. I was supposed to have grown up as the daughter of a prosperous Viennese family. I was supposed to have had sisters and brothers, aunts, uncles and cousins, grandparents on both sides. It didn't work out that way.

In the aftermath of Kristallnacht in 1938, my father was sent to Dachau, and his 24 year old wife was left with their infant daughter and a mission—to get him out however she could. First, she obtained his release with a single ticket to Shanghai, not

wanting to leave for China without us, he attempted crossing into Belgium only to be caught at the border, finally, she found a way out—tickets to Havana, Cuba for all of us on a ship called the *St. Louis*.

''I am not a traveler'' is how my mother always described herself. No matter what the circumstances, motion disagreed with her. It was a family joke that she became ill on their honeymoon in Venice when she and my father took a romantic gondola ride. It is no surprise, therefore, that my mother spent most of the St. Louis voyage seasick in the cabin. Photographs on deck show my father on babysitting duty with me. Gaunt and strained from his months in Dachau, he manages a smile for the camera, holding me in his arms or on his lap, in one instance with my mother looking on, her sad, small, wan face also attempting a smile.

After Cuba's betrayal and America's rejection, my parents and I were among those passengers blessed with the good fortune of being taken in by England as political refugees. After a brief stay in London, my parents were evacuated to the countryside, to a little town called Spalding, away from the bombing, although I remember well the sounds of sirens warning us of trouble coming, and I remember nights in air raid shelters. Later we moved to Leicester. At first my father worked in the fields—picking potatoes and tulips, I think—but then he was drafted into the British military, and he served throughout the war. He and my mother liked the British and were forever grateful to England for taking them in. Nonetheless, after the war, when my father's quota number came up (he had a longer wait than my mother because he had been born in Poland), we left England for the United States because family was always the central force in my mother's life and she wanted to be reunited with her parents and one of her brothers who had made it here.

For most of my life, I could not have stood at a podium and spoken about the *St. Louis*. It was a subject for the privacy of our family, not material for exposure to public view. For many years, I would have refused an invitation to make a public statement about my family's personal history. It would have felt like a violation of the most sensitive, most private areas of our lives. My family had enough to do dealing with terrifying memories, with the murder of their relatives, the loss of their homes, and their businesses, their way of life, with the wandering to new lands, the relocation and the humiliation that came with boarding in the homes of strangers, the indignities they experienced in depending on the kindness of distant relatives, their struggles to speak, read and write in a new language, earn a living and begin everything all over, reconstruct their lives in foreign places. All of that was the essence of daily life inside my family. It was our struggle, our history, our wounds and adjustments, our lives behind the door of our apartment.

Yet now I do speak in public. I talk to students who call with questions for their class essays and term papers. I answer journalists' queries. I do so because I have come to respect the power and cherish the value of memory, both individual and collective memory. I have come to believe in the importance of preserving memory, bearing witness, educating new generations about the events of history, and trying in whatever ways one can to bring the lessons of the past to enlighten present behavior. I do not know for sure that we learn from the past. I have my doubts that recalling evil can make people good. But at least we have to try. As an act of faith, we have to try.

My own memory of the *St. Louis* is mediated memory, mediated through my parents as they talked for the rest of their lives about those days. The messages and themes I heard repeatedly became my *St. Louis* voyage. The hotel in Hamburg where we stayed before boarding the ship requested that Jewish guests refrain from entering the dining room, stay out of the lobby and hallways, remain in their rooms. The ship's captain treated us with dignity and respect; my parents always said he was a fine, decent man, an example of a good German. People on board were distraught, suicidal. Roosevelt would not let us in; it was incomprehensible, and a ''disgrace.'' England was good to us. And over and over again, etched in my brain was the message that others had not been so lucky, that we had survived and benefitted because chance was on our side.

These days I often think about my mother and father in Vienna in the early years. I strain to imagine what it must have been like for them then, at that moment in their young lives. They had it all—love, strong families, health, economic success, and high hopes for the future. Life seemed to be promising them the best one could imagine, until history's nightmare overwhelmed and blotted out their private dreams. They spent the rest of their lives recovering from that nightmare and coping with its effects. And yet they were the lucky ones. They never forgot that.

My mother had the strong, enduring belief that sheer good luck had saved us. Of course, many people with great power over us had much to do with determining our fate; but we had virtually no ability to influence them. We were a ship of homeless souls wandering the seas at the mercy of forces and powers that had no knowledge of us as individuals and whose interest in us was shaped by their own power dynamics, parochial pressures and prejudices.

The voyage of the *St. Louis* took place after Kristallnacht (the Night of Broken Glass, when thousands of Jewish businesses, homes and synagogues were vandalized as people were terrorized), but before the onset of World War II. Nine hundred and thirty-seven people who thought they had escaped were sent back to encounter the War. Those who went to continental Europe experienced the Holocaust the way the rest of its victims did. For one brief moment they had seen the shores of America and glimpsed freedom. The clarity of hindsight tells us that at that moment people could have been saved, action could have made a difference.

As a human community, how can we develop reliable foresight, the will to act, and the skill to move in the right direction, in the right way, at the right time? Today, tens of thousands of people in great distress stare at us from the front pages of newspapers and from television screens. Victims of humankind's evil impulses and behavior cry out at the last moment of this twentieth century. Their agonies testify to the continuation of a blind and vicious inhumanity we human beings visit on one another. Today, as we gather here to honor the dead, let us cherish the living. As we memorialize the victims of the Holocaust, let us call on the dictates of conscience and morality to find a better way to end this brutal millennium. The great challenge to the civilized world is to remember the past, to learn from it, and *above* all—above all else—to do better.

COMMEMORATING THE 50TH ANNIVERSARY OF THE ORDINATION OF REV. ERWIN E. MOGILKA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor Rev. Erwin E. Mogilka who marks the 50th anniversary of his priestly ordination on May 28th. ''Father Erv's'' history is a lifelong testament to devotion to his religion and his community.

Born at his home on the south side of Milwaukee, Erwin E. Mogilka was baptized April 13, 1924 at St. Josaphat Basilica in Milwaukee. He attended St. Josaphat Basilica elementary school, received his first Holy Communion on June 11, 1933, and was confirmed on May 13, 1936.

After graduating from St. Stanislaus High School, Erwin Mogilka attended the St. Francis Minor Seminary and the St. Francis Major Seminary from 1942 to 1949. He was ordained May 28, 1949 at St. John's Cathedral by the Most Rev. Moses E. Kiley, Archbishop. Fr. Mogilka held his first Mass the next day at St. Josaphat Basilica.

On July 7, 1949 Rev. Mogilka was assigned associate pastor to St. Adalbert parish, Milwaukee, where he assisted with remodeling the school and church. On July 6, 1961 Rev. Mogilka was assigned associate pastor to St. Roman Parish, Milwaukee, to be tutored under the auspices of Rev. Maximilian L. Adamski. Friends note, however, that Fr. Erv's transfer did not become effective until he completed scraping, scaling and painting the hull of the boat belonging to Msgr. Clement J. Zych of St. Adalbert.

At St. Roman's, Rev. Mogilka supervised and coordinated the remodeling of the school, church, rectory, convent and grounds, and, according to friends, became something of a ''con artist'' because of his knack to enlist tradesmen to donate their services through which the parish saved many thousands of dollars. And Fr. Erv worked beside them. It was not uncommon to see him climbing the scaffolding in church to the latest remodeling project.

While overseeing the remodeling of the physical plant at St. Roman's, Fr. Erv also was shepherd to the spiritual well-being of the parishioners, administering to the sick, the elderly, the disabled, the poor and the lonely.

On June 17, 1969, Rev. Mogilka was assigned as pastor of St. Joseph Parish, Racine, Wisconsin, where he served until his retirement in 1992. Among the many awards and recognitions that he has received was the 1997 Priest of the Year Award from the Racine Sienna Club.

Mr. Speaker, it is with pride and humility that I commemorate, on the jubilee anniversary of his ordination, Rev. Erwin E. Mogilka, an honorable and compassionate man, who has done so much good for so many.

STUDENT'S ACTIVISM WINS PRAISE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to share with my colleagues the accomplishments of an extraordinary young woman, Sipfou Saechao, a senior at Richmond High School in Richmond, California. Feeling frustrated by the self-imposed racial segregation of her fellow classmates, Sipfou took it upon herself to improve race relations at Richmond High, a school as culturally diverse as any in California. Overcoming the initial pessimism of friends, students and faculty, Sipfou formed ACTION—All Colors Together In One Nation—a student organization which now boasts over 40 active members. ACTION has challenged the students and faculty of Richmond High to confront the often volatile issue of race, and to learn and grow from the experience. As described in the following article, Sipfou's activism has earned her the respect and admiration of her peers, and she serves as a model for young people throughout our country. I know that my fellow Members of the House of Representatives join me in recognizing Sipfou Saechao for her tremendous contribution to the health of her community, and congratulating her on receiving the 1999 Take Action Award.

STUDENT'S ACTIVISM HELPS HEAL RACE RIFTS

(By Tony Mercado)

RICHMOND.—Somewhere between sips of cola and bites of a crumb doughnut, Richmond High's Sipfou Saechao decided to make a difference.

It was lunch time when Saechao, then a sophomore, glanced around at the clusters of students and noticed something terribly wrong. For a school so rich in diversity, Asian, Latino and black teens kept to their own.

''That was so stupid,'' said Saechao, now an 18-year-old senior. ''They were excluding themselves from learning about people who could possibly make them a better person.''

Last school year, Saechao formed the student club All Colors Together in One Nation—ACTION—to help improve race relations at the school. Friends said it wouldn't work. But Saechao's drive has helped mend a racially split student body, and it has brought her acclaim as one of the country's top young activists.

React Magazine, a teen news publication, has named the UC-Berkeley-bound student one of five grand-prize winners at the 1999 Take Action Awards in New York City. The honor carries a $20,000 scholarship—a prize sought by about 600 students across the country.

Saechao, who immigrated from Laos at age 2 with her parents and brother, said the money brings her dream of becoming an English teacher closer to reality.

''I'm relieved,'' said Saechao. She was a semi-finalist for the same prize as a sophomore, for her work to educate Laotian immigrants about the hazards of washing clothes and growing vegetables in toxic soil and water.

''I was stressed about how I was going to be able to afford college,'' she said. ''This changes everything.''

The magazine, which reaches 3 million readers as a newspaper insert and through schools, also awarded Saechao $24,000 to give to the charity of her choice. Saechao, the school's Associated Student Body president, chose Richmond High. The school plans to buy supplies and encyclopedias.

Dennie Hughes, React's senior editor, called Saechao a tireless worker who yearns to make things happen.

''She's one of those people who wants to see what else can become her project,'' said Hughes. ''She educated the Laotian community, it worked, and then she turned her attention to her school to see how she could help there.''

Richmond High has one of Contra Costa County's most diverse student bodies. Fifty percent of students are Latino and 25 percent are Asian. Blacks account for 20 percent. Whites and other ethnic groups account for 5 percent.

The trick to fostering unity was getting classmates to focus on being proud of their school, Saechao said. Scars remained from the past, when tempers between ethnic groups would flare and fists would all too quickly fly.

Some friends told her it would be a nearly impossible task.

''I thought she was crazy,'' said San Saephanh, an 18-year-old senior. ''Because of the violence we had a long time ago, everyone at the time was usually separated.''

Saechao helped create a forum where students for the first time could talk about what was on their minds. She began publishing a newsletter call ACTION, filled with students' concerns about the school. Many classmates wrote about pervasive gangs and violence, teen pregnancy and discrimination against girls by boys.

Teachers also got into the act, writing about the frustration of getting students to do homework or bemoaning the lack of respect and communication between teens and adults. But they also wrote about encouraging students to stay in school and work together.

''I thought teachers would be the hardest to convince we could change,'' Saechao said. ''They see what we're like every day, so they have certain stereotypes.''

Club membership grew from six to 40, with students from varied backgrounds. The climate is still far from perfect, she said, but students and teachers said people tend to get along better now. Some even share the same picnic table at lunch.

''She gained a real reputation as someone who speaks up for what she thinks is right,'' said Nancy Ivey, Saechao's leadership class teacher. ''Her name comes up the most when kids are asked who they admire as a leader.''

The ACTION club is planning fund-raisers so it can provide a scholarship to a graduating senior next year. So far, it has raised about $1,000. Saechao said it just proves what can happen when there's unity.

''It was actually easy for us students to change,'' she said. ''Most were open-minded about the idea. Hopefully, I've shown that everyone on campus can work together.''

CONGRATULATING TERRY NAGEL ON HER SERVICE AS PRESIDENT OF THE NJFRW

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Terry Nagel on her past four years of service as president of the New Jersey Federation of Republican Women. Terry is a stalwart veteran of the political process who has fought for her party's values—and promoted the values of our democratic system—for more than 30 years. Her leadership will be missed, but her many contributions will never be forgotten.

As a secondary-school teacher before coming to Congress, I used to tell my students to become politically active in the party of their choice. Whether you are a Republican, Democrat, Independent or member of a minor party, it is important to find the political party that represents your beliefs and then become an active part of the political process. Terry Nagel is someone who has done just that. She is a loyal Republican, of course, but promotes more than just Republican ideals and values. She extols the values of a democratic society and knows the vital importance of an elected government accountable to the electorate. And she always emphasizes that the vote is not just a right but a responsibility—if you don't vote, you have no one but yourself to blame if you're unhappy with government.

Terry Nagel has worked hard to promote her party's candidates—not just women—and has met with tremendous success. While working for men and women candidates alike, she has realized that all issues are women's issues—whether they involve career opportunities or tax rates. Under her guidance, the New Jersey Federation of Republican Women has championed the issues that count with New Jersey voters—a strong economy, good jobs at good wages, streets safe from crime, and welfare reform that works.

The NJFRW grew significantly under Ms. Nagel's tenure, adding chapters in Hunterdon, Warren and Salem counties. The organization participated in the Get Out the Vote campaign in Washington, D.C., increased financial support for candidates throughout the state and urged the State Republican Committee to give the federation a voting seat on the committee. The Federation also played a major role in helping pass the Women's Health and Cancer Rights Act.

Ms. Nagel's involvement in politics began in 1969 as a member of the Women's Republican Club of Middletown, where she planned programs and worked as a fundraiser. She became a member of the Middletown Republican Committee in 1975 and served as president of the Monmouth County Federation of Republican Women from 1983–1985. She was named president of the New Jersey Federation of Republican Women in 1995 and became a member of the board of the National Federation of Republican Women the same year. She chaired former Governor Thomas Kean's telephone campaign in the 15th Congressional District in 1985, and has chaired and organized many political events over the years. She has been an honorary delegate to each Republican National Convention since 1998.

Ms. Nagel has also served on the Middletown Board of Public Assistance and the Middletown Recreation Advisory Committee.

Professionally, Ms. Nagel is a former director of children's recreation at the Institute of Physical Medicine and Rehabilitation at New York University. She also directed the preschool program at Exxon's Bayway Community Center. She has also taught physical education at Mater Dei High School and owned her own dance studio. She is a graduate of Panzer College and holds a master's degree in education from New York University.

Ms. Nagel is also a former president and board member of the Women's Club of Asbury Park and a Girl Scouts camp counselor. She and her husband, William Nagel, live in Middletown and have three children.

I ask my colleagues in the House of Representatives to join me in thanking Terry Nagel for her work on behalf of our democratic electoral system. She has helped create a better life for New Jerseyans, our children and our grandchildren.

HONORING VICTOR V. SCUDIERY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HOLT. Mr. Speaker, I rise today to call the attention of my colleagues to a great humanitarian from central New Jersey, Victor V. Scudiery.

Born and raised in Newark, NJ, Victor graduated from Seton Hall University, then served his nation in the U.S. Army on both active and reserve duty.

In addition to his duties as president of Interstate Electronics, which is located at Airport Plaza in Hazlet, he can be found six or seven days a week at his corporate offices where he oversees the duties of several other business ventures located throughout the State and in Florida.

In addition to his civic activities, he has always found time for other worthwhile causes. Victor is a tireless advocate for numerous charities, particularly for our State's oldest citizens, where he serves on the board of seven organizations.

Mr. Scudiery is the chairman of the Bayshore Senior Day Center board of advisors. This organization is the lifeline to many area senior citizens, providing meals, companionship, and daily activities as an outlet for their loneliness.

As chairman of the Buck Smith Memorial Foundation, he has overseen the granting of scholarships to deserving students.

The Bayshore Hospital Health Care Center selected Victor as chairman of the Board of Trustees. His duties include acquisition of land and construction facilities for use in the health care field. Plans are well underway in the construction of a 75-unit assisted living facility.

His devotion to these and many other worthwhile organizations has been recognized by countless honors by civic and charitable organizations throughout the State for his devotion to them.

Browsing through his office you can find honors from such organizations as the Bayshore Senior Center, Brookdale College, Knights of Columbus, Society of St. Anthony of Padua, NAACP, numerous townships, and political organizations to name a few. Yet he is too humble to ever acknowledge the impact his contribution has made on these clubs and organizations.

However, the pride of his life is his beautiful and talented daughter, Vici.

Mr. Speaker, Victor Scudiery is an amazing man who sets an example of hard work, community involvement, and dedication that all of us can take a lesson from. I hope all of my colleagues in the House will join in recognizing Mr. Scudiery.

NATIONAL PEACE OFFICERS MEMORIAL DAY RESOLUTION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HEFLEY. Mr. Speaker, I am pleased to introduce today a resolution to honor the sacrifice and commitment of the men and women who have lost their lives while serving as law enforcement officers. This resolution, which is cosponsored by over 130 of my colleagues, expresses the gratitude of the House of Representatives for the work peace officers perform and honors peace officers who have been killed in the line of duty.

We have all been affected by the tragic and senseless deaths of peace officers around the country. Unfortunately, there are few communities in the United States that have not been impacted by the meaningless death of a peace officer. Our own Capitol community was shocked and saddened last year by the tragic shooting of Capitol Police Officer Jacob Chestnut and Special Agent John Gibson. Each of these officers provided unparalleled protection to citizens throughout the United States.

As Members of Congress, we recognize and honor the protection, safety and public service these officers provided on a daily basis. These officers will be further honored this Saturday when peace officers from around the country travel to Washington for a day of commemoration and honor for fellow officers slain in the line of duty. The National Peace Officers Memorial Day serves as a solemn reminder of the sacrifice and commitment to safety that these men and women make on our behalf.

Law-enforcement officers face unprecedented risks while bravely protecting our communities and our freedoms. I hope my colleagues will join me in expressing our appreciation to all peace officers and paying tribute to those slain in the line of duty and to their surviving families.

TRIBUTE TO TEACHING FELLOWS FROM RICHMOND COUNTY, NC

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HAYES. Mr. Speaker, it is my pleasure to congratulate six Richmond County Senior High students who are among the 1999 recipients of the North Carolina Teaching Fellows scholarships. Each Fellow receives a $26,000 scholarship loan from the state of North Carolina.

The full loan is forgiven after the recipient has completed four years of teaching in North Carolina public schools.

In addition, all Fellows take part in summer and academic summer enrichment programs during their college careers.

The Teaching Fellows Scholarship program was created by the North Carolina General Assembly in 1986 and has become one of the top teacher recruiting programs in the country.

This innovative program attracts talented high school seniors to become public school teachers. This is a commonsense, state-based program that will help encourage our best and brightest to come back to their communities to teach.

The 1999 recipients from Richmond County, NC, are James Haltom, Kristen McDonald, Shana McLaughlin, Matthew Pence, Patience Whitehead, and Melissa Allen.

Mr. Speaker, I want to congratulate these individuals for the courage and desire to enter the teaching profession.

TRIBUTE TO DEE THOMAS

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. THURMAN. Mr. Speaker, I rise today to honor Delores L. ''Dee'' Thomas, a successful businesswoman in my district who this month became the first woman to chair the national ESOP Association.

The association is made up of twenty-one hundred members representing nearly one million employee business owners across the country who participate in an Employee Stock Ownership Plan, known as an ESOP.

Ms. Thomas is well prepared for this leadership position. She cofounded a company 30 years ago that is still operating successfully today in New Port Richey and Sebring, FL.

The company, called Ewing & Thomas, is the only physical therapy company in the country that is 100 percent employee owned through an Employee Stock Ownership Plan.

Ms. Thomas is a true advocate of ESOP companies. She testified before the full Ways and Means Committee in March about the many benefits of these type of employee-owned businesses. She said, ''We believe that significant employee ownership does improve performance of a corporation, and just as important does maximize human potential and self-dignity of all employees as they share in the wealth they help to create.''

She cites her company as proof.

At Ewing & Thomas, where she is vice-president, employee owners are represented on all levels of the board of directors and participate in the company's decision making. In her testimony, Ms. Thomas said, ''Each day incredible unselfish acts are performed by this group of employee owners.''

Ms. Thomas may have given away some control and power when she decided to convert her business to employee ownership. But in return, she gained more than she ever though possible. The company's stock price and annual sales are way up, and the employees genuinely care about the company's future.

Ms. Thomas is an American success story. Through compassion, caring and of course hard work, she's moving up in the business world. But she's holding on to her principles and giving a hand up to those around her. That's her way. I also believe that's the American way.

Today, I'm not simply paying tribute to a friend and a constituent. I'm honoring a special woman who is committed to fairness and high performance. And I'm confident in this new leadership role, she will help more employee owners achieve their dreams and prosper. That too is her way. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Ms. Dee Thomas, chair of the national ESOP Association.

JESUS GALVEZ INSTALLED AS POSTMASTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Jesus Galvez who will be honorably installed as Postmaster of Miami.

In 1984, Jesus joined the postal service as a letter carrier. Embodying the definition of dedication, hard work and service to his community, he was quickly promoted to Acting Supervisor, Supervisor of Mails and Delivery and Supervisor of Customer Service. Jesus was soon appointed to the position of Officer in Charge of Miami, Florida where he continued to serve South Floridians by utilizing his talents and abilities to fulfill and supercede his duties. His outstanding character and extraordinary effort enabled him to be the recipient of many prestigious awards, including VP Accomplishments for two years in a row, the UP Award, the Achievement Award, the Leadership Award and the Exceptional Individual Performance Award.

On May 14th, Jesus will be joined by his wife, Marlene, sons, Christopher and Michael, mother, Clara Fernandez and brother, Jose Galvez to be prestigiously installed as Postmaster. His commitment to excellence and extraordinary leadership will ensure his resounding success as Postmaster of Miami.

A TRIBUTE TO AILEEN DININO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Mrs. Aileen DiNino of North Miami, who has contributed so much to the cultural atmosphere of Florida in the 48 years which she has devoted to the teaching of music in our state. Mrs. DiNino, nearly 84, works with the junior string development of the Miami Youth Symphony, volunteers at public schools, has dozens of private students, and plays at her church, as well.

The future Mrs. DiNino first took piano lessons when she was seven years old. Her first music teachers were nuns in Wisconsin, where she grew up and sometimes accompanied her grandfather's fiddle in a duet. When she was 14, Aileen DiNino began studying the violin as she entered the convent. She taught children at an Indian reservation while still a teenager. At age 21, she took her vows as a nun with the Franciscans of Perpetual Adoration. She left the order decades later, upon the demise of the health of both her mother and herself.

In Minnesota, Mrs. DiNino met her future husband, Frank, who also was a musician and who had been a member of General Pershing's band. After marriage, the couple moved to South Florida, where Mrs. DiNino became a professor at Miami-Dade Community College.

Today, as ever, Mrs. DiNino encourages here proteges to give their very best to their music. It is indeed a privilege to recognize the dedication of such an outstanding Florida citizen as Mrs. Aileen DiNino.

ADDRESS OF MR. BENJAMIN MEED AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis*, which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and the other death camps of Hitler's Holocaust.

The tragic fate of the SS *St. Louis* remains a symbol to all of us who believe that society must never close its eyes to the victims of genocide, torture, and other gross violations of human rights and international law. Had the United States government not ignored the plight of the *St. Louis* refugees sixty years ago, had it substituted compassion and empathy for bureaucracy and rigidity, the children of that ship might still be alive today.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated. As Benjamin Meed, one of America's most prominent Holocaust survivors, noted at the Days of Remembrance ceremony: ''All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent life for no other reason than birthright.''

Benjamin Meed was born in Warsaw, Poland. He worked as a slave laborer for the Nazis, survived in the Warsaw Ghetto, and was an active member of the Warsaw Underground with his wife, Vladka. A member of the United States Holocaust Memorial Council since its inception, he chairs the Museum's Days of Remembrance Committee. He is President of the American Gathering of Jewish Holocaust Survivors and a leader of a number of other organizations. Mr. Meed founded the Benjamin and Vladka Meed Registry of Jewish Holocaust Survivors permanently housed at the United States Holocaust Memorial Museum.

Mr. Speaker, I submit the full text of Mr. Meed's Days of Remembrance address to be placed in the CONGRESSIONAL RECORD:

REFUGE DENIED: THE VOYAGE OF THE SS *St. Louis*

Members of the diplomatic corps, distinguished members of the United States Senate and House of Representatives, members of the United States Holocaust Memorial Council, distinguished guests, fellow survivors and dear friends,

Welcome to the 20th national Days of Rememberance commemoration.

For at least a decade, the magnificent flags that surround us now have been part of our annual observance here in the nation's Capitol. Every time the American flag and the flags of the United States Army that liberated the concentration camps are brought into this hall for this commemoration, a special pride as an American citizen sweeps over me, as I am sure it must for all Holocaust survivors. These pieces of red, white and blue cloth were the symbols of freedom and hope for those of us caught in the machinery of death. Discovery of the Nazi German concentration camps by the Allied armies began the process that restored our lives. Although we have many dates this month to remember, we recall with special gratitude the date of April 11, 1945, when American troops, in their march to end the war in Europe came across the Buchenwald concentration camp. We will always remain grateful to the soldiers for their bravery, kindness and generosity. We will always remember those young soldiers who sacrificed their lives to bring us to liberty.

Many revelations over the last half-century have unveiled the Holocaust as a story of massive destruction and loss. It has been shown to be a story of an apathetic world—a world full of callous dispassion and moral insensitivity with a few individual exceptions. But more, it has been shown to be a tale of victory—victory of the human spirit, of extraordinary courage and of remarkable endurance. It is the story of a life that flourished before the Shoah, that struggled throughout its darkest hours, and that ultimately prevailed.

After the Holocaust, as we rebuilt our lives, we also built a nation—the State of Israel. This was our answer to death and destruction—new life, both family and national life—and Remembrance. Minister Ben David, please convey to the people of Israel our solidarity with them as they, too. Remember on this Yom Hashoah.

Today, our thoughts turn back sixty years. On May 13, 1939, the SS *St. Louis* sailed from Hamburg bound for Cuba with more than nine hundred passengers, most of them Jews fleeing Nazism. For these passengers it was a desperate bid for freedom that was doomed before it began. Politics, profit and public opinion were permitted to overshadow morality, compassion and common sense. It is so painful now to realize that not only Cuba but our own beloved country closed their doors and hearts to these People of the Book who could see the lights of Miami from the decks of the ship but were not permitted to disembark. This group of over nine hundred could have been saved, but instead the voyage became a round-trip passage to hell for many of them. Less than three months after the St. Louis docked at Antwerp, the world was at war. And, in less than three years, the ''Final Solution of the Jewish Problem'' in Europe was fully operational.

Could this happened today? Hopefully, not. But we—all of us—must be vigilant—ever mindful that once such a course of destruction of a people has been chartered, it can be followed again, and again, and again.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again. The impossible is possible again. Ethnic cleansing, a genocide, is happening as I speak. It can happen to any one or to any group of people.

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who

are determined to destroy innocent human life for no other reason than birthright.

There are some passengers of the unfortunate voyage of the SS *St. Louis* who are with us here today. Like most of us Holocaust survivors, they are in the winter of their lives. Even so, all of us look toward the future, because we believe that, in sharing our experiences—by bearing witness—there is hope of protecting other generations who might be abandoned and forgotten, robbed and murdered. The telling and retelling of the stories of the Holocaust with their profound lessons for humanity must become a mission for all humankind. In this way, future generations—particularly future generations of Americans—can Remember and use the power of this knowledge to protect people everywhere.

In these great halls of Congress, we see symbols of the ideals that this country represents. It was the collective rejection of these ideals by many nations that made the Holocaust possible. Today, let us promise to keep an ever-watchful eye for those who would deny and defy the principles of liberty, equality and justice and for those who would defy the rules of honorable and peaceful conduct between peoples and nations. Together, let us Remember. Thank you.

TRIBUTE TO MS. KATHERINE PHILP

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. DOYLE. Mr. Speaker, I rise today to honor Katherine Philp from Woodland Hills School District. Katherine is the top winner of the 1999 18th Congressional District High School Art Competition, An Artistic Discovery.

Katherine's colored pencil still life entitled ''Tissue and Fruit'' was chosen from an outstanding collection of entries. Katherine is a young woman of considerable talent and is sure to have many successes in her future.

I look forward to seeing Katherine's artwork displayed along with the artwork of the other competition winners from across the country. I am pleased to be associated with Katherine's artistic talents.

Congratulations Katherine. I wish you all the best of luck in the future.

COMMENDING THE REVEREND JESSE L. JACKSON, SR., ON SECURING THE RELEASE OF U.S. SERVICEMEN FROM CAPTIVITY IN BELGRADE, YUGOSLAVIA

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor a great American leader, the Reverend Jesse Jackson, Sr. He is one of our true leaders in civil rights and the protection of freedom for those around the world. Having already proven his leadership during the Civil Rights movement, Reverend Jackson has been instrumental in gaining the release of prisoners in several instances. Most recently, he secured the release of three U.S. servicemen, including S. Sgt. Steven Gonzales from my home state of Texas, captured in Macedonia and held captive in Belgrade, Yugoslavia. On April 29, 1999, Reverend Jackson led a delegation of religious and civic leaders to Yugoslavia to achieve this successful mission.

This is only one of many delegations Reverend Jackson has led to free prisoners from Iraq, Syria and Cuba over the past two decades. These missions have enhanced his reputation as a leader in humanitarian and civil rights efforts around the globe. Reverend Jackson's diplomacy and skill in negotiation serve as a model to all. I stand today to pay tribute to his accomplishments.

IN MEMORY OF BRANDON BURLSWORTH

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HUTCHINSON. Mr. Speaker, like residents all across my home state of Arkansas, I am deeply saddened by the recent loss of Brandon Burlsworth—a star football player for the Arkansas Razorbacks and a recent draft pick of the Indianapolis Colts. He was a role model for our state's youth, but he was also a role model for Arkansans of all ages.

Brandon was an inspiration in more than his athletic prowess. His achievements on the football field were great—but they were dwarfed by his achievements of personal character. His short life will long stand in Arkansas legend as a shining example of dedication, perseverance, commitment, faith and strength.

Consider the path that took Brandon to the NFL. In high school, he was not the biggest or the fastest guy on the team. But even then, he stood out because of his commitment. When he graduated from high school, he had offers for scholarships to some good schools, but they were smaller schools and, unfortunately, none of them were the University of Arkansas. Brandon was set on being a Razorback, and he would settle for nothing less.

Rather than give up his dream, Brandon traveled to Fayetteville and pursued his dream without a net, walking on to the Razorback field without any guarantees, without any scholarship. As his teammates and coaches can attest, he worked as hard as—if not harder—than anyone else on the team. He arrived in the weight room early and stayed late—always striving, always working, always focused. And that work paid off.

Through such commitment, Brandon not only secured himself a spot on the team; by the time he graduated from the university, he was named an All-American. His teammates so respected Brandon, they elected him team captain. And from this hard road, Brandon reached the very top, having been recently drafted by the Colts to play as a professional. And we all know that he would have succeeded here, as he had done throughout his life.

But it is important to point out that football did not dominate Brandon's life, that his achievements went much further than that. He was the first player in Razorback history to get an advanced degree before playing his last game—having applied the same dedication and commitment from the football field to the classroom. And Brandon's commitment to his family and his faith are equally well known.

So when we honor Brandon Burlsworth, let us honor the full man, the full inspiration that he was to our state. While we applaud his commitment to football, we applaud even more his commitment to life. A native son that will be missed, but a role model that will live on in Arkansas memory.

IN RECOGNITION OF MRS. JOAN HERTZENSON BOTUCK, EDITOR/LEGISLATIVE CALENDAR CLERK, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. OBERSTAR. Mr. Speaker, I rise today in recognition of a very special member of the staff of the Committee on Transportation and Infrastructure, Joan Hertzenson Botuck, and to express on behalf of the Committee, our gratitude to Joan for her hard work, great friendship and dedication to preserving an exact historical record of the Committee's activities. Joan's attention to detail has been a Godsend to the Committee for many years.

A Michigan native, Joan earned her Bachelor of Arts Degree in Speech and English from Wayne University in Detroit, her Masters in Education from the University of Virginia, and a Masters in Library Science from Catholic University. Before joining the Committee staff in 1979, she worked for a time teaching at Central High School in Detroit, and counseling at the Psychological Testing Center in Virginia and at the office of Washington Opportunities for Women in D.C. And of utmost importance during these years, Joan and her husband, Henry, raised three lovely daughters: Ruth, Debra and Linda, and are now proud grandparents six times over.

Joan has served on the committee—and its predecessor, the Committee on Public Works and Transportation—for more than 20 years. When the Committee consolidated and computerized our editing and legislative calendar operations, Joan was appointed to oversee that office and did an excellent job. As the committee's editor, she published a daily summary of the CONGRESSIONAL RECORD, periodic legislative status reports, and an annual publication of the Committee Legislative Calendar. She is also very skilled in retrieving computerized legislative information which was an outstanding research aid to me and the committee staff in carrying our own legislative responsibilities. Joan has always been a respected professional working in a completely bipartisan manner—having served under for both Democratic and Republican chairmen with unwavering commitment and dedication.

The entire experience of being a Member of Congress and a part of ''the Hill'' community, has been enhanced for me in large part due to the quality of staff such as Joan Botuck.

Many of you in the Rayburn Building may recognize Joan as an exercise enthusiast. Each lunch hour she dons her sweats and tennis shoes and walks the Rayburn corridors—at a very fast pace, I have observed—and weather permitting, occasionally ventures

onto the Mall: the committee's own power walker, ''Flash Botuck''.

To Joan, our heartfelt congratulations on a job well done and a career truly superbly undertaken! I join with her many friends in extending our thanks for the energy, diligence, and good humor you brought to your work. We will miss you greatly.

SALUTE TO THOMAS E. GOODWIN, GOSHEN POLICE DEPARTMENT

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. ROEMER. Mr. Speaker, this week Congress and the nation pause to honor the more than one half million law enforcement officers across the country who put their lives on the line each day to protect us and our families. These dedicated men and women are prepared to give what Abraham Lincoln called ''their last full measure of devotion'' so we can continue to enjoy the freedom and quality of life we sometimes take for granted.

Federal, state, and local police officers perform a great service for our communities. All too often they literally are the last thread between us and the forces of violence and chaos. We ask a great deal of the officers who protect us. We ask them to defend our homes and families; to patrol our roads and highways; and to bring justice to criminals and murderers who would otherwise prey on our society. We ask a great deal from this ''blue line,'' but it never breaks and is always there to guard us. For this we owe the nation's police officers our deepest gratitude and our strong support.

One officer from the congressional district I represent, Thomas E. Goodwin from the Goshen Police Department, made the ultimate sacrifice last year while defending his community. The sadness and grief brought on by Officer's Goodwin's senseless death is a grim reminder that our law enforcement officers put their lives on the line every day. I join his family and Goshen in honoring his dedication and service to the Maple City. Just last week, Goshen dedicated a public park in Goodwin's honor, a strong reflection of how the community came together with a sense of caring after this tragedy.

This week we pay tribute not only to those who gave their lives, but also to every family—to every spouse, every child, every parent, and every friend. We pay tribute not only to those who died, but to those who have lost them, to the survivors. And we pay tribute to the law enforcement officers who continue to go to work each day, putting their lives on the line, in the name of freedom.

As we honor these heroes with ceremonies and flags standing at half-staff, we should rededicate ourselves to ending the violence that has taken such a toll on these peace officers. We can best honor their service by seeing that today's officers have the training, equipment and public support they need to accomplish their dangerous mission. to quote Lincoln again, our greatest tribute to these fallen officers is to see that they ''shall not have died in vain.''

IN HONOR OF JOHN HAMILTON, FINANCIAL SERVICES ADVOCATE OF THE YEAR, VICE PRESIDENT, BAY STATE SAVINGS BANK

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in tribute to Mr. John Hamilton, Vice President of the Bay State Savings Bank in my hometown of Worcester, MA. On May 20, 1999, he will be honored by the Small Business Administration as the Financial Services Advocate of the Year.

As a leader, Mr. Hamilton plays a significant role in the bank's strategic planning by supervising commercial, residential and consumer lending. He personifies the ''ideal'' small business advocate, combining extraordinary technical and underwriting skills with a high level of creative thinking in accessing funding programs. This results in successful small business lending, particularly to the minority-owned businesses in the Worcester Community and the Central Massachusetts Region.

His multi-million dollar portfolio of loans to small businesses reflects his efforts and advocacy on behalf of small business throughout many of the communities which I represent. Mr. Hamilton is active in Centro Las Americas, Worcester's leading Latino Community Based organization, the Worcester Minority Business Council, the Worcester Banking Council Loan Committee, and the Worcester Chamber of Commerce.

Thus Mr. Speaker, I rise today to pay tribute to Mr. Hamilton and his efforts to lend a helping hand and for his contributions to the economic well-being of the community.

RECOGNITION OF ANTELOPE VALLEY HOSPITAL FOR THEIR AHA AWARD

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. McKEON. Mr. Speaker, this week is National Hospital Week. It is a time when communities across the country celebrate the people that make hospitals the special places they are. The theme for this year's commemoration sums it up nicely: ''People Care. Miracles Happen.'' It recognizes the health care workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year, curing and caring, for their neighbors who need them.

An example of this dedication is the Sexual Assault Response Service of Antelope Valley Hospital in Lancaster, CA—which is in my district. This wonderful program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence, which highlights special contributions of hospital volunteers.

The Sexual Assault Response Service is a team of hospital volunteers that frees up hospital staff for other duties by offering specialized assistance to sexual assault victims, families, hospital personnel and law enforcement agencies. To meet the program's high standards, volunteers get more than 60 hours of training.

Responding to a call from any area hospital emergency department, they provide support to victims while helping solicit histories, preparing evidence collection kits, assisting with medical and legal examinations, and overseeing the completion of state forms. Volunteers work with the district attorney's office throughout the court process and offer one-on-one counseling, a referral service, a lending library and community education.

Mr. Speaker, I want to recognize Antelope Valley for this outstanding program and congratulate them for this prestigious award.

PERSONAL EXPLANATION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HUTCHINSON. Mr. Speaker, on rollcall No. 115, I was unavoidably detained. Had I been present I would have voted ''aye.'' I request that this explanation appear immediately following the vote on rollcall No. 115.

LEGISLATION INTRODUCED TO DESIGNATE WILSON CREEK AS A WILD AND SCENIC RIVER

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BALLENGER. Mr. Speaker, today, I am introducing legislation, that when enacted, would designate Wilson Creek, in my district, as a Wild and Scenic River.

Wilson Creek is a free flowing creek which passes through some of the most beautiful scenery in the nation. It is home to a multitude of fish species, plant life and serves as a habitat for thousands of animals which live along its banks. From its headwaters below Calloway Peak on Grandfather Mountain in Avery County, North Carolina to where it empties into Johns Creek in Caldwell County, Wilson Creek meets or exceeds all the requirements for such an important designation.

Specifically, my bill would designate 23.3 miles of Wilson Creek as a Wild and Scenic River. In my opinion, having Wilson Creek designated as Wild and Scenic would help maintain the natural beauty of the creek while helping to improve the quality of recreational opportunities, like hunting, fishing, camping, canoeing and other activities for the thousands of people who would visit each year.

The potential designation of Wilson Creek as a Wild and Scenic River has received tremendous support from the County Commissions from Avery and Caldwell County as well as local residents. In fact, when I met with the county commissioners of Caldwell County last month, I was presented with letters of support from local residents, positive newspaper articles and editorials, and a latter from the U.S. Forest Service which indicated a willingness to help us in this effort. I am convinced that the designation of Wilson Creek is well supported within the communities which surround it.

I believe that this is an excellent bill that would do much to preserve Wilson Creek,

turning it into both a natural asset and a national treasure. I urge its immediate consideration and enactment.

RECOGNIZING MIDDLETOWN REGIONAL HOSPITAL'S INNOVATIVE COMMUNITY HEALTH PROGRAM

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BOEHNER. Mr. Speaker, I rise today in observance of National Hospital Week and to bring special attention to Middletown Regional Hospital in Middletown, Ohio. Middletown has been awarded the American Hospital Association's prestigious 1999 NOVA Award, which recognizes innovative programs that respond to community needs.

Middletown Regional Hospital is a 310-bed facility which is sole provider of Middletown's hospital services. In 1996, an alarming trend came to light: Middletown's readmission rate had quadrupled in just two years from 1.5 percent to 6.2 percent. Rather than ignoring the rate increase and simply collecting the additional revenues which accompany higher readmission rates, the hospital administration set out to determine the root causes of the problem and determine what, if anything, the hospital and its staff could do to lower rates. After discussions with community members and health care stakeholders, as well as a thorough review of the relevant data and literature, the folks at Middletown Regional Hospital determined that many patients lacked the financial resources and the general knowledge to properly care for themselves after discharge and as a result were using the emergency room as their primary source of medical care.

In an effort to stem the increasing readmissions, Middletown Regional Hospital implemented its ''Making a Case for Community Health'' program which is the focus of the NOVA award. Here's how the program works: a registered nurse, such as Deborah Tibbs, is designated as a case manager for as many as 40 chronically ill patients who have a history of high emergency room use. Patients are referred to the program by a variety of sources and enrolled regardless of whether their care is provided through Medicaid, private insurance, or even if they have no insurance at all. Deborah spends her time visiting with patients and educating them on how to ''manage'' their illness independently. She advises them on their lifestyle habits, answers their medication questions, and is only a phone call away 24 hours a day, seven days a week to provide advice when one of her patients is having troubles. Deborah's services are provided free of charge to the patient.

The results have been dramatic. Hospital admissions for program participants have dropped by more than 50 percent, the average length of stay when they are admitted is down by more than one full day and, as a result, $1.5 million less was spent on the care of theses patients.

The ''Making a Case for Community Health'' program is a grand success because the hospital stepped up when they saw a community need and committed significant financial resources. The result has been better quality care and lower health care costs. I applaud their efforts and hope other communities will follow their lead.

IN MEMORY OF THE LATE DR. FRANCISCO G. TUDELA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor the memory of a friend who recently passed away. Dr. Francisco G. Tudela was a great man and a caring physician whose devotion to the sanctity and dignity of life will be greatly missed.

Dr. Tudela was born in Guantanamo, Cuba on July 19, 1919. Despite that fact that Dr. Tudela had risen to the position of Director of the Guantanamo City Hospital in Cuba, he went into exile because of his commitment to Liberty and Freedom. In 1960, Dr. Tudela moved with his family to the United States and practiced his speciality of Obstetrics-Gynecology in Newport News, Virginia before eventually settling in Miami, Florida.

Dr. Tudela was well-known for his opposition to abortion and always said that ''Doctors are to save babies, not to kill them.'' He is credited with delivering more than 8,000 babies—many of whom owe their lives to his medical knowledge and care.

Dr. Tudela came from a family that has a long history of service to mankind. He was the son of the renowned Cuban physician, Dr. Francisco J. Tudela who graduated from the University of Chicago School of Medicine. He was also the grandson and grand-nephew of two valiant Cuban heroes of the Cuban War of Independence, Colonels José Enrique Tudela and Francisco José Tudela.

Dr. Tudela and his devoted wife, Mrs. Josefa Gonzalez Tudela, loving raised their two sons to continue the family commitment to medicine and children. Both sons, Dr. José Angel Tudela, a pediatrician, and Dr. Francisco G. Tudela, Jr., an obstetrician-gynecologist, are outstanding physicians in Miami-Dade County.

I will miss the friendship and wise counsel of Dr. Tudela. He always had a kind and encouraging word and I was filled with optimism after every opportunity I had to speak with him. I would like to express my profound condolences to Mrs. Tudela and her two sons at this difficult time.

CONGRATULATIONS TO BELLEFONTE AREA HIGH SCHOOL STUDENTS ON ACHIEVEMENTS AT HISTORY DAY COMPETITION

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today in honor of several students of Bellefonte Area High School in Bellefonte, Pennsylvania. On April 7, 1999, Juniata College hosted the 1999 History Day Competition. This year's topic for students was to explain the impact a particular invention had on society. Working long hours with their teacher advisors—Martha Nastase and Ed Fitzgerald—these Bellefonte High seniors exhibited scholastic excellence via an eagerness to share their acquired knowledge with peers and others.

Award winners in the Senior Group Project category—prsenting on their topic of Animation—were Melissa Clark, Kendra Gettig, Kim Marchek, Elizabeth Rodgers, and Cary Ziegler. Also taking home winning ribbons in the category of Senior Media Presentation with their project on birth control were David Barningham, Greg Shoemaker, and Mike Wilson.

Mr. Speaker, I ask you and all our House colleagues to join me in recognizing these Bellefonte High School students who brought deserved recognition to their school and community. Following their tremendous example, America's youth will no doubt shape a brighter tomorrow for all of us.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BEREUTER. Mr. Speaker, on May 6, 1999, I was absent on official business and missed rollcall votes 119 (the Istook amendment to H.R. 1664) and 120 (final passage on H.R. 1664, the Kosovo and Southwest Asia Supplemental Appropriations Act). Had I been present I would have voted ''aye'' on both votes.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

JUDGE CLEARS WAY FOR TRIAL OF FIVE WHITES IN 1970 KILLING OF BLACK MAN

BELZONI, MISS. (AP).—The rejection of speedy trial arguments has apparently cleared the way for five white men to stand trial for murder in the beating death of a black man almost three decades ago.

Humphreys County Circuit Judge Jannie Lewis on Thursday rejected claims by defense attorneys that ordering a trial now would violate the rights of the men.

Lewis ruled the state Supreme Court had earlier rejected similar speedy trial arguments in the case of Byron De La Beckwith, convicted in 1994 in the ambush slaying of black leader Medgar Evers in Jackson.

The five are accused of killing 54-year-old Rainey Pool in April 1970. Authorities said the sharecropper was beaten to death and his body thrown into the Sunflower River.

Charged with murder are Joe Oliver Watson, 56, of Rolling Fork; James ''Doc'' Caston, 65, of Satartia; his brother, Charles E. Caston, 60, of Holly Bluff; Hal Crimm, 49, of Vicksburg; and Dennis Howell Newton, 49, of Flora.

Watson's attorney Gaines Dyer of Greenville argued that Beckwith had two trials with hung juries in 1964 while the defendants in the Humphreys County case never went to trial.

''Should this defendant be subjected to a trial 29 years later because the district attorney believes now he can get a conviction because the racial climate is different?'' Dyer asked the court.

The case against Beckwith's was reopened after records of the defunct state Sovereignty Commission showed the segregation spy agency had screened jurors for Beckwith in 1964.

District Attorney James Powell Reopened the case last year at the request of Pool's relatives. He said the defendants were not entitled to a dismissal because ''they can no longer get a jury that stacks in their favor.''

''There was never any real attempt to secure justice'' in the Pool case, Powell said.

In a 1970 ruling, then-Circuit Judge B.B. Wilkes threw out a statement Watson made to police in which he allegedly implicated himself and four others. Wilkes dismissed the case three days later at the request of prosecutors.

Powell in July obtained new indictments against Watson, Crimm and the Castons, plus Newton, who was not previously charged.

A June 28 trial date is set for Newton. Powell said Watson's trial would follow.

Charles Caston, James Caston, and Crimm, all represented by Vicksburg attorney Mark Prewitt, will face trial together.

Newton and Watson made statements implicating themselves and the others, Powell said Thursday. He said Crimm admitted involvement to the woman he would later marry.

Newton on Thursday testified that he wasn't read his rights. ''They said they knew I didn't do it, didn't have anything to do with it, and just wanted to know what happened that night,'' Newton testified.

Retired Highway Patrol Investigator John Pressgrove said Newton was read his rights. However, he acknowledged that part of the record was in someone else's handwriting.

Pressgrove said he had no independent recollection of the interview.

''You know I can't remember 30 years ago. I can't hardly remember what I did yesterday,'' the 71-year-old Cleveland man said.

Lewis ruled a jury can be told about Newton's statement but Crimm's wife, Margaret Crimm, could not be called to testify. She did not rule on the admissibility of Watson's statement.

Greenville attorney Howard Dyer III, who also represents Watson, argued that Powell's statements in newspaper interviews, including his intention to use Watson's confession, should be grounds to dismiss the charge against his client.

''He shouldn't be making statements to the public, particularly in view of the fact that we've got a confession that has been suppressed, thrown out, done away with,'' Dyer said.

FIRE THAT DAMAGED BLACK CHURCH WAS SET

WINSTON-SALEM—A fire that heavily damaged a black church Sunday was set, investigators said.

''Everybody's devastated,'' said Bishop Evelyn Timmons, who has been the pastor at Saint's Delight Church since 1997. ''That church is going to have to be demolished.''

Winston-Salem fire officials have not found a motive or a suspect in the burning of the Pentecostal church in east Winston-Salem. Damages were estimated at $25,000. The small, whitewashed building was uninsured.

Ken West, an assistant fire marshal for the city, said an accelerant was apparently used to start the fire near the church office. The fire was reported about 6 a.m. Sunday.

The congregation of about 25 members plans a larger building in the same neighborhood. ''We will rebuild,'' Timmons said.

In the last several years, more than 30 churches have been burned in the South. Investigators have said that some of the fires were racially motivated.

Timmons doesn't suspect a racial motive behind the fire at her church, but said some drug dealers operate in the area and might have been involved.

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2 IN GOP JOIN IN FIGHT AGAINST RACIST GROUP

LEGISLATION: NEW LIFE IS BREATHED INTO STALLED EFFORT TO GET CONGRESS TO CONDEMN WHITE SUPREMACIST ORGANIZATION. SEN. LOTT ONCE ADDRESSED COUNCIL

[From the Los Angeles Times via Dow Jones]

(By Sam Fulwood III and Judy Lin)

WASHINGTON.—For nearly two months, Republican congressional leaders have played down calls for condemnation of the Council of Conservative Citizens, a white supremacist group that espouses anti-black views on its Internet Web site.

But the issue, which gained attention partly because of news reports that Senate Majority Leader Trent Lott (R–Miss.) has spoken to the council at its conventions, has not disappeared.

On Thursday, two moderate Republican leaders stepped out front of an emerging coalition of liberal Democrats, civil rights groups and GOP activists to demand that Congress pass a resolution that ''condemns the racism and bigotry espoused by the Council of Conservative Citizens.''

Backers of the legislation said during a news conference at the Capitol that they have the votes to pass the resolution, counting nine GOP House members among 138 cosigners. But House leaders so far have refused to bring it to the floor. In the Senate, Lott has declared his opposition to pushing the measure, and no one has stepped forward to introduce a corresponding resolution.

PRESSURE APPEARS TO BUILD IN CONGRESS

''We are not going to go away,'' said Rep. Michael P. Forbes (R–NY). He and Rep. Fred Upton (R–MI) were the only Republican lawmakers at the news conference. ''I think the pressure is mounting on all members of Congress, especially the leadership in both houses because so many Members are concerned . . . about this group.''

Council officials attended the news conference, and some members came to the organization's defense.

''Congress can ignore Bill Clinton's perjury and obstruction of justice, but it has time to condemn an innocent group of law-abiding, hard-working conservative Americans,'' Gordon L. Baum, the council's chief executive, said in a statement. ''It is grotesquely inappropriate for Congress to condemn an entire organization for its political views.''

The House resolution, introduced last month by Rep. Robert Wexler (D–FL), is modeled after a similar 1994 resolution that condemned a speech by former Nation of Islam activist Khalid Abdul Muhammad for ''outrageous hate-mongering.'' That resolution sped through both Houses of Congress in 20 days, while the resolution citing the council has languished for nearly two months.

LOTT UNLIKELY TO INTRODUCE BILL

The controversy began late last year after reports about links between Lott and the group. John Czwartacki, a spokesman for Lott, said that the Mississippi Senator ''would be inclined to support legislation opposed to all forms of racism and bigotry'' but has no plans to introduce any legislation on the issue. Czwartacki cautioned that, ''when you get into singling out a group for a few individuals, there could be a problem.''

Offering what some GOP leaders hope will be an alternative, Rep. J.C. Watts, Jr. (R–OK), the only African American GOP legislator in Congress, introduced a bill Thursday to condemn all groups that promote racial hate or intolerance.

Watts' legislation, however, drew immediate criticism for being, in the words of one Capitol Hill staff member, ''a transparent, watered-down version offered by befuddled Republicans who don't know what to do when the subject of racism emerges.''

Faye Anderson, president of the Douglass Policy Institute, a Washington-based group of black Republicans, called on Lott and all GOP presidential candidates to repudiate the council.

''The Republican Party, the party of Frederick Douglass and Abraham Lincoln, isn't inclusive when its leaders refuse to condemn racism directed at black people,'' said Anderson, who has led an effort to make the GOP more receptive to black and other minority voters. ''This party can't talk about inclusion when under that tent are the very people who would enjoy seeing people like me swinging from a tree.''

UC BOARD EXPECTED TO OK DAVIS PLAN TO ADMIT TOP 4%

EDUCATION: ANOTHER 3,600 STUDENTS A YEAR WOULD BE ELIGIBLE TO ATTEND. DAVIS HAS SAID MINORITY ENROLLMENT WOULD INCREASE, BUT OFFICIALS SAY IMPACT WOULD BE MINIMAL

[From the Los Angeles Times via Dow Jones]

SAN FRANCISCO.—Helping Gov. Gray Davis make good on a campaign promise, the UC Board of Regents today is expected to approve new admission rules that guarantee a seat for high school students who rank in the top 4% of their class.

The regents' education policy subcommittee recommended the new rules, which are considered certain to pass the full board today. Republican holdovers on the panel joined with Davis and his newly appointed regents to easily push through the plan that would make an additional 3,600 students eligible for admission to one of the UC campuses, but not necessarily the campus of their choice.

While of limited practical impact, the vote was heavy with symbolic import, both as an indication of Davis' control of the board and of his desire to set a new tone on the controversial issue of university admissions.

''We owe it to the chief executive to work with him and advance his agenda,'' said Regent Ward Connerly, who was initially suspicious that the 4% plan was an end-run around the affirmative action ban.

Although controversial in the past, the proposal would add only about 1,800 students to the 46,000 freshmen who decide to accept UC offers of admission each year. Officials plan a slight enrollment increase at some campuses to accommodate the additional students.

Manuel N. Gomez, UC Irvine's vice chancellor for student services, said the change will serve as a tremendous motivating force for bright youngsters at high schools that struggle to produce university-caliber students.

''It's a very good sign,'' he said. ''It's going to mean something more real, more attainable, for students at each and every high school in California.''

The change will have little discernible effect on UCI's enrollment, Gomez said. Still,

the university will have a larger pool of eligible students, and that might lead to more minority students being accepted at UCI, he said.

The new policy, which would take effect for students who will be freshmen in fall of 2001, would make no change in the rules for determining which campuses a student qualifies for, and therefore would have little, if any, effect on who gets into the most selective campuses—Berkeley, UCLA and San Diego. Test scores will remain a key criterion in that decision.

Davis campaigned on the 4% plan as a way to shore up minority admissions that have slipped since the end of affirmative action. But UC officials released new information showing that of the newly eligible students, whites would make up 56%, Latinos 20%, Asian Americans 11% and African Americans 5%. Now, Latinos are 12% of UC freshmen and blacks 3%.

Yet Davis stressed the importance of sending a welcoming hand to high school students who do not think attending the university is possible.

''This admissions program says, 'Keep dreaming big dreams. Keep working hard. If you really excel, you will get a place at one of the eight UC campuses.'" Davis said. ''And it completely consistent with the will of the voters'' who passed Proposition 209's ban on racial preferences.

Such a change in policy probably would not have passed a year ago, when Republican Pete Wilson was governor. When the faculty brought the idea before the regents last year, it was roundly trouched by Wilson's appointees. They feared that it not only would violate Proposition 209, but would bring in unqualified students and set them up for failure.

Longtime Regent Meredith J. Khachigian cast the lone vote in opposition to the plan, saying that it would raise ''false hopes'' among students ill-prepared for a rigorous university education. She also said that it sent the wrong message to schools that do not have college-prep programs that adequately prepare students to compete statewide for the 46,000 freshmen slots at the campuses.

But state Supt. of Schools Delaine Eastin joined the governor in arguing that the plan would inspire a culture of academic excellence and competition in those schools that historically send few, it any students, to the prestigious public universities.

Here is how the new admissions process would work:

At the end of the high school junior year, UC officials will help public schools compile grade-point averages for students taking college-prep courses and then rank the students accordingly.

Those in the top 4% of each of California's 863 public high schools—about 10,000 students—will be sent letters informing them that they are eligible for UC admission, provided they send in an application, complete all required college-prep courses and take the SAT and SAT II tests. The university will extend the program to interested private schools.

Poor test scores will not make a student ineligible for admission. But good scores are one of the main criteria for who gets into the most competitive campuses, especially UCLA, UC Berkeley and UC San Diego.

Of the 10,000 students in the top 4%, about 6,400 would be eligible for UC admission without the policy change. Of the 3,600 who would not have been eligible before, officials expect that about half will enroll.

Davis emphasized Thursday that this approach opens the door to a new pool of students without displacing anyone who would otherwise get in.

Davis agreed that the change in policy will not alter the racial balance of the university, which has seen steep drops in black and Latino students admitted in the post-affirmative action era.

But, the governor pointed out, referring to the newly eligible students, that ''about 800 or 900 of them will be people of color. There is no denying that 800 people of color will have a chance to come to the university that otherwise they would not have had.''

The issue of who gets admitted to UC has been a particularly hot topic since 1995, when the regents, let by then-Gov Wilson, voted to ban affirmative action. The ban on racial preferences was extended statewide with the 1996 passage of Proposition 209.

Adopting a companion proposal, the regents decided to require all UC-bound students to take music, dance or other performing arts classes. The goal is to bring UC requirement in alignment with those of the California State University system.

But the regents, following Davis' lead, shunned a faculty proposal to halve the extra grade points awarded to high school students who take Advanced Placement and honors course.

The governor said he did not want to do anything that would diminish the incentives for high school students to challenge themselves by taking the tougher courses.

Under a program set up by UC officials more than a decade ago, students can now earn up to five points for an A in Advanced Placement on honors courses, resulting in grade-point averages that exceed 4.0.

IN MEMORIAM OF ABE GOOTMAN

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BORSKI. Mr. Speaker, I rise today in memory of a dear friend, Mr. Abe Gootman. Much to the loss of local politics, Abe Gootman passed away today.

For as long as I can remember, Abe had been on the front line of politics in Philadelphia. He was with me on my first campaign for Congress in 1982, and was a stalwart supporter throughout the rest of my career. Abe was always there to champion the causes that I believed in and defend my actions as a Member of Congress. As a committee person from the 54th Democratic ward, his voice could always be heard. You could consistently count on Abe to get the message out, whether it was in a neighborhood meeting or a letter to the editor, and people invariably listened.

Abe worked for the U.S. Postal Service for 45 years and retired in April, 1968. He started his career as a letter carrier, then drove a mail truck and became a tour supervisor of all mail at 30th Street Station, working the 4–12 shift, before retiring. As a member of the National Association of Letter Carriers and the National Association of Retired Federal Employees, Abe was a staunch advocate for federal retirees and their need to be treated as equal as beneficiaries of the Social Security system. He worked tirelessly in his effort to see that retired federal employees got what they deserved.

Mr. Speaker, Abe Gootman was a kind and generous man who firmly believed in the sanctity of the government and the political process. As a World War II Veteran, he was a true patriot and believer in democracy by the people, for the people. It is a sad day for Philadelphia, and a sad day particularly for me. I will truly miss Mr. Gootman, he has been an anchor and a guide throughout my career. My deepest sympathies to his family.

HONORING AMERICA'S TEACHERS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GREEN of Texas. Mr. Speaker, last week we celebrated National Teacher Appreciation Week and paid tribute to the dedicated men and women who serve as teachers. Our teachers are hardworking professionals who are on the front lines of our struggle to provide a quality education for every child in America. They work hard so that our children can succeed in life. While it is important to recognize and acknowledge their hard work and commitment to educate our children, we must also provide them with the necessary tools they need to give our children a quality education.

It is imperative that Congress pass legislation to provide the money to fulfill our commitment to IDEA so that learning disabled children don't lag behind nondisabled children. It is also important that we continue to fund afterschool programs, and class size reduction programs that will put 100,000 new teachers in our classrooms.

Presently, Congress is considering the Teacher Technology Training Act, which would provide money to local school districts to train teachers in classroom-related computer skills, and the School Construction Act, which would help our teachers by renovating and modernizing the classrooms and facilities. In addition, the President's budget proposal provides for at least an overall 15-percent increase in education programs. These proposals will provide teachers the tools to raise test scores, student achievement, and graduation rates.

However, most important for this Congress and vital for our students and teachers, is the reauthorization of the Elementary and Secondary Education Act. The programs in ESEA are critical to the most disadvantaged students in our educational system. They include monies for safe and drug-free schools, technology education, infrastructure improvement, and bilingual education.

In this week that we have set aside to honor our Nation's teachers, Congress needs to get its priorities in line and act on the legislation that would say more about our dedication to teachers and the education of our children. Our children and teachers need schools that are safe, modern, with small classes, and access to the Internet. The tragedy in Littleton, CO, showed the need for parents, teachers, administrators, and elected officials to work together and set as a national priority, our children.

CRISIS IN KOSOVO (ITEM NO. 2)—REMARKS BY PROFESSOR MICHAEL KLARE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. KUCINICH. Mr. Speaker, on April 29, 1999, I joined with Representative CYNTHIA A MCKINNEY and Representative MICHAEL E. CAPUANO to host the second in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives to the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Michael Klare, a professor of world security studies at Hampshire College. A noted expert on foreign policy, Professor Klare discusses the content of the Rambouillet plan, and speculated that the decision to bomb Serbia was closely related to the inauguration of a ''new strategic blueprint'' by NATO. He also presents a 5-point plan for peace in the Balkans. Following his presentation is his opinion piece from Newsday, April 4, 1999, entitled ''Kosovo Failures Show Path to Real Peace.'' I commend these well-reasoned documents to my colleagues.

PRESENTATION BY PROFESSOR MICHAEL KLARE TO CONGRESSIONAL TEACH-IN ON KOSOVO

First, I want to thank Representatives Kucinich, McKinney, and Capuano for affording me this opportunity to address the issues raised by the current conflict in the Balkans. I believe that public discussion of these issues is essential if Congress and the American people are to make informed decisions about vital national security matters.

As for my own views, I want to make it clear from the start that I am very troubled by the strategy adopted by the United States and NATO to deal with the crisis in Kosovo. Now, I agree that we all share an obligation to resist genocide and ethnic cleansing whenever such hideous behavior occurs. And I think that we all agree that Serbian military and police authorities have engaged in such behavior in Kosovo. The killings and other atrocities that have occurred there represent an assault on the human community as a whole, and must be vigorously opposed.

But this does not mean that we cannot be critical of the means adopted by the United States and NATO to counter this behavior, if we find them lacking. Indeed, our very concern for the lives of the Albanian Kosovars requires that we agonize over every strategic decision and reject any move that could conceivably jeopardize the safety of the people most at risk.

Unfortunately, I do not believe that U.S. and NATO leaders adequately subjected their proposed strategies to this demanding standard. In saying this, I do not mean to question the sincerity of their concern for the people of Kosovo. But I do believe that they rushed to adopt a strategy that was not optimally designed to protect the lives of those at risk.

The haste of which I speak was most evident at the so-called peace negotiations at Rambouillet in France. I say ''so-called,'' because it is now apparent that the United States and NATO did not really engage in the give and take of true negotiations, but rather presented the Serbian leadership with an ultimatum that they were almost certain to reject. This ultimatum called for the virtual separation of Kosovo from Serbia (if not right away, then in three years' time), the occupation of Kosovo by an armed NATO force, and the use of Serbian territory as a staging area for NATO forces in Kosovo—a drastic infringement on Serbian sovereignty that no Serbian leader could agree to, and still expect to remain in office.

Moreover, NATO representatives in Rambouillet evidently did not consider any other scenarios for settlement of the crisis, for example a compromise solution that might have averted the tragedy of the past few weeks. Such a compromise would have entailed a high degree of autonomy for Kosovo within Serbia (as was the case during the Tito period), with U.N. rather than NATO forces providing the necessary security for returning Albanian Kosovars.

Perhaps such a compromise was not really possible at Rambouillet, but we will never know, because NATO representatives gave Milosevic a take-it-or-leave-it package, and he predictably said no. As soon as the OSCE observers were pulled out of Kosovo, the Serbians began their attacks on the Albanian Kosovars. And the NATO air war, when it began a few days later, has proved to have little practical effect on the situation on the ground.

Now, some analysts may argue that haste was necessary at that point, to forestall the actions long planned by the Milosevic regime. But this does not make sense. If Milosevic had initiated full-scale ethnic cleansing while negotiations were under way in Rambouillet and the OSCE observers were still in Kosovo, he would have been exposed to the world as a vicious tyrant and could not have prevented a U.N. Security Council resolution authorizing the use of force against him under Chapter 7 of the U.N. Charter. It is very unlikely that he would have chosen this outcome, as it probably would have forced Russia to side with NATO against him. As it happened, NATO began the air war without a supporting U.N. resolution, and Milosevic was able to conceal the atrocities in Kosovo from international observation.

Why, then, did NATO rush to begin military operations against Serbia? I believe that the decision to terminate the negotiations at Rambouillet and commence the air war was driven in part by extraneous factors that were not directly connected to developments in Kosovo proper. In particular, I believe that President Clinton was influenced in part by the timing of NATO's 50th Anniversary Summit meeting in Washington. As we know, the crisis in Kosovo was reaching the boiling point only two months before the NATO Summit, which of course was scheduled for April 23–25. The White House had been planning since 1998 to use this occasion to unveil a new strategic blueprint for NATO—one that called for Alliance to transform itself from a collective defense organization into a regional police force with jurisdiction extending far beyond the organization's traditional defense lines. Under this new strategy, NATO would be primed to engage in ''crisis response'' operations whenever stability was threatened on the periphery of NATO territory. (Such operations are also referred to in NATO documents as ''non-Article 5 operations,'' meaning military actions not prompted by an attack on one of NATO's members, such as those envisioned in the collective defense provisions of Article 5 of the NATO Treaty.)

I believe that Mr. Clinton must have concluded that a failure to take vigorous action against Milosevic in March would have cast doubt on the credibility of the new NATO strategy (on which the air campaign against Serbia is based), while a quick success would no doubt have helped build support for its ratification. In arriving at this conclusion, Mr. Clinton was also influenced (according to a report in The New York Times of April 18, 1999) by intelligence reports suggesting that Milosevic would give in to NATO demands after a relatively short period of bombing.

And so the United States and NATO rushed into an air campaign against Serbia before it had exhausted all of the potential for a negotiated settlement with Belgrade. And I would argue that this very haste has damaged the effectiveness of NATO action. For one thing, it did not allow NATO officials sufficient time to prepare for the refugee crisis provoked by Serbian action in Kosovo, resulting in the massive chaos witnessed at border regions in Albania and Macedonia. In addition, precipitous NATO action has allowed Milosevic to conceal the atrocities in Kosovo from his own people, and to blame the suffering there on NATO bombs rather than Serbian violence. As well, such haste gives the appearance that NATO is acting without proper U.N. Security Council authorization, and thus is in violation of international law. Finally, it has alienated Russia, which sees the air war as a one-sided attack on a friendly Slavic state.

NATO itself has also suffered from this haste, in that the parliaments and publics of the NATO member states were not given an adequate opportunity to debate the merits of the air war and the new strategic blueprint upon which it is based. Given the fact that NATO is an alliance of democracies, in which key decisions are supposedly arrived at only after full consultation with the people and their elected representatives, this lack of consultation runs the risk of discrediting NATO over the long run. Given the magnitude and significance of the strategic transportation now under way, entailing the possible initiation of NATO military operations in areas outside of NATO's traditional defense lines, it is essential that the U.S. Congress and the parliaments of the NATO member states now open up debate on the new strategy, as articulated in paragraphs 31, 41, 48, and 49 of the Alliance's ''New Strategic Concept,'' adopted on April 24, 1999.

This having been said, it is necessary to return to the problem at hand: the evident failure of the existing NATO strategy to halt ethnic cleansing in Kosovo and to force Milosevic into submission to NATO's demands. As indicated, I believe that this strategy was adopted in haste, and that the consequences of haste was an imperfect strategy. It is now time to reconsider NATO's strategy, and devise a more realistic and effective alternative. Our goal must be to convince Serbian authorities to accept a less harsh version of the Rambouillet proposal—one that gives Albanian Kosovars local self-government and effective protection against Serbian aggression (guaranteed by an armed international presence), but without separating Kosovo from Serbia altogether. To get to this point, I propose a five-point strategy composed of the following:

(1) An unconditional halt in the bombing of Serbia proper. This would deprive Milosevic use of the air war as a tool for mobilizing Serbian nationalism on his behalf. (2) The establishment of a no-fly, no-tank, no-troop-movement zone covering all Serbian forces in Kosovo, and enforced by NATO aircraft. Serbian forces would be told that they will not be attacked if they remain in their barracks, but will come under attack if they engage in military action against Kosovar civilians. Such attacks, when initiated, would be directed solely against those forces directly involved in armed violence against civilians. (3) The imposition and enforcement by NATO of a total economic blockade against Serbia, excluding only food and medical supplies. (4) The restarting of NATO-Serbia negotiations over the future of Kosovo, with assistance provided by Russia and other third parties. No preconditions should be set regarding the identity of any armed international force deployed in Kosovo to protect the Kosovars, but it should be made clear that Serbia will have to accept some armed international presence. (5) A promise that economic sanctions will be lifted as soon as Serbia agrees to a just and enforceable settlement in Kosovo, allowing the Albanian Kosovars to return under armed international protection. Also, a promise that Serbia would be able to benefit from future regional reconstruction and redevelopment programs supported by the EU and other such bodies.

Such a strategy, I believe, would deprive Milosevic of any further propaganda victories while affording full protection to the remaining Albanian civilians in Kosovo. It is also likely to receive strong international support and increase the pressures (and incentives) for Serbia to agree to a just and peaceful resolution of the crisis in Kosovo.

[From Newsday, Apr. 4, 1999]

KOSOVO FAILURES SHOW PATH TO REAL PEACE

(By Michael Klare)

The time has come to acknowledge that the current U.S.-NATO strategy in Yugoslavia is a failure. Not one of the air war's objectives—the cessation of ethnic cleansing in Kosovo, the weakening of Slobodan Milosevic or the prevention of a wider conflict—has been achieved. Instead, the atrocities are getting worse, Milosevic is stronger than ever, and the war is spreading. Nor is there any indication that an expanded air campaign will prove more successful. We must look for other options.

Without alternatives, we could be doomed to involvement in a conflict lacking any discernible conclusion. The United States and NATO launched the air war under the naive assumption that Milosevic would quickly succumb to a dramatic (and relatively cost-free) show of force. Evidently, no thought was given to the possibility that he would not. Now, it seems that the alliance's only option is to extend the bombing to an ever-widening array of targets in Serbia. Such attacks are not, however, likely to end the fighting, ensure the safety of the Albanians in Kosovo, or produce a lasting and stable peace in the Balkans. Unless Milosevic loses his nerve—something for which he has shown no prior inclination—the attacks will simply grind on with no visible end in sight. Meanwhile, the unity heretofore shown by the NATO countries is likely to crumble and the prospects for a Dayton-like peace accord are likely to vanish.

That is strategy based solely on air strikes would achieve all of NATO's objectives was a dubious proposition from the start. By bombing Serbia, we provided a pretext for Milosevic to silence his opposition at home and to escalate the killing in Kosovo—an outcome that should have been obvious to NATO war planners. It should also have been obvious that the Serbian population—highly nationalistic to begin with—would respond to the bombing by rallying around its leadership.

Many analysts have spoken of the practical obstacles to an effective air campaign in Yugoslavia: the difficult terrain, the bad weather, the interspersing of military and civilian installations and so on. Certainly, these are important factors. But it was NATO's failure to calculate the political outcome of the campaign that has proved most calamitous: The more we have bombed, the stronger—not weaker—Milosevic has become.

NATO officials now contend that the way to alter this equation is by increasing the level of pain being inflicted on Serbia from the air. This will be done by attacking government buildings in downtown Belgrade and civilian installations—such as bridges and factories—throughout the country.

Supposedly, this will erode public support for Milosevic and persuade elements of the Yugoslav Army to seek peace with NATO. But it could easily produce the opposite effect: intensifying Serbian hostility to the West and provoking Serbian military incursions into neighboring countries. We see the start of this already, with the shelling of Albania and the seizure of U.S. soldiers in Macedonia.

NATO could also alter the equation by sending ground troops into Kosovo. This would permit allied forces to engage those Serbian units most directly involved in the slaughter of ethnic Albanians. It is doubtful, however, that NATO forces could get there soon enough and in sufficient strength to make a difference. Once troops are deployed there, moreover, it may prove impossible to bring them back. Given the Serbs' growing hostility to the West, any hope of achieving a lasting peace in the region—one that does not require the presence of a large, permanent NATO force to police it—has all but disappeared.

One lesson we should all draw from this is that military force—and particularly the frequently unanticipated political fallout from such force—is very difficult to control. Once Clinton gave the go-ahead for air strikes, he set in motion forces that are not subject to easy manipulation. If Washington backs down now, the credibility of NATO will be seriously impaired—hence the temptation to escalate the conflict rather than to admit failure. With each new escalation, however, the stakes grow higher and it becomes even more difficult to extricate ourselves from the spiral of conflict. This is, of course, precisely how the United States became so deeply ensnared in Vietnam.

There is also the issue of casualties—American, allied, Kosovar and Serbian. It is hard to conceive of any type of escalation, whether in the air or on the ground, that will not produce a higher rate of casualties. It may be, as some pundits have argued, that we have to risk higher casualties in order to produce a desirable outcome. But it would be an unforgivable mistake to incur higher casualties simply in order to rescue a strategy that is flawed to begin with.

Rather than think about escalating the conflict, therefore, we have to find ways of de-escalating it—of reducing the level of violence while providing real protection to the remaining Albanians in Kosovo.

Is this a realistic option? There are still grounds to think so. The key to a lasting peace in the Balkans is persuading the Serbs that they have more to gain from participating in the stability and prosperity of the West than from continued defiance and penury.

The way to do this, I believe, is to stop the bombing of Serbia proper while deploying a NATO air umbrella over Kosovo and adjacent areas of Serbia. NATO should resolve to allow safe passage to all Yugoslav military units in Kosovo that elect to return to their bases in Serbia. But any such forces that continue fighting in Kosovo, or that seek to enter the region from Serbia, will be attached on sight.

Likewise, any Serbian military aircraft that enter Kosovar airspace, or that interfere with the operation of the NATO air umbrella, would be shot down—as with the existing ''no-fly zone'' over southern Iraq.

To give this strategy some added teeth, NATO could infiltrate special commandos equipped with air/ground communications systems and laser target-designators. These units would avoid battle themselves, but could pinpoint the exact location of any Serbian forces still engaged in ethnic cleansing for instant attack from the air. The ultimate goal should be a regime of zero tolerance for Serbian assaults on civilians in Kosovo. This is precisely the sort of operation at which the special units involved in the recent rescue of the downed American F–117 fighter pilot are especially proficient.

At the same time, Serbia itself should be placed under a draconian trade embargo, similar to that imposed on Iraq—allowing in nothing but food and medical supplies. All roads and rail lines leading into Serbia would be closely monitored, and any attempts to circumvent the embargo would provoke a harsh response from NATO. Then we could offer the option of negotiations. The choices for Belgrade should be framed as follows: If you agree to a just settlement in Kosovo, the sanctions will be lifted and Serbia will be allowed to rejoin Europe and benefit from its prosperity; if not, you will be spared from further bombing, but you will live in perpetual isolation and poverty. Such an approach would deprive Milosevic of the political advantage he now enjoys from the NATO bombings, while increasing the attraction of a permanent peace accord.

The lesson of recent international peace negotiations—including the Oslo accords on Israel and Palestine and the settlement in Northern Ireland—is that agreement is reached most easily when all parties involved perceive a mutual advantage in reaching accommodation. Merely threatening pain is not enough: The Serbs must believe they will enjoy genuine benefits from granting independence or autonomy to the Albanian Kosovars.

A strategy of this sort, resting on the de-escalation of violence, will be much easier to sustain—and far more effective—than the present policy of escalation. It can be implemented immediately, without exposing the Albanian Kosovars to increased danger. Most of all, it would allow the United States and NATO to articulate a lasting outcome to the crisis that we can live with in good conscience.

HONORING CATHERINE O. SPATOLA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of Catherine O. Spatola, the principal of P.S. 123K in Brooklyn, New York. For over 20 years Ms. Spatola has been a beacon in the community and a role model to her students, and this week her service to the community will be officially recognized as the auditorium at P.S. 123K is named in her honor.

This honor is fitting for a woman who has worked so hard and touched so many lives in so many ways. Her teaching and her leadership have been dynamic. She has sought to bring out the best in the students and the best in the community by ensuring that the educational experience at P.S. 123K has been complete, engaging and dynamic.

Using her experience as an accomplished drama and music instructor, she worked to develop special initiatives such as Glee and Dance Clubs which perform city-wide. Her program has developed outstanding performers who enrich the community while improving themselves.

She has created and implemented essay, art and storytelling competitions within the school that has helped students tap into and expand their creative powers. Because of her efforts, students are participating in state, city and district-wide writing and art contests. The program she created boasts the citywide winner of the 1992 Storytelling Contest and the first place statewide winner of the 1993 SABE Essay Contest.

Ms. Spatola challenges students' thinking by holding school-wide celebrations which honor the rich and varied cultures and traditions reflected in the community. The celebrations honor Puerto Rico Discovery Day, Dr. Martin Luther King, Jr. and African-American History, Pan-American Day, as well as Asian, Italian, Jewish and Irish heritages. By exposing her students to these diverse traditions, she not only enhances their educational experience, but deepens the roots of the community and strengthens its fabric.

In addition to ensuring that students have the tools to succeed in the future, Ms. Spatola has worked to provide them with an inside view into the working world by creating a Career Conference Day. Through this initiative, students are able to meet with individuals from a variety of fields and a number of different occupations. This forum gives the students a chance to explore ideas and possibilities that exist for them, and find out the challenging and exciting futures that they can pursue.

All of these attributes make Ms. Spatola an important member of P.S. 123K and a valued member of our community. She stands out to all of us as a model for leadership and her contributions underscore the important role that educators play in the lives of our children and in the future of our communities. I ask my colleagues to join me in congratulating Ms. Spatola and wishing her well as she continues to touch the future.

HONORING SEVEN ACRES JEWISH SENIOR CARE SERVICES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Seven Acres Jewish Senior Care Services, which will celebrate the Sara Feldt Memorial Annual Older American's Day in recognition of Older American's Month. Many of Seven Acres' residents volunteer in schools and philanthropic organizations.

Seven Acres began in 1943, when a small, determined group of men and women of the Jewish faith purchased a frame house on Branard Street in Houston. Their vision was to create a warm, friendly Jewish environment for 14 elderly citizens. As the concept and the need grew, there were milestone expansions. In 1954, a new facility with broader capabilities was built on Chimney Rock Road, initially serving 31 and eventually accommodating 98 residents. During the 1970's, planning began for a new and ambitious facility. By 1977, the present Seven Acres campus was dedicated to the mission of ''Honor[ing] thy Father and thy Mother.''

In 1998, a major renovation created today's modern campus. Throughout its history, Seven Acres has promoted a sense of satisfaction with life so that the humanity, dignity, independence, and strengths of each resident are realized to the fullest.

Mr. Speaker, at a time when America is aging and our parents are growing older, it is imperative that facilities like Seven Acres exist to care for the elderly. Our elderly are a tremendous asset and a source of great talent and inspiration. I commend them for their good works and Seven Acres for its great contributions to the community.

VETERANS APPRECIATION MONTH

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BROWN of California. Mr. Speaker, the people of our Nation have great appreciation and admiration for the many men and women who have served this country in the armed forces to protect and preserve our freedom and safety and that of others across the globe. In addition to a debt of gratitude, our Nation has a long tradition of providing concrete assistance to veterans to readjust to civilian life, to find employment therein, and to buy a home. We owe even more to those veterans who became disabled as a result of their service to our Nation. That assistance we provide usually pays benefits back to our society manyfold as veterans utilize their hard-earned skills, discipline, and loyalty in civilian life and their communities.

To help promote the many valuable programs our Nation, States, localities, and the private sector have to assist veterans, many States, including my own State of California, have proclaimed ''veterans appreciation months.'' May is Veterans Appreciation Month in California, so declared by Governor Gray Davis. I wish to draw the attention of the Congress to that declaration and to urge my colleagues and the Nation as a whole to do all that we can to assist our Nation's veterans, including utilizing the employment assistance programs operating by many States and in California by the Employment Development Department.

TAX FREEDOM DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. PACKARD. Mr. Speaker, today is Tax Freedom Day. This is the day when American taxpayers have symbolically ''paid off'' their tax burden to the government and begin working for themselves.

The hard working men and women of this country are now working 131 days simply to pay their debt to the government. When Bill Clinton and AL GORE were first elected, Tax Freedom Day was April 30. Today, Tax Freedom day does not come until well into May. In fact, Americans are now working an additional eleven days before they can start bettering their own lives and the lives of their families.

To put it in basic terms, the average person who works an 8 hour day, actually works almost three hours just to pay their federal, state and local taxes! The simple fact is Americans pay more in taxes than food, clothing, shelter and transportation combined. It is time we put a stop to this and provide some much needed tax relief for American families. After all, a surplus is nothing more than an overpayment by taxpayers. We should give it back.

Mr. Speaker, we need to continue the fight for lower taxes. It is time to eliminate the estate tax, the marriage penalty tax, and provide a larger child tax credit and provide an across the board income tax cut. American families know best how to spend their money, not Washington bureaucrats.

TRIBUTE TO THREE ''CALIFORNIA DISTINGUISHED SCHOOLS''

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize three special schools in my district: West High School (Torrance, CA), Richardson Middle School (Torrance, CA), and Palos Verdes Peninsula High School (Palos Verdes, CA). These schools are among the 158 within the State of California that have earned the prestigious title ''California Distinguished Schools'' by the state's Department of Education.

My three schools were awarded the designation for their outstanding examples of teaching and learning. They have also incorporated strong teamwork and professional development components within the respective curricula. ''Through the efforts of skilled and committed personnel, we can work even more efficiently to improve the educational system for your children,'' said Superintendent Delaine Eastin when bestowing the award.

The California State Department of Education began the California Distinguished Schools Program in 1985 to honor elementary and secondary schools in alternate years. To be eligible for the distinguished School title, a school must demonstrate a commitment to improve the quality of its educational services and performances. In this manner, it is an effective way of encouraging reform and does so in a manner that encourages local participation by those who matter most: parents, teachers, administrators, students.

I am a firm believer that education is the key to improving the lives of our children who are the future of this country. I am encouraged by the State's creativity in developing the Distinguished School concept and commend these three exceptional schools in my district for making a positive difference in the lives of our children and community.

MANDATORY RETIREMENT FOR LAW ENFORCEMENT OFFICERS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing legislation today, H.R. 1748, which will raise the mandatory age for the retirement of law enforcement officers from 57 years of age to 60 years.

Under current law those who want to retire may do so at age 50 years.

My bill only affects the mandatory age of the law enforcement officers. I believe that it is too restrictive. Law enforcement officers should be allowed to stay in at least until age 60 years which is the mandatory age for air traffic controllers.

With the mandatory age of retirement for law enforcement at 57 years, in the next 5 years the Criminal Investigation Division of the U.S. Treasury alone will lose 1,350 special agents.

Allowing these senior agents to stay on, if they wish, another three years will be both cost effective as well as help to keep our best, most highly qualified workforce.

I urge my colleagues to support H.R. 1748.

IN SPECIAL RECOGNITION OF MICHAEL A. SMITH ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young man from Ohio's Fifth Congressional District. Recently, I had the opportunity to nominate Michael A. Smith for an appointment to attend the United States Military Academy at West Point, New York

I am pleased to announce that Michael has been offered an appointment and will be attending West Point with the incoming cadet class of 2003. Attending one of our nation's military academies is one of the most rewarding and demanding time periods these young men and women will ever undertake. Our military academies turn these young adults into the finest officers of the world.

Mr. Speaker, without question, Michael Smith belongs with the incoming West Point class of 2003. During his time at Tiffin Calvert High School, in Tiffin, Ohio, Michael performed in excellent fashion. With his outstanding 3.95 grade point average, he is ranked second in his class. He is a member of the National Honor Society, and earned the National Machinery Citizenship Award as a freshman, sophomore, and junior.

Not only did Michael excel in the classroom, but he distinguished himself on the fields of athletic competition as well. Michael has been a member of the Tiffin Calvert High School Cross Country and Track Teams, earning varsity letters in both sports. Michael is also a member of the French Club and Students Against Drunk Driving.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Michael Smith. Our service academic offer the finest education and military training available anywhere in the world. I am sure that Michael will do very well at West Point, and I wish him much success on all his future endeavors.

SMART GROWTH IN MARYLAND

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. CUMMINGS. Mr. Speaker, I'd like to thank Representatives BLUMENAUER and HOEFFEL for their effort in organizing this special order on the Department of Transportation's ''Transportation and Community and System Preservation Pilot Program''—an outgrowth of the Clinton Administration's ''Livable Communities'' and ''Smart Growth'' initiatives.

Innovative land-use and conservation policies, known as ''smart growth'' strategies, are used by communities across the U.S. to preserve green space, ease traffic congestion, and monitor infrastructure development.

As stated by Maryland Governor Paris Glendening, ''The goal of smart growth is not no growth or even slow growth . . . rather, the goal is sensible growth that balances our need for jobs and economic development with our desire to save our natural environment before it is forever lost.''

Mr. Speaker, I submit to you these facts: in 1970, 12 billion vehicle miles were traveled each year in Maryland, by 1990 that number more than doubled to 28 billion vehicles; from 1970 to 1995 Maryland's population grew by 25% from 4 to 5 million—and is expected to top 6 million by 2020; during the same 25 years, the population in the major suburbs around Baltimore City skyrocketed by 67 percent. In the last four years alone, Baltimore City has lost more than 50,000 residents!

Facing these daunting statistics, the state of Maryland has been at the forefront of smart growth initiatives. Maryland passed the nation's first comprehensive ''Smart Growth'' Act in 1992, which sought to: concentrate development in suitable areas; protect sensitive and resource areas; direct growth in rural areas to existing population centers; promote stewardship of the Chesapeake Bay; practice conservation and reduce consumption of resources; and encourage economic growth and streamline regulatory mechanisms.

As a member of the Transportation and Infrastructure Committee, I am pleased that the Administration has maintained its commitment to strengthening the federal government's role as a partner with urban and rural communities. Through the Department of Transportation, the Administration has actively pursued objectives that not only make communities more economically attractive, but also improve quality of life.

Under the TCSP program funded by the Department of Transportation, the ''Maryland Integrating Transportation and Smart Growth Program''—MINTS—has been awarded $450,000 to demonstrate how smart growth can successfully be linked with innovative transportation policies.

The grant will be used to: maintain and enhance existing communities and contribute to their quality of life and economic vitality; demonstrate how investments in transportation strategies can encourage well-planned growth where it is desired and discourage new development where it is inconsistent with smart growth objectives; and use sound growth management to facilitate community conservation, preservation of infrastructure capacity, and ''smart'' transportation strategies.

The MINTS program will be implemented in two distinct growth management settings:

First, an urban community where there are challenges to improve the efficiency of the existing transportation system, to conserve the community, and to prompt re-development; and

Second, where suburban sprawl threatens rural resource protection goals and generates highway and other infrastructure needs.

Mr. Speaker, As legislators, we MUST recognize that growth is inevitable and growth is necessary. However, my hope is that my colleagues will utilize smart growth initiatives outlined by the Clinton administration to protect the environment, while also supporting the growing transportation and infrastructure needs of their districts and states.

THE COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. ROGAN. Mr. Speaker, I am pleased to introduce the Copyright Damages Improvement Act of 1999. This bill makes significant improvements to the Copyright Act by strengthening damages for copyright infringement. It is extremely important that the United States remain a leader in the protection and enforcement of intellectual property rights, not only because of the value of the intellectual property created in the United States, but also to set an example for other countries to follow.

This bill will increase the range of statutory damages available for copyright infringement. Copyright owners may elect to receive actual or statutory damages for infringement of their registered works. Because of the difficulty in proving actual damages, many copyright owners choose statutory damages. The amount of statutory damages were last increased in 1988 when the United States acceded to the Berne Convention. The proposed amount of statutory damages are rounded from the rate of inflation since 1988. In this time of economic and technological growth, it is necessary to increase the level of damages if they are to be an effective deterrent to copyright infringement. Further, the increase in damages will assist the United States in its negotiations with other countries concerning protection of intellectual property.

This bill also adds a new tier of statutory damages. It targets ''repeat'' offenders or parties that have engaged in a ''pattern or practice'' of infringement. These are the worst of the worst offenders. These individuals, who continue to infringe a copyrighted work in spite of receiving notice from the copyright owner that the use is unauthorized, should be subject to stricter penalties. Currently, an infringer may be liable for up to $100,000 per infringed work. An infringer who is distributing thousands of unauthorized copies of a popular

movie or software program may not be deterred by this penalty. In response to this problem, my bill will establish a strong deterrent for this kind of infringement by allowing the courts to award up to $250,000 per infringed work.

Finally, this bill ensures that a debtor may not be discharged from debts resulting from willful copyright infringement. The Bankruptcy Code lists items that may not be discharged in bankruptcy. One of these item is, ''. . . for willful and malicious injury by the debtor to another entity or to the property of another entity.'' Federal courts have split on whether ''willful'' copyright infringement equates with a ''willful and malicious'' injury under the Bankruptcy Code so that the debt may not be discharged. This bill will close a loophole and ensure that a copyright infringer who receives a judgment against them does not have an incentive to file for bankruptcy and avoid the debt.

Mr. Speaker, this bill makes a strong statement that the United States supports protection of intellectual property rights and will be diligent in enforcing those rights against infringers. It provides incentive for the creation of intellectual property in the United States and for other countries to establish and enforce copyright laws as well. I encourage my colleagues to support this bill.

HONORING GEORGE R. MUIRHEAD

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pleasure that I rise to honor Dr. George R. Muirhead upon his retirement from Central Connecticut State University in my hometown of New Britain, Connecticut.

Dr. Muirhead begin teaching CCSU students in 1949. During his many years of service to this fine university he has been Director of the Division of Social Sciences, Dean of Instructional Services, Acting Dean of the School of Business, Acting Dean of the School of Arts and Sciences, Assistant to the Vice President for Academic Affairs, Executive Director of the Experimental College, Co-Director and Administration for U.S.A.I.D. Program for Management Training and Economic Education in Poland and Vice President for Academic Affairs.

Dr. Murihead has provided outstanding instructional opportunities to generations of students in the academic areas of history and contributed significantly to scholarships through his research and publications. He has been a leader in establishing Central Connecticut State University's Center for Excellence in International Education and the chief architect of the University's nationally recognized General Education Program.

Few educators have the vision, intellect, extraordinary level of curiosity or ability to set forth complex matters in an orderly and memorable way that Dr. Muirhead possesses. He has taught, mentored and influenced generations of scholars and inspired students of all ages to better understand our world and prepare for the challenges of the next century. His work to establish CCSU's international program over many years was truly visionary, preceding today's acceptance of the importance of international experience and understanding.

Following are quotes from tributes to this remarkable teacher and leader marking his 50 years of service.

From Richard J. Judd, President of CCSU (and class of 1959): ''George Muirhead is a quintessential academic. He has guided with great enthusiasm countless thousands of students. His intellectual astuteness is boundless and he is among the great teachers of this university which he has served so selflessly for 50 years. I, as his one-time student, cannot begin to say the multifold ways he has influenced my life. He once told me not to try to be Tom Paine. I never forgot that admonition. As the current President of Central Connecticut State University I am deeply honored to have George Muirhead serve along side of me but more so to have him as a dear friend.''

From Arturo U. Iriarte, Vice President of Academic Affairs at Lasselle College and former Professor of Education, CCSU: ''You taught me to lead, to accomplish goals, to effect change, and to laugh. Thanks for always being there when I call to ask for your guidance and advice. To you I lift a glass of the Grouse in a toast to your continued good health and happiness.''

From Timothy Rickard, Professor of Geography: ''George Muirhead's keen interest in student and faculty international exchanges laid much of the programmatic groundwork for CCSU's designation by the state legislature as a Center of Excellence in International Education in 1987. His exchange with a professor at Bingley College in Yorkshire for the 1973–74 academic year was the blueprint for a series of year long faculty exchanges with British institutions and later expansion into a variety of worldwide opportunities for faculty visits to CCSU liaison institutions. Also, as Dr. Muirhead's special legacy, four CCSU students on exchange in the United Kingdom are supported each year by Muirhead scholarships and the country is the destination of choice for about half the students in a greatly expanded study abroad program.''

From Eileen Groth Lyon, CCSU Class of 1987, Assistant Professor of History at Florida State University: ''By the time I arrived at Central Connecticut University in the fall of 1983, George Muirhead was already something of a legend. My parents and aunt, who attended the university in the late 1940's and 1950's, had spoken of him as one of the finest and most charismatic professors they had known. Dr. Muirhead's encouragement and careful mentoring extended beyond my graduation from Central to a Fulbright scholarship, Cambridge Ph.D. and an academic career. I will always remain grateful for all that he taught me, about both history and life.''

From Amy B. Grass, CCSU Class of 1999: ''These are the memories I have of Dr. Muirhead: a teacher, a mentor, a practical joker, a tea maker (and occasional waiter), a volume of knowledge and a friend. Those of us at Central, but especially I, can say that knowing him has been a rip-roaring, firecracking roller-coaster of a ride . . . and we're all the better for having bought a ticket.''

100TH ANNIVERSARY OF FLIGHT EDUCATIONAL INITIATIVE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce legislation that directs the National Aeronautics and Space Administration to develop an educational curriculum for our nation's schools in recognition of the 100th anniversary of the first powered flight. The 100th anniversary of powered flight, which will take place on December 17, 2003, provides an excellent opportunity for our nation's schools to promote the importance of math and science education to our students.

As the former Superintendent of Schools in North Carolina, and as a member of the House Science Committee since coming to Congress in 1997, I have worked for years to improve math and science education in our schools. America's future will in many ways be determined by the ability of our citizens to understand and adapt to the changes in technology that will so dominate life in the twenty-first century. As we watch the sun rise on the dawn of a new millennium, it has never been more important to encourage our children to excel in the areas of science and math. In the twenty-first century, it will no longer be good enough for our children simply to be able to read and write and add and subtract. If today's students are going to succeed in tomorrow's jobs, a firm foundation in math and science is required.

One of the most difficult challenges we face in math and science education in generating interest among our children in these fields. With all of the distractions of modern life, it has been increasingly difficult to interest students in participating in the most challenging math and science curriculums. Such a lack of interest could spell doom down the road as fewer and fewer students enter the teaching profession in these fields. The 100th Anniversary of Flight Educational Initiative I am introducing today is intended to use the history of flight, the practical benefits of flight on society and the mathematics and scientific principles used in flight to generate interest among students in math and science education.

As a young boy growing up on a farm in North Carolina, air travel and the space program captured my imagination as it did most Americans. Unfortunately, today, video games and other distractions are more likely to capture the imaginations of our young people than the space program. However, the 100th Anniversary of Flight, and NASA's plans to land a plane on Mars to coincide with that date, provides an excellent springboard to recapture our young people's interest in the space program and in math and science. Mr. Speaker, I am committed to seeing our students soar in the areas of math and science in our schools, and this initiative will help them take flight.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. NORTHUP. Mr. Speaker, last Thursday, May 6, I was present and voted on the

important matter of the emergency defense supplemental that was before this body. However, I was not recorded on final passage of that bill, H.R. 1664 due to an electronic mistake or malfunction.

TRIBUTE TO FORMER CONGRESSMAN JOE KILGORE

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HINOJOSA. Mr. Speaker, back in February of this year we lost a great Texan with the passing of former Congressman Joe Kilgore, who represented the 15th Congressional District from January 3, 1955 to January 3, 1965.

Recently, someone shared with me the eulogy presented at his funeral by former Member of Congress J.J. Pickle, who ever so ably represented the 10th District (Austin) in this body for over three decades. Congressman Pickle's remarks, which I am inserting into the RECORD today, are very moving and speak volumes about the unique relationship these two gentleman, who were the best of friends and colleagues, shared for over sixty years.

The word exemplary is not one I use loosely; however, when used to describe Joe Kilgore it is indeed apropos.

JOE KILGORE EULOGY

(By J.J. Pickle, February 13, 1999)

Joe Kilgore was a Gentleman. But to me, Joe Kilgore was more than a Gentleman. He was my Soul Mate—a Kindred Spirit—who comes along once in a lifetime. Our bond of friendship began at our University of Texas as members of a small law fraternity whose 'political' leaders were self-appointed: John Connally, Joe Kilgore, and me—when I could get a word in sideways. We were kindred spirits—and we were close—Joe, John, and Jake: Tres Amigos! We kept that close bond of friendship for more than 60 years.

Again, old friends, reserve the right to remember what they want to remember. I hope you and Joe's family will accept my recollections of earlier times when we were young and twenty-something and had no thoughts of high public office.

All my life, Joe was 'Amigo Joe'—a salutation we gave this gentleman from the 'Valley' who loved this area. When we said, 'Amigo Joe'—we were met with a smile, a happy grin, and a warm greeting, as if we shared a lot of fun and wonderful memories. Which we did.

While in the University, we became enamored with our Southwest and Mexican heritage and practiced for perfection the best 'El Grito' yell. As the Rebel 'El Grito' yell, designed to strike fear or excitement in the enemy, developed, it took on a Border flavor, described by a colleague of Joe's as ''the cry of a mother coyote'' bereft of her young. As a screeching eagle dived from the sky on its hapless prey. Our contest participants included Kilgore, Connally, Don Jackson, Ed Potter and maybe, yours truly. I still have a tape recording of that thunderous contest—Joe did not win. Ah, we were young and eager.

I suppose it was inevitable that we would become campus 'politicos'—of a sort. We took part in student politics—3 successive presidents of the U.T. student body—largely engineered by Amigo Joe!

I can still hear the majestic voice of Joe Kilgore, as our group serenaded the girls dormitory—the ladies of S.R.D. He made John and me look good.

Inevitably, we became young campaigners for Lyndon Johnson, Allan Shivers, Price Daniel, and, for ourselves, too. Joe became a member of the Texas Legislature and then the U.S. Congress for 10 years serving his district in the Valley. Later, I became one of his Congressional colleagues, while Connally was satisfied in just being our Secretary of the U.S. Navy, U.S. Treasurer, and Governor of Texas. We were young and eager.

''Then war came, and the bugles sounded''! Brother Joe joined the Air Force and became a distinguished B–24 bomber pilot in the Mediterranean Theater. I like to remember the story of Joe the B–24 Bomber Pilot. On one of his test bombing runs, he found himself, as the chief pilot, surrounded. On his left, was a Texas Aggie co-pilot and on his right, by another Texas Aggie co-pilot. Joe said to them ''You guys be careful, I know what you Aggies are capable of doing''.

Later, Joe received the Silver Star Distinguished Flying Cross whose official citation reads in part: ''For valor and heroic disregard of his own safety beyond and above the call of duty . . . the dauntless courage shown by Captain Kilgore exemplifies the highest tradition of the United States Air Force.''

During a break in the war, in 1943, Joe and I were in Austin as a part of a War Bond Rally where movie actor Robert Taylor, and heavy weight champ of the world, Jack Dempsey were participants. The entourage journeyed to Southwestern University in Georgetown in Ambassador Ed Clark's new yellow Packard. On the return trip, they had a flat tire and pulled off to the side of the road to jack up the car, which was resting on a steep slope. No one could work the car jack under the car and time was running short. So Jack Dempsey came to the rescue. He backed up to the right rear wheel, spread his legs, securely grabbed the bumper and frame and literally lifted the right side of the car up high. Joe quickly put the jack in place for Jack Dempsey. It was one of the few times in his life that Joe did not do the heavy lifting.

After the War, in 1945, Joe married his first and only love, Jane Redman. From that moment it was one person: Joe and Jane. They settled into a family life that can only be described as close, loving and warm.

In 1945, Joe and Jane lived in Edinburg, in the 'Valley'. There was no air conditioning in Edinburg, or anywhere else, and with temperatures hovering in the 100's the nights were hot and stuffy. One night, in particular, Jane was sleeping restlessly and woke Joe up. He asked, ''What are you doing—killing snakes?'' From that time on, Jane said laughingly, ''we continued on a life course of killing snakes and building castles''.

Their marriage brought four wonderful children who were fortunate enough to gain wisdom and character from Joe and Jane. I've never known a happier or prouder family.

Mark, Dean, and Bill, like to remember that Joe, who was partial to home-spun advice, made a point early in their lives, that ''honesty is the best policy''. All the children understood that, to Joe, the value of truth-telling was sacred. The kids nevertheless, as a safety measure, plotted their own quick escape route to Mexico just in case they slipped in the honesty department. The kids never had to use that escape route. But they always suspected, anyway, that they couldn't outrun Joe in his 1963 Oldsmobile, flying like a B–24.

Joe and Jane's daughter, Shannon, likes to recall that there was never a time when she would call his office, for advice or just to talk, that he didn't take her call immediately or call her back within 10 seconds. When he returned her call, more often than not, he'd say that Senator Bentsen or Congressman de la Garza was in the office or he was in a meeting. But, he took that call—family always came first.

Joe's values and goodness of character went far beyond his immediate family. He was unselfish and backed up that trait with action.

When his good friend and fellow lawyer, Amos Felts died, Joe called Amos' son Dan, who was a senior in law school. Joe told Dan not to worry about his Dad's law practice. For more than 6 months, Joe, or his partner, would go to Amos's office in another building and answer the mail, return calls, and hand out what legal advice they could to keep the practice going. When Dan got out of law school, Joe handed over to him the keys to his Dad's practice.

Time and time again, Joe extended his hand to help others. I know—I was a constant seeker for free advice, counsel, and comfort.

As he practiced law, advanced in the legal profession, helped to develop one of the most respected law firms in our state, Joe was willing to serve and help others.

He had a 25 year association with Scott and White Hospital as a very active board member. He was a University of Texas Regent, and rightly honored Distinguished U.T. Alumnus recipient, and president of his beloved U.T. Ex-Students Association. He served with distinction on national and state governmental advisory boards. Joe was always giving back to others.

Although he was a confidant to the Politically Powerful and an advisor to Presidents, Governors, Senators, and to the highest public officials in our land, he still found time to work, for example, with the Boy Scouts because of his belief in young Texans and the future.

He will be remembered for his sense of humor and for his high morals and the goodness of his character. No one ever dared question his honesty, integrity or ability.

To many countless Texans, he was Joe Kilgore: respected lawyer, gentleman, and someone you could count on to give you the right advice or help on a problem or a project. You could depend on his word with your life. He was Trusted.

To me he will always be my Amigo Joe.

And now, in a few minutes, we will inter Joe in his final resting place in our now beautiful State Cemetery. Joe will rest a short 25 feet away from John Connally's monument. And in good time—not just yet—in that same triangle, I will stand guard over both—just another 25 feet away. Our bond of love and friendship will always stay strong and close . . . and forever.

Adios, Amigo.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S4981–S5105

Measures Introduced: Twenty bills and one resolution were introduced, as follows: S. 995–1014, and S. Res. 99. **Page S5036**

Measures Reported: Reports were made as follows:

S. 579, to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia. (S. Rept. No. 106–45)

H.R. 669, to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act. (S. Rept. No. 106–46)

Special Report on Committee Activities for the 105th Congress. (S. Rept. No. 106–47)

S. 1009, 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. (S. Rept. No. 106–48) **Page S5036**

Juvenile Justice: Senate began 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 S4981–99, S5002–21**

Adopted:

By 96 yeas to 3 nays (Vote No. 108), Hatch Modified Amendment No. 322, to make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of the Violent Crime Reduction Trust Fund. **Pages S5010–18**

By 94 yeas to 5 nays (Vote No. 106), Hatch (for Gregg) Amendment No. 324 (to Amendment No. 322), to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs. **Pages S5010–12, S5018**

Rejected:

Leahy (for Robb) Amendment No. 325 (to Amendment No. 322), to provide resources and services to enhance school safety and reduce youth violence. (By 55 yeas to 44 nays (Vote No. 107), Senate tabled the amendment.) **Pages S5012–15, S5018**

Withdrawn:

Hatch Amendment No. 322, to make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of the Violent Crime Reduction Trust Fund. **Page S5004**

Subsequently, Leahy (for Robb) Amendment No. 323 (to Amendment No. 322), to provide resources and services to enhance school safety and reduce youth violence, fell when Amendment No. 322 (listed above) was withdrawn. **Page S5004**

Pending:

Leahy Amendment No. 327, to promote effective law enforcement. **Pages S5019–21**

A unanimous-consent agreement was reached providing for further consideration of the bill and the pending amendment (listed above), on Wednesday, May 12, 1999. **Page S5104**

Appointments:

Commission on Security and Cooperation in Europe (Helsinki): The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed Senator Hutchinson to the Commission on Security and Cooperation in Europe (Helsinki). **Page S5103**

Presidential Advisory Commission on Holocaust Assets in the United States: The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 105–186, appointed Senator Smith (of Oregon) to the Presidential Advisory Commission on Holocaust Assets in the United States, to fill a vacancy thereon. **Page S5103**

Messages From the President: Senate received the following message from the President of the United States:

A message from the President of the United States transmitting a report of the certification of exporting to the People's Republic of China satellite fuels and separation systems; referred to the Committee on Armed Services. (PM–26). **Page S5029**

Nominations Confirmed: Senate confirmed the following nominations:

1 Air Force nomination in the rank of general.

Pages S5103, S5105

Nominations Received: Senate received the following nominations:

Florence K. Murray, of Rhode Island, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2001.

Stuart E. Weisberg, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2005.

A routine list in the Foreign Service. **Page S5105**

Messages From the President: **Page S5029**

Communications: **Page S5029**

Petitions: **Pages S5029–36**

Statements on Introduced Bills: **Pages S5036–56**

Additional Cosponsors: **Pages S5056–57**

Amendments Submitted: **Pages S5058–95**

Authority for Committees: **Page S5095**

Additional Statements: **Pages S5095–S5103**

Record Votes: Three record votes were taken today. (Total—108) **Page S5018**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:00 p.m., until 9:30 a.m., on Wednesday, May 12, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5104.)

Committee Meetings

(Committees not listed did not meet)

AGRICULTURAL TRADE SANCTIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on issues relating to agricultural trade sanctions, and S. 566, to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, after receiving testimony from Stuart E. Eizenstat, Under Secretary of State for Economic, Business, and Agricultural Affairs; August Schumacher, Jr., Under Secretary of Agriculture for Farm and Foreign Agricultural Services; Charles J. O'Mara, O'Mara and Associates, Paul A. Drazek, Powell, Goldstein, Frazer and Murphy, Dean Kleckner, American Farm Bureau Federation, and James H. Matlack, American Friends Service Committee, all of Washington, D.C.; Gary Turner, Idaho Farmers Union, Burley, on behalf of the National Farmers Union; Richard E. Bell, Riceland Foods, Inc., Stuttgart, Arkansas, on behalf of the USA Rice Federation; Mike Yost, Murdock, Minnesota, on behalf of the American Soybean Association,; and Jack Pettus, Sunburst, Montana, on behalf of the National Barley Growers Association.

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense, focusing on military pay and retirement benefits, readiness protection, and weapons modernization, after receiving testimony from William S. Cohen, Secretary of Defense; and Gen. Henry H. Shelton, USA, Chairman of the Joint Chiefs of Staff.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Readiness and Management Support met in closed session and approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of S. 974, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 2000 and 2001.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities met in closed session and approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of S. 974, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 2000 and 2001.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Strategic Subcommittee met in closed session and approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of S. 974, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 2000 and 2001.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Seapower met in closed session and approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of S. 974, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 2000 and 2001.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland met in closed session and approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of S. 974, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 2000 and 2001.

OUTER CONTINENTAL SHELF/LAND LEGACY INITIATIVE

Committee on Energy and Natural Resources: Committee concluded hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond, S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas, S. 819, to provide funding for the National Park System from outer Continental Shelf revenues, the Lands Legacy Initiative, which would fund the Land and Water Conservation Fund, and the role of the Council on Environmental Quality and its involvement with the Federal land managements agencies, after receiving testimony from George T. Frampton, Jr., Acting Chairman, Council on Environmental Quality.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 880, to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program, with amendments;

S. 559, to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building";

S. 858, to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse"; and

The nomination of George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.

AGRICULTURAL SANCTIONS POLICY

Committee on Foreign Relations: Committee concluded hearings on United States agriculture sanctions policy for the 21st century, after receiving testimony from Dan Glickman, Secretary, and Gus Schumacher, Under Secretary for Farm and Foreign Agricultural Service, both of the Department of Agriculture; William A. Reinsch, Under Secretary of Commerce for Export Administration; Gary Hall, Kansas Farm Bureau, Manhattan; Max Thornsberry, Missouri Cattlemen's Association, Columbia, on behalf of the National Cattlemen's Beef Association; Mike Yost, Murdock, Minnesota, on behalf of the American Soybean Association; and Robert W. Kohlmeyer, World Perspectives, Inc., Washington, D.C.

EARLY CHILDHOOD EDUCATION

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings on multiple program coordination in early childhood education, focusing on Head Start, Early Head Start, the Government Performance and Results Act, the Family and Child Experiences Survey, funding strategies, federal policy, rules and regulations, collaboration between federal, state, and local governments in research, services, and performance measurement, after receiving testimony from Olivia A. Golden, Assistant Secretary of Health and Human Services for Children and Families; and Judith Johnson, Acting Assistant Secretary of Education for Elementary and Secondary Education.

HATE CRIMES PREVENTION

Committee on the Judiciary: Committee concluded hearings to examine how to promote a responsive and responsible role for the Federal Government on combating hate crimes, focusing on the relationship between the federal government and the states in combating hate crime, analysis of states' prosecution of hate crimes, development of a hate crime legislation model, and existing federal hate crime law, after receiving testimony from Eric H. Holder, Jr., Deputy Attorney General, Department of Justice; Westchester County District Attorney Jeanine Ferris Pirro, White Plains, New York; Kenneth T. Brown, Albany County Courthouse, Laramie, Wyoming; Robert H. Knight, Family Research Council, Washington, D.C.; Burt Neuborne, New York University Law School, New York; Akhil Reed Amar, Yale Law School, New Haven, Connecticut; and Judy Shepard, Casper, Wyoming.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 1745–1762; and 1 resolution, H. Res. 165, were introduced.

Pages H2997–98

Reports Filed: One report was filed today as follows:

H. Res. 166, providing for consideration of H.R. 775, to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000 (H. Rept. 106–134). Page H2997

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Upton to act as Speaker pro tempore for today. Page H2929

Recess: The House recessed at 12:58 p.m. and reconvened at 2:00 p.m. Page H2933

Suspensions: The House agreed to suspend the rules and pass the following measures:

Fastener Quality Act: H.R. 1183, amended, to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements; Pages H2935–41

Technology Transfer Commercialization Act: H.R. 209, amended, to improve the ability of Federal agencies to license federally owned inventions;

Pages H2941–46

Fire Administration Authorization Act: H.R. 1550, amended, to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001 (passed by a yea and nay vote of 417 yeas to 3 nays, Roll No. 121); and

Pages H2946–50, H2960

Tribute to Slain Peace Officers: H. Res. 165, acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers (passed by a yea and nay vote of 420 yeas with none voting ''nay'', Roll No. 122). Pages H2950–54, H2960–61

Committee on Transportation and Infrastructure: Read a letter from the Chairman of the Committee on Transportation and Infrastructure wherein he transmitted copies of resolutions adopted on April 15, 1999 by the Committee, copies of which are being transmitted to the Department of the Army—referred to the Committee on Appropriations.

Pages H2954–55

Presidential Message—Satellite Technology Exports to China: Read a message from the President, received on May 10 by the Clerk, wherein he transmits his certification that the export to the People's Republic of China of satellite fuels and separation systems for the U.S. origin Iridium commercial communications satellite program is not detrimental to the U.S. space launch industry and the material and equipment will not measurably improve the missile or space launch capabilities of the People's Republic of China—referred to the Committees on Armed Services and International Relations and ordered printed (H. Doc. 106–60). Page H2955

Recess: The House recessed at 4:15 p.m. and reconvened at 6:00 p.m. Pages H2959–60

Motion to Instruct Conferees: Representative Deutsch notified the House of his intention to offer a motion to instruct conferees to insist on the funding level of $621 million contained under the heading ''Central America and the Caribbean Emergency, Disaster Recovery Fund'' of the House bill for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia. Page H2961

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H2999.

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H2960 and H2961. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:05 p.m.

Committee Meetings

SOCIAL SECURITY RETURNS—USING LONG-TERM MARKET STRATEGIES

Committee on the Budget: Social Security Task Force held a hearing on Using Long-term Market Investment Strategies to Enhance Social Security Returns. Testimony was heard from public witnesses.

NTIA REAUTHORIZATION ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on the NTIA Reauthorization Act of 1999. Testimony was heard from the following officials of the Department of Commerce: Larry Irving, Assistant Secretary, Communications and Information; and George Ross, Assistant Inspector General, Auditing; Col. Richard W. Skinner, USAF, Assistant

Deputy Secretary, Space and ISR Programs, Department of Defense; and public witnesses.

ESEA—EDUCATION TECHNOLOGY

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth, and Families held a hearing on Education Technology under ESEA. Testimony was heard from Eugene Hickok, Secretary, Department of Education, State of Pennsylvania; Henry Marockie, Superintendent of Schools, Department of Education, State of West Virginia; and public witnesses.

JOHNNY CHUNG: FOREIGN CONNECTIONS, FOREIGN CONTRIBUTIONS

Committee on Government Reform: Held a hearing on Johnny Chung: Foreign Connections, Foreign Contributions. Testimony was heard from Johnny Chung.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Africa approved for full Committee action as amended the following resolutions: H. Con. Res. 75, condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations; and H. Res. 62, expressing concern over the escalating violence, the gross violations of human rights, and the ongoing attempts to overthrow a democratically elected government in Sierra Leone.

OVERSIGHT—MARSHALL ISLANDS—NUCLEAR CLAIMS, RELOCATION AND RESETTLEMENT EFFORTS

Committee on Resources: Held an oversight hearing on the status of Nuclear Claims, Relocation and Resettlement Efforts in the Marshall Islands. Testimony was heard from Stanley Roth, Assistant Secretary, East Asian and Pacific Affairs, Department of State; Allan Stayman, Director, Office of Insular Affairs, Department of the Interior; Kurt M. Campbell, Deputy Assistant Secretary, Asian and Pacific Affairs, International Security Affairs, Department of Defense; Paul Seligman, M.D., Deputy Assistant Secretary, Health Studies, Department of Energy; the following officials of the Republic of the Marshall Islands: Philip Muller, Minister of Foreign Affairs, and Trade; Marie L. Maddison, Secretary, Foreign Affairs and Trade; and H.E. Tony deBrum, Minister of Finance; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 592, to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; and H.R. 1031, White Bluffs Protection Act. Testimony was heard from Representatives Fossella and Hastings of Washington; the following officials of the Department of the Interior: Denis Galvin, Deputy Director, National Park Service; and Steve Richardson, Chief of Staff, Bureau of Reclamation; Dan Berkovitz, Deputy Assistant Secretary, Office of Policy, Planning, and Budget-Environmental Management, Department of Energy; and public witnesses.

YEAR 2000 READINESS AND RESPONSIBILITY ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of debate on H.R. 775, Year 2000 Readiness and Responsibility Act. The rule makes in order as an original bill for purpose of amendment the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying the resolution.

The rule makes in order only those amendments printed in part 2 of the Rules Committee report accompanying the resolution. The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Goodlatte, Ehlers, Davis of Virginia, Nadler, Scott and Lofgren.

GSA'S FISCAL YEAR 2000 CAPITAL INVESTMENT PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation held a hearing on GSA's Fiscal Year 2000 Capital Investment Program. Testimony was heard from Paul Chistolini, Deputy Commissioner, Public Buildings Service, GSA.

Joint Meetings

SUPPLEMENTAL APPROPRIATIONS

Conferees continued in evening session to resolve the differences between the Senate and House passed

versions of H.R. 1141, making emergency supplemental appropriations for the fiscal year ending September 30, 1999.

FORMER YUGOSLAVIA INTERNATIONAL CRIMINAL TRIBUNAL

Commission on Security and Cooperation in Europe: Committee concluded hearings to examine the status of the International Criminal Tribunal for the former Yugoslavia, after receiving testimony from Nina Bang-Jensen, Coalition for International Justice, and Paul Williams, American University, both of Washington, D.C.; and Jennifer Green, Center for Constitutional Law, New York, New York.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 12, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: closed business meeting to mark up S. 974, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and related measures, 9:30 a.m., SR–222.

Full Committee, closed business meeting to mark up S. 974, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and related measures, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold hearings to examine the low-income housing tax credit, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Communications, to hold hearings on S. 800, to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine incentives and barriers created by the federal government in bringing new technologies to the marketplace, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to resume hearings to examine damage to the national security from alleged Chinese espionage at the Department of Energy nuclear weapons laboratories. (Hearings may go into a closed session), 9:30 a.m., SH–216.

Committee on Finance: to hold hearings on Medicare reform, focusing on the key differences between Medicare and other group health insurance programs, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism, to hold hearings on the state of democracy and the rule of law in the Americas, 3 p.m., SD–562.

Committee on Health, Education, Labor, and Pensions: to resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on Title I provisions, 9:30 a.m., SD–628.

Committee on Indian Affairs: to hold oversight hearings on HUB zones implementation, 9:30 a.m., SR–485.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, business meeting to consider S. 692, to prohibit Internet gambling, 10 a.m., SD–226.

Subcommittee on Immigration, to hold hearings to examine workforce needs of American agriculture, farm workers, and the United States Economy, 2 p.m., SD–226.

House

Committee on Appropriations, Subcommittee on Legislative, to mark up fiscal year 2000 appropriations, 10 a.m., H–144 Capitol.

Committee on Armed Services, Special Oversight Panel on Merchant Marine, to consider recommendations on H.R. 1401, National Defense Authorization Act for Fiscal Years 2000 and 2001, 2 p.m., 2216 Rayburn.

Special Oversight Panel on Morale, Welfare and Recreation, to consider recommendations on H.R. 1401, National Defense Authorization Act for Fiscal Years 2000 and 2001, 1 p.m., 2212 Rayburn.

Subcommittee on Military Installations and Facilities, to mark up H.R. 1401, National Defense Authorization Act for Fiscal Years 2000 and 2001, 3 p.m., 2212 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, hearing on the Office of Federal Housing Enterprise Oversight's proposed Risk-Based Capital Rule, 10 a.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing on Regulatory Burden Relief, 2 p.m., 2128 Rayburn.

Committee on Education and the Workforce, hearing on Even Start and Family Literacy Programs Under the Elementary and Secondary Education Act, 10:30 a.m., 2175 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Review of the Management of the Year 2000 Computer Problem by the Department of Labor and the Department of Education, 2 p.m., 2175 Rayburn.

Committee on International Relations, hearing on Russia's Foreign Policy Objectives: What are They? 10 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing on Democracy in Indonesia: Preparations for the National Election, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, hearing on H.R. 1659, National Police Training Commission Act of 1999, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 1691, Religious Liberty Protection Act of 1999, 1 p.m., 2226 Rayburn.

Subcommittee on Courts and Intellectual Property, oversight hearing on the Implementation of the Net Act and Enforcement against Internet Piracy, 2 p.m., 2237 Rayburn.

Subcommittee on Crime, hearing on H.R. 764, Child Abuse Prevention and Enforcement Act, 9:30 a.m., 2237 Rayburn.

Committee on Rules, to hold a hearing on H.R. 853, Comprehensive Budget Process Reform Act of 1999, 9:30 a.m.; and to consider the following: H.R. 1555, Intelligence Authorization Act for Fiscal Year 2000; and the Conference Report to accompany H.R. 1141, making emergency supplemental appropriations for the fiscal year ending September 30, 1999, 3 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy and Environment, hearing and markup of the following bills: S. 330, (and a similar House measure) Methane Hydrate Research and Development Act, 1 p.m., 2318 Rayburn.

Subcommittee on Technology, the Subcommittee on Space and Aeronautics and the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform, joint hearing on Y2K in Orbit: Impact on Satellites and the Global Positioning System, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on H.R. 1300, Recycle America's Land Act of 1999, 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 12

Senate Chamber

Program for Wednesday: Senate will continue 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

10 a.m., Wednesday, May 12

House Chamber

Program for Wednesday: Consideration of H.R. 775, Year 2000 Readiness and Responsibility Act (structured rule, one hour general debate).

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