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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:

Dear God, You have told us that as a person thinks so is he or she. You have given us minds to think, evaluate, and make decisions. Today, we praise You for the gift of intellect and the ability to learn. We want to love You with our minds. Clear away any debilitating memories that haunt us, preventing us from thinking clearly about present challenges. Give us Your mind about issues. Free us from muddled, fuzzy, or negative thinking. Make us receptive to new insight from You communicated by others, even though they may represent a different point of view. We want to be hopeful thinkers who know that we have barely begun to realize Your truth.

Today, gracious Lord, we are grateful for the life and distinguished career of Adm. James Nance, and we grieve over his death. Thank you for his leadership as staff director of the Committee on Foreign Relations. Be with his family.

And now, Dear God, we commit this day to You. Inspire our minds with Your Spirit. Bless the Senators and those who advise them and those who assist them in carrying out the heavy responsibilities of their office. Here are our minds. We want our thinking to be a vital part of Your plan for our world today. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume con-

sideration of the juvenile justice legislation. Pending is the Leahy amendment with a 1-hour debate limitation. Therefore, Senators can expect the first vote of today's session at approximately 10:30 a.m. Following the disposition of the Leahy amendment, Senator BROWNBACK will be recognized to offer a code of conduct amendment with the time for a vote to be determined. It is hoped that significant progress can be made on this bill, and therefore Senators can expect votes throughout today's session of the Senate with the possibility of votes into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the 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 resume consideration of S. 254, which the clerk will report.

The bill clerk read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile individuals, punish and deter violent gang crime, and for other purposes.

Pending:

Leahy Amendment No. 327, to promote effective law enforcement.

AMENDMENT NO. 327

The PRESIDING OFFICER. There will now be 1 hour for debate on the Leahy amendment No. 327 to be equally divided in the usual form.

Mr. HATCH. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without it being charged to either side.

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

The clerk will call the roll.

The assistant 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. President, I understand we are now on the Leahy amendment to S. 254.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. President, this amendment is intended to address the problem of youth violence with tough law enforcement initiatives at the Federal level, with assistance to State and local law enforcement, proven prevention programs for juvenile delinquency, and measures to keep guns out of the hands of children.

Many of the proposals in this amendment were part of a bill I introduced, along with Senator DASCHLE and other Democratic Members, last year in the Safe Schools, Safe Streets and Secure Borders Act of 1998. That was S. 2484. We have introduced it this year as S. 9.

These are carefully crafted proposals. They were not done as knee-jerk responses to the school shootings, or even the most bloody murders in Littleton. We talked with prosecutors and police officers and teachers and everybody else in putting these proposals together. The series of proposals in the amendment have been ready since last year, but this is our first opportunity to present them to the Senate for discussion and a vote. While these proposals predated the events at Columbine High School, it escapes nobody's notice that the events at the high school give them added urgency.

This amendment is part of the Democratic multipronged agenda for action that embraces tough and more aggressive law enforcement initiatives, plus those initiatives in our other amendments to help teachers, counselors, parents, and children with afterschool

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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programs, with effective and proven school safety strategies and, of course, treatment programs for high-risk youth. It faces the reality that we live in a different world, not like when I was going to school, or when most of us in this Chamber went to school. It is a complex world and you do not attack the problems of it on just one front; you have to attack them on many.

We Democrats look forward to the Senate debating and taking action on proposals that can be enacted now and working over the long haul on additional structural remedies. No matter what legislation we pass this week, we also need long-term solutions to school violence. These solutions include getting smaller classrooms; smaller schools—not these schools that are cities in and of themselves where students don't even know each other and the teachers don't know them—helping parents spend more time supervising their children, realizing that is the bond that is often broken in today's society; and working constructively with the movie, television, and video game industries to adopt rating systems that parents can understand and use.

This law enforcement amendment is substantial and comprehensive. It has five separate parts. I will highlight a few of the important proposals in this amendment. It addresses some of the same subject matter areas as S. 254. I will highlight some of the differences in our approaches.

In the area of federalization, my amendment also proposes reforms in the Federal juvenile justice system. We do so without Federalizing run-of-the-mill juvenile offenses and ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. Too often when we have talked about crime on the Senate floor in recent years, we basically have told the States, the State legislatures, State law enforcement, and State prosecutors, that they are irrelevant, that we will run everything out of Washington, and the Federal Government knows better. I don't believe that.

My proposal for reforming the Federal juvenile justice system heeds the advice of Chief Justice Rehnquist and the Federal judiciary and reflects the proper respect for our Federal system.

Let me explain. My amendment retains the provision in current law which establishes a clear presumption that the States should handle most juvenile offenders. S. 254 repeals that provision.

Furthermore, current law directs that most juveniles "shall" not be proceeded against in Federal court, unless the Attorney General certifies certain things—in most cases, that the State does not or refuses to exercise jurisdiction over the juvenile. Judges may review that certification to see whether the threshold for exercise of Federal jurisdiction has been met. S. 254 changes that.

As I mentioned in my statement yesterday, the bill before us gives con-

flicting signals. S. 254 contains one welcome change over S. 10 from the last Congress by requiring the Attorney General or the U.S. attorney, depending on the charge, to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities, where there is "concurrent jurisdiction." But, in contrast to the law today, that certification is not reviewable by any court. My amendment would continue to permit such court review in most cases but not cases involving serious violence or drug offenses.

Because of the repeal of the important State presumption provision and the lack of review of the Federal prosecutor's decision to proceed against a juvenile federally, many rightly fear that the State prerogative to handle juvenile offenders will be undermined by this bill. My amendment would not do that. Basically, what I am saying is that we are not going to stand in the U.S. Senate and tell the 50 State legislatures that they are irrelevant and tell the prosecutors of the 50 States that they are irrelevant because 100 U.S. Senators know better and we can do it better from Washington.

Ironically enough, some of the same people who will vote for something that would take it away from the States and turn it over to Washington are the same ones who go back to their States and give great speeches about: We know better here in our State, and we don't need Washington to tell us what to do. And then they come up here time after time and vote to federalize cases that are being handled by the State courts and make irrelevant the State legislatures, State prosecutors, and State law enforcement. Sooner or later, some of those speeches are going to catch up with us and haunt us.

Our law enforcement officials should be proud of the decline of the violent crime rate and murder rate we have experienced since 1993, because it is largely due to their efforts and innovative programs like the COPS Program and community policing. There is nothing like seeing a police officer on the corner to make a criminal move on. We want that decline to continue, particularly in schools. Certainly, it does not take a criminologist to know that if you have the presence of the police, crime will go elsewhere, or not occur at all.

The strong bipartisan report for this proposal was demonstrated yesterday on passage of the amendment by Senator GREGG, which was cosponsored by Senator BOXER and myself. That amendment set up a new grant program with eligibility requirements to put cops in schools. The proposal in my amendment would expand the COPS Program and waive the matching non-Federal fund requirement to put more police in and around our schools.

My approach builds on a program with a proven track record. It is not a hypothetical. The States are familiar with it. We, at the State level, know

how it works. This amendment extends grants to local law enforcement for other programs, such as rural drug enforcement and Byrne grant funding.

My amendment also provides, in section 124, funding for the juvenile State court prosecutors. Yesterday, the Senate passed the Hatch-Biden-Sessions amendment which authorizes \$50 million per year for prosecutors. As I pointed out yesterday, this amendment does not authorize any additional money for judges, public defenders, counselors, or correctional officers. By leaving them out, you could end up exacerbating the backlog in the juvenile justice system rather than helping it, because it requires all those parts within the juvenile justice system to make it work.

In contrast to Hatch-Biden-Sessions, my amendment authorizes funding for "increased resources to State juvenile court systems, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel." I hope that will be something my distinguished friend from Utah, the exemplary chairman of the Senate Judiciary Committee, might support.

We need to do more to protect our children from drugs. My drug amendment would increase certain penalties for drug sales to children or near schools or for using children in the illegal drug trade.

As terrible as it sounds, Mr. President, we see this—where children are being used in the drug trade and where they abuse children as runners for distributors. It is one of the cruelest, most cynical things that can be done.

We also establish juvenile drug courts that are modeled on the successful drug court programs for adults, because it gives special attention to supervision and treatment of offenders, and how to get them clean.

It doesn't do any good to simply prosecute a drug offender if they are going to come back out and be just as addicted. We should try to get them off their dependence on drugs.

Let's talk about guns. Everybody tiptoes around this Chamber when it comes to the question of guns. On the one hand, you have people who feel there should be no guns at all, who couldn't even conceive of handling a gun, to those who feel that everybody should walk around with their own arsenal. The reality is somewhere in between.

Growing up in Vermont in a rural State, I grew up with guns. I have owned guns from the time I was a youngster. I went through the usual gun safety courses, became a champion marksman in college, and, in fact, competed in schools all over the country, and still shoot competitive target shooting.

I also taught my two sons and my daughter how to use and enjoy guns safely. We have very strict rules, and still have very strict rules at our home in Vermont in using guns, or in target practice—a lot stricter rules than most gun clubs would have.

But having said all of that, every gun owner, or not, is sickened by the school shootings and the tragic murders of the young children and dedicated teachers.

We recognize we have to take steps to protect our children from gun violence—steps that might go beyond just one parent to their child. Nothing can substitute for parental involvement and supervision.

Let me emphasize that. Most of us know as parents that nothing substitutes for parental involvement and supervision. But we also know we can take constructive steps to keep guns out of the hands of children when they are not under that kind of parental involvement and supervision.

The statement of administration position on S. 254 points out that this bill does not include any provisions on guns, and that this should be part of the broad-based, comprehensive approach to juvenile crime.

This amendment contains a number of proposals to protect children from guns.

I ask Senators: Are you willing to stand up and vote for or against these proposals?

Let me tell you what you are going to be voting on, that every Senator is going to determine whether they want to vote for it or against.

We ban the transfer to and possession by juveniles of assault weapons and high-capacity ammunition clips.

Are you for or against that?

We increase criminal penalties for transfers of handguns, assault weapons, and high-capacity ammunition clips to juveniles.

Senators are going to have to ask themselves when they vote on this: Are we for or against that provision?

We ban gun sales to persons who have violent crime records, even if those crimes were committed as juveniles.

Senators, are we for or against this provision?

We increase penalties for certain gun offenses involving minors.

Senators, are you for or against this provision?

We provide grants for the children's gun safety programs and for juvenile gun and youth violence courts with dissemination of model programs via Internet web sites.

Senators, are you for or against this provision?

We expand youth crime gun interdiction efforts in up to 250 cities by the year 2003.

Senators, are you for or against this provision?

We grant priority for tracing of guns used in youth crime, with increased Federal resources dedicated to the enforcement of firearm laws.

Senators, are you for or against this provision?

We have heard that this administration is not enforcing our gun laws. Let's stop the political mudslinging and ignoring of important facts and realize that as Americans we are in this together. The murder rate for juveniles

rose sharply in the late 1980s and the early 1990s due to a rise in gun violence. Since then, with some strong programs by this administration, the murder rate is on the decline. In fact, juvenile murder and non-negligent manslaughter arrests declined almost 40 percent between 1993 and 1997.

According to the Justice Department, Federal enforcement has focused on serious firearm offenders. These prosecutions are up 30 percent from 1992—up 30 percent. Federal and State law enforcement are working together more and more resulting in a 25-percent increase in combined annual firearm prosecutions since 1992—a 25-percent increase. The violent crime rate has come down. The murder rate has come down. The prosecution of gun offenses has gone up.

Those are indisputable facts. But having said that, we should strive to improve enforcement of our gun laws. That is why my law enforcement amendment provides \$100 million for the next 2 years dedicated to Federal firearm prosecutions.

It also establishes grant programs to replicate successful juvenile crime and truancy prevention programs, such as the program in Boston where they had a terrible, terrible slew of juvenile murders. They started this program and the murders stopped. We can replicate that in other cities.

As an aside, I strongly urge that those who prosecute cases involving weapons—be it at the Federal level or the State level—do what I did as a prosecutor. When I had a case involving a weapon of any sort—a gun, a knife, in a couple of instances a baseball bat—I sought, under our State law, a law that is similar to almost every State, an additional penalty for the use of a weapon. It can be anything that was used as a weapon in the commission of a crime. The word got around pretty quickly that if you used any kind of a weapon in a crime, assault, or burglary, or anything else, you were going to pay some additional penalty and you served additional time.

Finally, we commit resources and attention in this amendment to preventing juvenile crime with grant programs to youth organizations for supervised youth activities and after-school programs.

The amendment would authorize spending \$2 billion over the next 2 years on juvenile crime prevention and intervention.

Mr. President, everybody in law enforcement will tell you the same thing. The easiest crime to handle is the crime that never happened. And our crime prevention programs are modeled after what the police and others have told us work the best to prevent crimes.

I do not know and have never worked with a police officer who hasn't told me to help them prevent the crime from happening in the first place—juvenile crime especially. There are proven ways that work.

We are talking about spending billions and billions and billions of dollars more on the Kosovo crisis, along with the billions and billions and billions of dollars we spend in bombing Belgrade and elsewhere. Why don't we take a small part of that and invest it on our children, the safety of our children in a nation of a quarter of a billion people? Why not spend some money to protect our children within our own borders?

Similarly to S. 254, my amendment would reauthorize the Juvenile Justice and Delinquency Prevention Act. But in contrast to S. 254, my amendment preserves intact four core protections for youth in detention, but it also grants flexibility for rural areas.

We can come to the floor of the Senate and vote for feel-good proposals. We can pass resolutions condemning crime and violence—as though any Senator within this debate is for crime and violence; we are all against it. The reality is sometimes more difficult than the rhetoric. We need more than feel-good efforts. Parents and children in this country want concrete proposals. We give them those in this amendment.

As I said earlier, the question will be, Are Senators for or against them? We will have the vote and we will make that determination. These are proposals put together by Senators whose political philosophies go across the spectrum, by law enforcement officials who have testified and given Members their best analyses, by those who have run successful juvenile programs that have lowered juvenile crime and have stopped juvenile violence. We have put all this together. We have taken off any mantles of partisanship. These are proposals that we know work, not pie-in-the-sky but proven proposals.

The American people send Senators here to do a job, to pay taxes, to help parents seek a life where they do not have to fear for their children when they go to school, where parents do not have to fear for their children while they are at school, where there will be some control of juvenile violence. That is what is in this amendment.

How much time remains for the Senator from Vermont?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Seven minutes 45 seconds.

Mr. LEAHY. I reserve the remainder of my time.

Mr. HATCH. Mr. President, I enjoyed listening to my colleague and I appreciate his efforts.

Before I move into the substance of Senator LEAHY's substitute, which is essentially an amendment, I note that we have had very little time to study and consider this amendment. We saw this amendment, which is 211 pages long, for the first time yesterday. The Senate has held no hearings—none whatsoever—on this amendment, nor has the amendment ever been referred to the committee as a bill or otherwise. Consequently, not only has the Senate

not considered Senator LEAHY's substitute, no outside groups in law enforcement or the juvenile justice communities have had the opportunity to examine this amendment. Having said that, that doesn't mean we should not consider it at this time.

By contrast, the Judiciary Committee has worked on S. 254 and its predecessor, S. 10, for more than 2 years. The Youth Violence Subcommittee, under the leadership of Senators SESSIONS and BIDEN, has held numerous hearings on S. 254 and its predecessor. These hearings have examined S. 254 from different angles and perspectives. A variety of experts have testified in favor and in detail about this bill. S. 254 is the most thoroughly considered juvenile crime legislation in my 23 years in the Senate and service on the Judiciary Committee and it has bipartisan support, as we saw yesterday on the vote.

Senator BIDEN, the ranking member of the Youth Violence Subcommittee, one of the leading Senators on crime issues, supports S. 254. We appreciate the efforts he has made. Moreover, the Fraternal Order of Police, the National Sheriffs Association, the International Association of Chiefs of Police, the Boy and Girl Scouts, and the National Collaboration for Youth, among other organizations, have examined S. 254 in detail. These groups have written letters of support for S. 254. Needless to say, these groups have not endorsed Senator LEAHY's substitute, because they have not had a chance to consider the amendment.

I don't mean to imply that this substitute does not contain some good proposals. In certain ways it is similar to S. 254. For example, I commend Senator LEAHY for including funds for juvenile prosecution and drug treatment, but funding for these purposes is already in S. 254. In fact, virtually every basic fund for prevention is in S. 254. Also, this substitute changes procedural reforms to the Federal prosecution of juveniles that are very similar to S. 254, the bill before the Senate. Again, we address this area in the underlying bill.

In particular, the substitute contains a reverse waiver that allows Federal district court judges to reverse any Federal prosecutor's decision to prosecute a juvenile as an adult. Under both S. 254 and Senator LEAHY's substitute, the juvenile defendant must prove by "clear and convincing evidence" that he or she should not be tried as an adult.

In short, there is much in the Leahy substitute that Senators will have the opportunity to vote for when we pass S. 254.

Despite some positive provisions, the Leahy substitute is, in my opinion, badly flawed. For example, the Leahy substitute changes the provision to encourage and assist States to upgrade and share juvenile criminal records. One of the major features of our juvenile justice bill is improving criminal

records sharing—I might add, that is a uniquely Federal role—but the Leahy amendment does not improve juvenile records in a meaningful way. It would effectively strike the provisions governing the upgrading and improving of juvenile felony records. This is an important part of our bill. We found that if we don't keep these records, people don't realize when violent juveniles reach the age of maturity, or of majority, they don't realize what these young people may have done with regard to violence in their youth.

In addition, the Leahy substitute is not a balanced approach toward the accountability program. It provides only \$150 million for accountability programs, such as graduated sanctions and detention for juveniles, out of an annual authorization of \$1.86 billion in that bill, in that substitute. In other words, only 8.9 percent of the total funding goes to accountability programs. We all want prevention, but accountability is important, too. I have worked long and hard to remedy what some have thought in the past to be a failure to have enough prevention in these bills, as we are concerned about accountability. So we have made those changes on S. 254 to try to make this a more bipartisan bill for all Members to support.

We need to support and encourage a full range of graduated sanctions from the earliest acts of delinquent behavior to help ensure that early acts of delinquency do not grow into more serious problems.

This chart indicates that the earliest acts of delinquent behavior start at age 7, the green line. That is the average age where behavioral problems really come into focus and start with young people. They continue to grow worse as they get older if there is no effective intervention. The underlying bill, unlike my colleague's substitute, recognizes this and addresses it thoroughly.

Although we showed this chart yesterday, it is worthwhile going over it again and again. People need to understand the history and the probabilities of misbehavior by young people. Minor problems of misbehavior generally start at age 7, usually because of broken families or the lack of a father in the home, with the mother doing her best to try to help the children but having to work generally or, if not working, on welfare. It starts then. It isn't necessarily the child's fault. So we need to do what we can to intervene at that time when we have some of these minor behavior problems. That includes both correction and enforcement.

Now, moderately serious problem behavior really starts gaining focus at 9.5 years. As a child grows to 9.5 years old, if that child has not been helped between 7 and 9.5, you start to get moderately serious problem behavior.

Then it becomes serious delinquency by almost 12 years of age, or 11.9 years of age. Then the first court contact generally, for index offenses—in other

words, offenses that are quite serious—happens really at about 14.5 years of age.

This is important stuff, because we have to balance both sides of this equation, not just prevention but accountability as well. If we do not expect young people to be accountable and we don't put the resources into helping them be accountable, they are going to get to 14.5 years and we are going to be left with a hoped-for prevention that really isn't going to work in many cases. It may work, but we almost guarantee it will work if we can require a certain aspect of accountability during these years of age, 7 to 14.5.

That is one of the things we are trying to do in this bill. This is not a partisan bill. This is not a bill that is a triumph of Republican principles over Democrat principles. We have taken the best from both parties and tried to mold it together into a bill that really will work and make a dent in some of these problems that really are despoiling our society.

Prevention programs are not effective unless there are some accountability measures to reinforce them. Providing only 8.9 percent for accountability measures is not a balanced approach. S. 254, by contrast, provides approximately 40 percent for accountability programs. We balance the two.

By the way, we are spending an extra half billion dollars, if we pass the Leahy substitute, an extra half billion dollars on top of what we are spending, which is a monumental amount of money, over \$1 billion, \$1.1 billion in the Hatch-Biden-Sessions bill. It is important we do the accountability aspects of this.

On what does Senator LEAHY's amendment propose spending funds? In enforcement, it authorizes rural drug training, grants for State courts and prosecutors, and the Byrne Program. All of these are generally worthy programs, and I commend the Senator for recognizing them. Indeed, I have been a vocal critic of the recent efforts of the Clinton administration to cut funding for some of these very same programs. What of the \$200 million the Leahy amendment purports to spend on more police officers in schools? This is in reality just an extension of the existing COPS Program, and it is not targeted at juvenile crime. Some COPS funding can of course be used for school security. In fact, Republicans last Congress, led by Senator CAMPBELL, amended the COPS Program to allow its grants to pay for school security officers. But to call this general reauthorization a program dedicated to cops in schools is a bit inaccurate.

What is left of the Leahy amendment? Prevention, which of course we all agree is important, no question about it. The Hatch-Biden-Sessions amendment the Senate adopted yesterday increases our bill's commitment to prevention to \$547.5 million per year, as this chart indicates.

Just so we all understand this, from the juvenile crime prevention standpoint, the funding of the OJJDP prevention programs, you can see that in 1994 we spent \$107 million on these juvenile justice delinquency prevention programs—\$107 million, which many in that year thought was quite a bit of money. I did not. Senator LEAHY did not. I don't think Senator BIDEN did. But the fact is it was \$107 million.

We have in 1995 jumped to \$144 million, and in 1996 as well. Then in 1997 we went to \$170 million; then in 1998, \$201.7 million. We have been bringing it up gradually. But look, in our bill we put it up to \$267.6 million. As we have gradually worked hard to do, we put it up. Then in our bill, starting in the year 2000, we go all the way up to \$547.5 million. We double the money in this bill. That is a lot of money. And we ought to make sure that money works. We should not get into a contest of throwing money at these problems and saying that is going to solve them.

We have a balanced bill here that takes care of the accountability aspects, about 40 percent of our bill, and about 60 percent is for prevention. Those green lines, from 2000 through 2004, represent almost \$600 million a year on top of other prevention funds we already have in other programs. So it is not as if we are letting prevention down. In fact, we have balanced it so we have both accountability and prevention.

I might add, our prevention is more balanced than that in the Leahy amendment. Mr. President, \$850 million of Senator LEAHY's amendment's "juvenile crime prevention" is focused exclusively on crime prevention. I think that is important, but we do that as well. And \$400 million of that funding is not even dedicated to the juvenile drug problem. So that bothers me a little bit, too. We are now working on a juvenile drug bill.

Yesterday, we got into a little bit of a hassle on the floor because Senator ROBB and Senator KENNEDY and others wanted to add SAMHSA money, mental health moneys, to this bill. We provide that our prevention moneys can be used for mental health, but we do not try to rewrite in the bill the whole of mental health legislation in this country. We are going to do that later. I will help them do that, because I am as concerned about mental health issues as Senators KENNEDY and ROBB and the others who voted for that. But that is not the purpose of this bill, when we provide that is one of the alternatives, one of the options that State and local governments will have in resolving this.

It is the same thing with juvenile crime prevention and drug prevention. We provide for that in this bill. Moreover, this substitute, the Leahy substitute, is not narrowly focused on the problem we should be debating, and that is juvenile crime. Indeed, of the advertised \$3.581 billion over 3 years, by my count, only \$1.6 billion, or 45.6

percent, is dedicated to addressing juvenile crime.

We would like to make this bill be a juvenile justice/juvenile crime bill, and not make it a big social spending bill, when we have other programs that literally can be beefed up for those purposes. I am not necessarily against doing that in other programs, but this bill is balanced and we want to keep it that way.

So of the advertised \$3.581 billion over 3 years, only \$1.6 billion, or 45.6 percent, is dedicated to addressing juvenile crime. My omnibus crime bill, the 21st Century Justice Act, which is S. 899, is a comprehensive approach to our general crime problem. But the bill we are debating today is a juvenile crime bill, and that ought to be our focus, our total focus. If we can pass this bill, we will do more to solve and resolve juvenile crime problems than almost anything we have done in history. That is why it is such an important bill, especially when we have had to go through some of these very difficult times that this country has gone through recently.

In short, the Leahy substitute is no substitute for the effective comprehensive approach to juvenile crime proposed in the underlying Hatch-Biden-Sessions bill. So I urge my colleagues to reject this amendment, as much as it is well intentioned, as much as I respect my colleague. I really do respect my colleague, who works very hard on the Judiciary Committee. I know he is sincere in presenting these matters. But I want this bill to be balanced. I want it to be tough and lean—and work. We have added plenty of money, as you can see. We are jumping those funds dramatically in 1 year to where we have very significant amount of funds. We have doubled them, in essence.

There will be people around here, no matter how much money you spend, who will always want to spend more. There comes a time when you have to do what is best under the circumstances and what is right under the circumstances. That is what will get this bill through both Houses of Congress and will do what really needs to be done for our young people in this society who are troubled and who have difficulties and whom we can save if we pass this bill. We can prevent some of the things that have happened in the past that have literally disrupted our society and hurt so many people.

Finally, S. 254 is supported by real people who took the time to get involved in juvenile justice. For example, more than a year ago, I received a letter from a woman named Cris Owsley in Sunnyside, WA. She wrote about how her son, Shaun, was knifed to death by a 15-year-old attacker in January of 1997. Shaun was just 2 days past his 18th birthday, and he was murdered at his birthday party.

Shaun's parents are courageous people. They took their grief and turned it into activism. Working with other par-

ents and the State legislature, they became advocates for laws that would appropriately punish juveniles like the murderer who killed their son. Then they contacted me and asked what they could do to promote reform nationally. I invited them to Washington last summer where they joined me and others on the Judiciary Committee and numerous law enforcement groups to urge passage of this juvenile crime bill. I am sure they will approve the amendment we adopted yesterday, the Hatch-Biden-Sessions amendment. They have set up a web site to advocate the passage of S. 254. That is how much it means to them and, really, millions of parents across this country.

I close my remarks with this exhibit. This box that I have contains more than 1,000 letters in support of S. 254 generated by these folks. These are real people who have endorsed this bill. Given their support, I urge the Senate to reject the Leahy substitute and support S. 254, and let's get this done. I hope we can move this ahead today and get it done today, because the sooner we get this bill passed, the more likely we are going to have greater tools and greater efforts to resolve some of these problems that are tearing our society apart. This is an extremely important bill. It is a bipartisan bill. It is a bill that will make a difference, and I think we ought to do this as quickly as we can.

Mr. President, I reserve the remainder of my time.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first off, I thank my good friend from Utah for the kind words. I am reminded of Shakespeare and Julius Caesar: I am here not to praise Caesar but to bury him. I think my friend from Utah has expanded on that. He wants to both bury me and praise me. I thank him for one-half of that equation and regret the other half.

I will point out a few errors, though, in his statement. One, this is an amendment. It is not a substitute. It is not intended as a substitute. It would not begin to be a substitute because there are many parts of S. 254 with which I agree.

The distinguished chairman has talked about the hearings on S. 254. In fact, there have been no hearings on S. 254; not one, not one at all. In fact, my amendment, which is basically what was introduced over a year ago and not something that popped out here yesterday, has had just as many hearings as S. 254.

There are things in S. 254 I like. I praised Chairman HATCH for including my reverse waiver in the bill. That is very good. Senator DEWINE of Ohio and I worked on it, and we adopted a technology grant, the DeWine-Leahy-Hatch Law Crime Identification Technology Act that provides a \$250 million block grant for States to upgrade their criminal records. It will be funded this year to help States upgrade their criminal history records.

My amendment provides money for both intervention and primary prevention programs because we need primary prevention programs before children get into trouble. In some ways we fail, because the only time we step in is after they get into trouble. Let's stop it before they get into trouble.

The distinguished chairman said that it is a lot of money, that I am adding \$½ billion for prevention for children. Let's talk about this. That is a lot of money. That is close to \$2 a person in this country. I think the math probably works out to about \$1.85 or \$1.90 per person every year. That is almost enough to buy a small soda at a movie, or that is almost enough to buy a comic book.

Let's be realistic. To help keep our children out of trouble, can we not afford \$1.85 or \$1.90 a year? Ask the parents in Littleton, CO, whether they would spend that kind of money, or ask the parents in any town in Vermont, California, Oregon, Utah, or Alabama if they would.

We want to address youth violence and school violence problems in this country. This is a problem that is a lot bigger than just whatever happens in our courts, once the crime has happened, once the juvenile has been apprehended.

We need an approach obviously to handle juvenile crime after it happens, but let's spend that extra \$1.85 or \$1.90 to try to use programs that have been proven to work, that our own hearings have shown work to prevent a crime from happening in the first place.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. LEAHY. I yield 2 minutes of that to the distinguished Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Vermont.

I rise because I think it is very important to point out to my friend, Senator HATCH from Utah, that what we are trying to do on this side of the aisle, under the leadership of the Senator from Vermont, is put more of a stress on prevention.

Here is the point. The good Senator from Utah, working with Senators LEAHY, BIDEN, and SESSIONS, had an excellent amendment that moved more toward prevention. We, on our side of the aisle, support the enforcement part, the tougher penalties part, but we want to see even more of a balance. There is still an imbalance.

I say to my friend from Utah, and I know he has had a similar experience or I think that he has, if you talk to law enforcement—and I have so many times in my State—they tell me: Senator, once the kids get into these teenage years, until they are 19, 20, 21, it is too late to turn them away from crime. Do more for prevention.

Law enforcement has been the driving force behind my afterschool bill because they understand if the kids get

the attention after school, they will not go home, get in trouble, and choose a life of trouble.

What the good Senator from Vermont is doing in this amendment, and I hope he will get bipartisan support, is to say, let's stress prevention as much as we do enforcement. He has pointed out quite eloquently, yes, we are talking about a couple of dollars out of the pockets of the average American every year, a couple of dollars to prevent crime from happening in the first place. I can assure you, Mr. President, it is much cheaper. Many have said, and it is a fact, that it costs more to imprison one of our youngsters than it does to send him or her to Harvard for a year.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. We know what we are doing. I ask for 30 more seconds to wrap up.

Mr. LEAHY. I yield 30 seconds.

Mrs. BOXER. Mr. President, to address the issue that Senator HATCH raised, the vast majority of the programs in Senator LEAHY's amendment are proven programs. A couple of them that are new are essentially taking adult programs and applying them to the juveniles in our country. So this is a tried and true amendment.

I am very hopeful it will pass. It would put more cops on the street. Senator LEAHY waives the matching requirement if you place a community policeman in a school. This is very important. I think those of you who really want to help our children should vote yes on the Leahy amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Utah has 10 minutes.

Mr. HATCH. I want to yield some time to my distinguished colleague, the chairman of the subcommittee. We are both thinking of the same thing. If I could just take a minute.

Mr. SESSIONS. Please.

Mr. HATCH. And you can reemphasize it, if you could.

Look, one of the things that has always bothered me about Washington, and especially the Congress of the United States, is no matter how much money you put up that is reasonable, there is always going to be somebody who says we have to spend a lot more. Generally, it does come from the other side of the floor.

In this particular case, we have just shown you how we double the prevention moneys for the next 5 years, each year, over what they are today and how they have gone up. They will go up about five times what they were in 1994.

Now look, today, before this bill passes, let me show you the imbalance in the law right now. We are spending \$4.4 billion on juvenile prevention programs—117 programs. That is what we

are spending. That is going to be spent whether this bill passes or not.

We are going to add another \$547 million to that. It will bring it up to about \$5 billion that we are spending on juvenile prevention.

One of the problems I have with the amendment of Senator LEAHY—he says it is not a substitute. That is fine. But one of the problems I have with his amendment is he is only spending 8.9 percent on the accountability side of the equation, where we spend 40 percent in our bill.

Look how much we are currently spending: zero dollars for juvenile law enforcement or accountability. You wonder why kids are in trouble today. We made the case. The troubles begins at age 7; they escalate until age 14½, when it is too late, and they then go to court. That is what accountability is going to do. It will help to make them accountable up to age 14½, and hopefully the prevention moneys will work then, because you will have both sides of the scale, admittedly not an awful lot for accountability in comparison, but we will have accountability money and we will have even more prevention money.

I yield the remainder of my time to the distinguished Senator from Alabama, who has made this case over and over.

But what never ceases to amaze me is, whatever money we put in these programs, there is always going to be someone who wants to spend a lot more. The point we make is there is a lot more there now, and we are going to add a lot more. And we do not need to add \$400 million for each year for the next 5 years.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the distinguished chairman of our Judiciary Committee, Senator HATCH. He is right on point.

I have a similar chart here. There has been \$4.4 billion spent on juvenile prevention programs, 117 separate juvenile programs. We have had no money for law enforcement, make no mistake. The point I really want to make is, when you spend money strengthening our juvenile justice system, giving juvenile judges alternatives and possibilities to intervene effectively through the appropriate discipline when young people go wrong, that is prevention—that is prevention.

Fox Butterfield in the New York Times had a front page article about Chicago's juvenile court system. They spend 5 minutes per case. It is just a revolving door. We need to strengthen the ability of juvenile judges to intervene effectively when kids first start getting into trouble, because if you have a limited amount of money for prevention, you should apply it where it works best, for those people who are already beginning to get into trouble.

Let me show you a Department of Justice study done recently by a professor at the University of Maryland on behalf of Attorney General Reno.

The chart says, "The findings of the Department of Justice Prevention Evaluation Report." What did they find? Most crime prevention funds are being spent where they are needed least. That is a condemnation of us in Congress and the Department of Justice. Most prevention money is being spent where it is needed least. That is President Clinton's own Department of Justice.

Most crime prevention programs have never been evaluated. We have 117 of them. They have 4-H Clubs in inner cities that are supposed to keep people from committing crime. I do not know if that works or not. I used to be in a 4-H Club, but I do not know whether that is a good idea. There are 117 of these programs.

Among the evaluated programs, some of the least effective receive the most money. We want to just do more, more, more.

We have worked for over 2 years on this legislation. We have given it a lot of attention. Chairman HATCH has given it his personal attention. We have now worked with Senator BIDEN and have his support. In the committee, the bill came out with bipartisan support last year. It has bipartisan support.

Here we have an amendment of 100 or more pages, submitted by the distinguished Senator from Vermont. I know that as a former prosecutor he cares about these issues, but we get it this morning—I think my office got this morning probably the only two copies in existence. He wants to spend, what, \$3.8 billion—just \$3.8 billion. We have not even had time to read the amendment.

There are a couple of things that are important to me. There is no money dedicated for law enforcement. I tell you, the people think juvenile judges do not care about kids. The Juvenile Judges Association is supporting this effort because the money is coming in a way that requires a committee, a coordinated committee in a community. Our vision is that the community would come together—the judge, the prosecutor, the sheriff, the probation officers, civic leaders—and prepare a plan to deal with young people who are getting into trouble.

Everyone needs to be drug tested upon arrest. If you do not care about the kids, you will not drug test them. If you love them and care about them, you will find out if part of their criminality is being driven by drug use; and if so, then you need to have treatment and continued monitoring of them if they are let go.

Parents need to know if the reason their children got involved in theft was because they were strung out on drugs. That is an important thing. That is how you intervene effectively. The power of a court gives credibility to the process that no other drug treatment center or mental health center can give because a judge can order things to happen. You talk to your pre-

vention people, the drug treatment people, the mental health people. They like the order of a judge requiring these things to happen.

So I believe that a good criminal justice system is prevention. And what they comment on is a "lock them up" mentality. This is what our accountability block grant provides: drug testing of juveniles upon arrest; and it provides the money for State and local people to do that, and the renovation or expansion of detention facilities.

The truth is, we have quadrupled the amount of bed space for adults coming in and have driven down adult crime dramatically because we focused significantly on repeat, dangerous adult offenders. But we have spent very little money at the same time that juvenile crime has been increasing dramatically.

That is why, as frugal as I am about government money, I think it is appropriate for us as a nation to rise up and address the shortcomings in juvenile court systems in America and try to give them some strength. You have to have some detention.

People across the aisle have a little mantra. They are saying: Well, we want to really lock up these tough kids. But when you have three times as many people committing murder as a juvenile, three times as many committing assault with intent to murder, and rapes, and that kind of thing in the last 15 years, then we have to have more capacity, don't we?

What are judges doing with a second-time burglar when the only bed space in the State juvenile center is filled with a youngster charged with murder? Where are they going to put these kids? That is what they are telling me.

Police officers say: Well, police officers want prevention. Look, I was a prosecutor. I had been a prosecutor for nearly 17 years. Many of my best friends are police officers. You ask them: Don't you wish we could prevent crime?

Oh, yes, they answer, I wish I could prevent crime. I am tired of arresting these kids.

They will always say that. But you ask them about what they know, you ask them how the juvenile justice system is working, and they will tell you it is in a state of collapse. They have told me over and over again: Jeff, these kids are laughing at us. We can't do anything to them, and they know it. We arrest them, and they are released within hours of their arrest. Nothing happens to them, time after time.

This isn't a first-time offense. People act as if you are going to take some youngster—

The PRESIDING OFFICER. All time in support of the amendment has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. People act as if first-time young offenders are getting sent

off for long periods of time. That is not so. It is just not so. Ask people who know about the system.

What we need, though, is for that seriously disturbed youngster who is heading down the wrong road to get to a juvenile court system where the judge can look them in the eye with toughness, concern, and tough love, and be able to discipline them, to set forth a program that fits their needs, whether it is mental health, drug treatment, family counseling, or prison.

We do not have that in America, because we don't have any money spent for that. We need to do it, and this bill will do so.

I thank the chairman for his time. The PRESIDING OFFICER. The Senator from Vermont has 1 minute.

Mr. LEAHY. Mr. President, I yield back the remainder of my time.

Mr. HATCH. All time is all yielded back?

The PRESIDING OFFICER. All time is yielded back.

Mr. HATCH. Then I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 327. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is necessarily absent.

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 54, nays 44, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—54

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner

NAYS—44

Akaka	Dodd	Kerrey
Baucus	Dorgan	Kerry
Bayh	Durbin	Kohl
Biden	Edwards	Landrieu
Bingaman	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Breaux	Graham	Levin
Bryan	Harkin	Lieberman
Byrd	Hollings	Lincoln
Cleland	Inouye	Mikulski
Conrad	Johnson	Murray
Daschle	Kennedy	Reed

Reid
Robb
Rockefeller

Sarbanes
Schumer
Torrice

Wellstone
Wyden

NOT VOTING—2

Cochran
Moynihan

The motion was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that with respect to the next amendment, the BROWN-BACK amendment on code of conduct, no amendments be in order to the amendment for 30 minutes after it begins.

Mr. LEAHY. Reserving the right to object, do I understand, then, the unanimous consent is not to preclude amendments but to preclude amendments for 30 minutes?

Mr. HATCH. As we work out the difficulties. We are trying to have an interim period of time.

Mr. LEAHY. This is consistent with what the distinguished chairman and I discussed.

I have no objection.

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

Mr. DASCHLE. Mr. President, last evening, Senator ROBB, Senator LEAHY, Senator KENNEDY and other Democratic Senators offered two amendments to S. 254 that were developed by a working group within the Democratic Caucus. Those amendments, together with an amendment to be offered by Senator BOXER to extend after-school programs, provide a comprehensive, measured response to youth violence.

Children today face incredible emotional and societal pressures that most people my age never had to worry about. An average of 12 children die each day from gunfire in America. The National School Board Association estimates that 135,000 guns are brought into U.S. schools each day. This reality was painfully reinforced by the terrible, senseless tragedy that occurred in Littleton, Colorado, only a few weeks ago.

The fear of school-related violence can have a profound effect on children's ability to learn. This fear has increased over the last decade. Fear for personal safety causes a significant number of students to stay home from school, or avoid certain areas of their schools. A full 71 percent of children ages 7 to 10 say they worry they will be shot or stabbed while at school.

The root causes of the Columbine High School shooting, and wider threats to our schools and communities, are complex and deep. Finding solutions will require a national commitment that goes far beyond legislative proposals. It will require students, parents, teachers and principals, business leaders, faith-based organizations, youth groups, law enforcement officials and many others working together to reduce the threat of violence.

While government—alone—can't solve the problem of youth violence, government must be part of the solution.

The amendments that make up the Democratic package to S. 254 would

help America's communities reduce violence in our schools and communities.

Our caucus is united in our support of these amendments. We are also united in our determination to continue to seek long-term solutions to the problem of youth violence—solutions that will encompass both legislative and non-legislative strategies.

PROVIDING RESOURCES AND SERVICES TO PREVENT YOUTH VIOLENCE

More than 9 out of 10 police chiefs agree with the statement, "America could sharply reduce crime if government invested more in programs to help children and youth get a good start" by "fully funding Head Start for infants and toddlers, preventing child abuse, providing parenting training for high-risk families, improving schools and providing after school programs and mentoring."

Nine out of 10 police chiefs also agree that "if America does not pay for greater investments in programs to help children and youth now, we will all pay far more later in crime, welfare, and other costs."

They know, and we know, that prevention works.

Efforts to prevent delinquency before it starts can make a real difference in keeping children and communities safe. That's not conjecture. It's a fact.

A recent study on the effectiveness of after-school programs looked at 2 housing projects. One of the projects instituted an after-school program, the other did not. In the project with the after-school program, juvenile arrest rates declined 75 percent. In the other project, juvenile arrest rates rose 67 percent.

In housing projects with Boys and Girls Clubs, juvenile arrest rates are 13 percent lower, and drug activity is 22 percent lower, than in projects without clubs.

In Boston and Los Angeles, comprehensive efforts to prevent juvenile crime have significantly reduced the number of murders of young people.

Violence prevention saves lives. And it saves money.

A RAND study found that crime prevention efforts were three times more cost-effective than increased punishment.

A Vanderbilt University study estimates that each high-risk youth prevented from adopting a life of crime could save the country from \$1.7 million to \$2.3 million.

That is why our leadership amendments sought to balance smart prevention and tough enforcement.

Senator ROBB's amendment would have created a National Center for School Safety and Youth Violence—a national clearinghouse of strategies that work.

A Center could provide expert advice to schools and communities.

It could establish a toll-free number for students to seek help and anonymously report criminal activity and other high-risk behaviors.

It could provide assistance to parents and communities to address emergencies.

The Center could also conduct research on and evaluate effective school safety strategies.

It could serve as a clearinghouse of model programs, and establish a web site on school safety.

It could also work with local communities to strengthen school safety.

It could do all of those things if the Senate had chosen to adopt the amendment.

The Robb amendment also built on the existing Safe Schools/Healthy Students program. This is a program that brings together schools, law enforcement and the mental health community to reduce both juvenile violence and drug and alcohol abuse.

We think this program should be available to 150 additional communities, not just 50. Charges that the Robb amendment would create a whole new bureaucracy and duplicate existing programs are just not true.

Mr. President, I find it ironic that Republicans in the Senate voted against the Robb amendment, yet voted in support of the Gregg amendment, which claims to do many of the things the Robb amendment would do with fewer resources. Making our schools safe should be one of our highest priorities.

Preventing youth violence also requires a special focus on after-school hours.

Many students today spend more of their waking hours alone than they spend in school.

We know that children left home alone are more likely to become involved in risky behaviors.

Most juvenile crime occurs between 3 p.m. and 8 p.m.

We also know that children who attend quality after-school programs are less likely to engage in delinquent activity than children who do not. They have better relationships with their peers. They're better adjusted emotionally, get better grades, and they're better behaved in school.

So, our package includes an amendment, to make quality, school-based after-school programs available to more students, in more communities.

Our amendment triples funding authorization for the existing 21st Century Learning Center grant program, from \$200 million to \$600 million. This proposal is in S. 7, our education agenda bill, and was in the President's budget.

By investing in prevention, we can prevent a lot of good kids from going bad.

But we know there are young people who need tougher measures.

The amendment offered by the Senator from Vermont would have provided those measures as well. It was tough on juvenile crime—especially violent juvenile crime.

It gave the Attorney General greater discretion to prosecute violent offenders as adults in the federal courts, and streamlines the process for doing so—without trampling on the rights of juvenile suspects.

It established a program of flexible, graduated sanctions.

Our amendment also provided grants to States to incarcerate violent and repeat offenders. We need to get violent kids off our streets, and out of our communities.

When police chiefs were asked to rank the long-term effectiveness of a number of possible crime-fighting approaches, they chose "increasing investments in programs that help children and youth to get a good start" nearly 4 times as often as "trying more juveniles as adults."

Four times more often!

Our law enforcement amendment reflects the police chiefs' judgment. It invests in programs we know work, from "Say No to Drugs" community-based centers, to incentive grants for local delinquency prevention programs and drug prevention education programs.

We also proposed to better protect children from drugs by expanding drug treatment opportunities, and increasing penalties for people who sell drugs to children.

In addition, our amendment built on one of the most successful initiatives of the 1994 Crime Act, the COPS program.

We proposed to put 6,000 more police officers in our schools and our communities.

Mr. President, I think we were all disturbed by the bomb scares that were called into schools all across our nation in the wake of the Littleton tragedy. South Dakota has had to deal with 30 bomb scares or threats of violence since that incident.

One of those bomb scares was called into Tri-Valley, a school in a rural community outside Sioux Falls, South Dakota.

Fortunately, Tri-Valley has a police officer, called a "school resource" officer. His name is Deputy Preston Evans. His position is funded by a COPS grant. He actually covers two schools.

On the day of the bomb threat, as students were being evacuated from the school, a number of students came up to Deputy Evans and told him they knew who had made the threat. By the end of the day, two students had been arrested.

Those students were able to confide in Deputy Evans because they trusted him. And they were able to trust him because they knew him. They had a relationship with him.

By expanding the COPS program, and giving kids the opportunity to have police as mentors and role models when they are young, we can reduce the chances that they'll need judges and wardens when they're older. That makes sense for our children, for our communities, and for our future.

Mr. President, I never had to worry about assault weapons or pipe bombs when I was in school. No child, and no parent today should have to worry about those things, either.

We simply cannot provide hope for our children if we cannot guarantee

their safety in the very institutions where they go to learn the skills they need to succeed in life.

I know that gun control proposals alone will not keep our children safe when they leave our homes in the morning. But we can—and we must—do more to keep dangerous weapons out of the hands of children, and away from our schools.

Our law enforcement amendment banned the possession of assault weapons and high capacity ammunition clips by anyone under the age of 18.

It also increased criminal penalties for those in the deadly black market of selling handguns, assault weapons and high-capacity ammunition clips to juveniles.

Finally, when juveniles commit violent crimes and put the lives of others at risk, our amendment took away their right to possess a gun—ever—regardless of whether they are prosecuted as adults or juveniles.

In all this talk about juvenile crime, it's important for us to remember that the vast majority of our young people are good kids. They work hard in school. They're involved in their communities.

Our goal should be to empower these young people, and their communities, to take action against crime, rather than be victimized by it.

I've seen what can happen when we harness the power of our young people in my own state.

Not long ago, a student in our capitol city, Pierre, took his own life.

Many of his classmates were deeply affected. In addition to mourning, they also resolved to try to prevent other young people from making the same tragic mistake.

High school students Craig Schochenmaier, Nick Johnson, and Blair Krueger have been working to raise money to give away gunlocks imprinted with the number for a suicide prevention hotline to parents who own guns.

Instead of simply becoming numb to violence, Craig and his friends have found a way to fight it, and help others.

I believe there are young people in communities all across our country who feel as Craig, Nick, and Blair do. They want to make their schools and communities safer. They're willing to work to end the violence. Our amendments would have given them, and their communities, the tools and support they needed to do that.

I think we have missed two key opportunities on this bill. The provisions we have proposed and would make a real, positive difference in the lives of the people of this country. They represent the next right step in our ongoing effort to secure the safety of our schools and communities. My colleagues and I may offer some of these as individual amendments before the debate on this bill is over.

I certainly encourage my colleagues, especially on the other side of the aisle

but on both sides of the aisle, to reconsider these issues, to reconsider how we address these problems, and to vote in support of these amendments when they are offered again.

I yield the floor.

Mr. HATCH. Mr. President, I would like briefly to respond to the distinguished minority leader's comments. I agree with the Senator from South Dakota that we need long term solutions to the problem of youth violence. S. 254, a comprehensive package designed to combat youth violence through multiple approaches—like prevention and accountability programs—is a long term, but flexible, approach to assist the States in curbing youth violence.

My colleagues across the aisle want more funding dedicated to prevention programs, despite the funding increases approved yesterday in the Hatch-Biden-Sessions amendment. In addition, the Federal government, according to a 1999 GAO study, spends over \$4 billion annually on 117 prevention programs. The Robb amendment was wisely tabled, since it added an additional \$1 billion to Federal programs that already exist. S. 254 and the pending Republican amendments already address programs to steer youth away from a life of crime. For instance, S. 254 has a unique mentoring program that utilizes college age adults and retired couples that are matched to troubled juveniles and their families. By giving the juveniles proper guidance, communities can prevent youngsters from choosing to commit crime.

Furthermore, although there were some similar provisions between the Leahy substitute amendment and the underlying bill, the devil is always in the details. Upon close inspection, this amendment was not an adequate substitute for the most thoroughly considered juvenile crime legislation in my 23 years in the Senate.

First, the Leahy amendment duplicated programs that are already in S. 254. My bill gives the Attorney General greater discretion to prosecute violent juvenile offenders that commit Federal crimes in adult court, and streamlines the process to do so. S. 254 already has a flexible accountability block grant that provides funding for a system of graduated sanctions to hold violent and repeat offenders responsible for the crimes inflicted on their victims. Since S. 254 provides a comprehensive package to fight juvenile violent crime, the Fraternal Order of Police supports the bill.

Second, the Leahy amendment was not narrowly focussed on the problem we should be debating—juvenile crime. Indeed, of the advertised \$3.581 billion over three years price tag, by my count only \$1.632 billion, or 45.6 percent, is dedicated to addressing juvenile crime. In the law enforcement category, the imbalance is even more startling. Of the \$1.684 billion the amendment claimed to spend on juvenile crime law enforcement, only \$150 million, or 8.9 percent, is targeted at reducing juvenile crime.

This \$150 million is for juvenile and violent offender incarceration. I certainly agree with Senator LEAHY that we need to provide assistance to States and local governments for secure juvenile detention. But, we need to fully support and encourage a full range of graduated sanctions from the earliest acts of delinquent behavior, to help ensure that early acts of delinquency do not grow into more serious problems. According to the OJJDP, the earliest acts of delinquent behavior start at age seven, and continue to get worse if there is no effective intervention. S. 254, unlike my colleague's amendment, recognizes this, and addresses it.

So what did the Leahy amendment propose spending funds on? In the enforcement area, it reauthorizes Rural Drug Enforcement and Training, grants for state courts and prosecutors, and the Byrne program. Now, all of these are generally worthy programs. Indeed, I have been a vocal critic of recent efforts by the Clinton Administration to cut funding for some of these same programs. And my crime bill, the 21st Century Justice Act (S. 899) is a comprehensive answer to our general crime problem. But the bill we are debating today is a juvenile crime bill, and that should be our focus.

And what of the \$200 million the Leahy amendment purports to spend on more police officers in schools? This is, in reality, just a two year reauthorization of the existing COPS program. Some COPS funding can, of course, be used for school security. In fact, I supported the bill by Senator CAMPBELL we enacted last Congress to amend the COPS program to allow its grants to pay for school security officers. But to call this general reauthorization a program dedicated to cops in schools is a bit inaccurate.

What is left of the Leahy amendment then? Prevention. Which, of course, we all agree is important. The Hatch-Biden-Sessions amendment the Senate adopted yesterday increases our bill's commitment to prevention to \$547.5 million per year. And, I might add, our prevention is more balanced than that in the Leahy amendment. \$850 million of the Leahy amendment's "juvenile crime prevention" is focussed exclusively on drug prevention. And \$400 million of that funding isn't even dedicated to the juvenile drug program, which I agree is in dire need of attention.

In short, the prior Democratic amendments are no substitute for the effective, comprehensive approach to juvenile crime proposed in the underlying Hatch-Biden-Sessions bill. This bill, and the amendments we will offer, address our juvenile crime problem in four key areas. These include:

- (1) prevention and enforcement assistance to state and local government;
- (2) parental empowerment and stemming the influence of cultural violence;
- (3) getting tough on violent juveniles and enforce existing law; and
- (4) safe and secure schools.

So far, the amendments to this serious juvenile crime package have been simple calls for increased spending and rhetorical trinkets. So while I respect the minority leader's views on this issue, I must disagree with his conclusions.

Mr. President, before we begin the Brownback amendment debate, I ask unanimous consent the distinguished Budget Committee chairman be granted 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise to offer my thoughts on the juvenile justice legislation before us here today. I want to commend the majority leader for bringing this important bill to the floor this week.

I think it is time for the Senate to have a full debate about our Nation's juvenile crime policies, and the role the Federal Government should play in addressing youth violence.

The Federal Government should provide greater funding to the States to combat juvenile crime, but without tying the hands of the States and their ability to implement new and innovative approaches to the problem. The bill before us is a step in that direction.

In the wake of the tragedy in Littleton, CO, this will be a particularly timely debate. But I want my colleagues to know that, in the view of this Senator, this is a debate which is long overdue.

As far back as 1995, I held field hearings in my home State of New Mexico to talk to people about their experiences with escalating youth violence.

I brought in judges, law enforcement officers, youth counselors, and prevention experts, as well as victims of juvenile crime, to see what the Federal response to the problem ought to be. I then introduced legislation based on what I heard from the experts in New Mexico.

And I must say to the chairman of the Judiciary Committee, Senator HATCH, and his colleague, Senator SESSIONS, you all must have heard the same things from your experts as we heard in New Mexico. Because many of the same concepts and ideas which I heard during those discussions in New Mexico have found their way into your bill before us today.

Ideas like graduated sanctions, so that kids are punished the first time they commit a bad act, and given more severe punishment for subsequent, more severe offenses.

In New Mexico, I heard countless stories of juveniles who committed 10 or 15 minor crimes before they ever were given even the slightest punishment. It is not wonder that so many kids disrespect our justice system. This bill will encourage States to adopt graduated sanctions policies, and provide resources to do so.

Another theme echoed throughout the field hearings and meetings I held

in New Mexico was the need to better address the rights of the victims of juvenile crime.

Often, the victims and their families are forgotten in the juvenile justice system. States frequently require closed court hearings, rarely notify victims when offenders are sentenced or released, and often fail to allow for restitution.

One issue that is critically important to a rural State like New Mexico is the need to address the Federal mandates imposed upon the States as a condition of receiving Federal funds.

I have been working with Congresswoman HEATHER WILSON of New Mexico's First District on this issue since the time when she served as the Secretary of Children, Youth and Families in our State. One problem she always faced was how to deal with the Federal "sight and sound separation" mandate, which led to arbitrary, burdensome, and often times ridiculous restrictions placed on my State's use of juvenile facilities.

Let me make it clear to the critics of this bill's handling of the mandates: no one, including this Senator, wants to house juveniles in the same cell as adults or to allow adults the ability to physically or emotionally abuse juveniles held in secure facilities.

All this bill seeks to do is impose some common sense, to allow States the flexibility to use their facilities and staffs in a rational, but responsible way. I think Senators HATCH and SESSIONS have done a good job addressing the problem.

I have before me a list of the 15 Federal and 7 State gun laws already on the books which were violated by those disturbed youths in Colorado. I want my colleagues to know that I think that we should do a better job of enforcing those laws already in place, particularly at the Federal level, before we consider enacting a laundry list of new gun laws. There may be some suggestions offered this week which are reasonable, and which might be acceptable to a majority of Senators. I wait to see what will be offered.

Mr. President, I thank you for recognizing me. Again, I commend the chairman of the Judiciary Committee, Senator HATCH, and the chairman of the Youth Violence Subcommittee, Senator SESSIONS, for their hard work on this bill. I do not agree with every single provision, and I may offer some amendments later in the process, but I think they have done a fine job getting this legislation to the floor. And I look forward to working with them as we continue to shape the bill.

Mr. President, while this bill will be contentious and we will have scores of amendments, it is the right debate at the right time in the right place. I think after we have fully debated this we are going to come up with a bill that will help our sovereign States and the governments within those sovereign States to do a better job with juvenile crime policies. We do not have

a major role, but we have certainly not had a sufficient role. This bill will expand that and modify and make more responsive some of the mandates we have in our laws today with reference to juveniles.

First of all, there is a great discussion taking place about firearms and guns. While I do not address that in my few remarks, in due course we will have a significant debate on this. Clearly, we will all listen attentively and pay attention. We will try to do the very best we can. I will certainly try to do that.

But essentially there is a much bigger issue. The issue is the criminal justice system. In our land we have an adult criminal system. We all hear about that regularly. It is jury trials for serious crimes. It is whether or not to have death penalties. It is do we have enough district attorneys to prosecute. It is what is happening to the families of these adults against whom these crimes have been committed. And it is a myriad of things that apply to adults.

For the most part, the juvenile justice system in America has been almost mysterious, because we have been bent on protecting the young people and protecting their rights and protecting their reputations—and properly so. But I submit much of that apprehension about disclosing what crimes teenagers and juveniles have committed, keeping their records separate such that they can have the equivalent of two or three felonies and nobody ever knows about it when they enter the next phase of life—many of these things were done in a completely different era. Clearly, we have a small portion of America's young people committing crimes. The overwhelming number, as the minority leader said, are diligently doing their jobs, trying to grow up, learning and conducting themselves in a very, very good manner.

There is a growing number of teenagers that has become just as dangerous as adult criminals. They commit the very same crimes from rape to murder to mayhem to burglary to robbery. Drive-by shootings are not just done by adults. Many of them are done by teenagers and young people. The time has come, it seems to me, to give a little more recognition to that and to help our States and their juvenile apparatus for helping them do a better job.

I held hearings in my State the year before last, and I introduced a bill, along with my colleague from the House, Representative HEATHER WILSON. Many of the ideas in it which we got from our educators, from our judges, from our policemen, are in this bill. I compliment those who put it together. It moves in the right direction, without any doubt.

Frankly, there are young people who commit significant crimes over and over who deserve to be treated as adults. We do, to some extent, urge the

States to move in that direction—and many are—to treat as adults those young people who commit certain kinds of crimes which are just abhorrent to society.

We are moving in the direction of making sure that the records of severe juvenile criminals are made available so that the courts can be apprised in later years as these juvenile criminals commit other serious crimes. It is not as if the first 5 years of criminality as a youngster do not count. We are moving in that direction, and I think we are moving there correctly.

Likewise, it is obvious that we ought to be doing some things to help in the prevention area. I am very pleased that we are urging our schools that have great physical capacity—their gyms, their recreation centers, their classrooms—to make them available for afterschool, weekend and even summer activities so that our young people have more to do with their enormous amount of spare time, other than to spend, on average, 7 hours—it is not just teenagers, but televisions in our homes are on 7 hours a day, a rather incredible number. Probably with so many of our young people with nothing to do in the afternoons, it would not be a surprise if for a substantial number of those 7 hours, teenagers and our youngsters are watching, with no adults around, whatever they please.

Clearly, this bill is moving in the right direction, with reference to another area which is totally frustrating for fellow New Mexicans and for Americans, and that is victims of juvenile crime. We are now finding how abusive a court system can be to victims if, in fact, the courts do not take the victims into consideration.

I will be offering an amendment with reference to victims which, I believe the Senate will be pleased to hear, will take some things out of the proposed constitutional amendment that was offered with reference to victims and makes it statutory. A few of those ideas were in Dan Coats' proposal. I believe we can put in rights that victims will have under the juvenile codes of our land.

Let me close by suggesting one other thing. Again, if we get away from the shootings and look at the ordinary daily operation of the criminal justice system for young people, we find a problem with reference to what we do with young people who commit small offenses. Do we do nothing? It is pretty obvious that small offenses repeated yield to more serious offenses, and if there is no corrective action, then it will yield to more egregious offenses. Go to one of our facilities in New Mexico and interrogate a 17-year-old boy and ask him why he is there. He will say: I am finally here, but I was arrested 17 times and I was found guilty of 14 crimes, and nothing happened to me. I ended up here.

This bill talks about progressive punishment—little crimes, little punishment; bigger crimes, bigger punish-

ment—but suggests that we will help with funding in the States if they have a system that, indeed, imposes some kind of corrective measure, even for the lesser offenses.

This is not intended to create a situation where we are just being mean to somebody. As a matter of fact, it looks like young people learn when they are corrected, when they are told they cannot do something and when violating the law means they have to suffer in some way, be it mighty small when they are small offenses, or significant as they move up the ladder of criminality in terms of the number of times they violate our laws.

I hope by the time we finish this bill, we will have taken a giant step forward in helping our States which, after all, do most of the law enforcement of this criminal behavior by our young people and most of the offenses that are taking place in our school systems, such as the events that occurred in my neighboring State of Colorado. Most of the authority to do something about that is not in our hands; it is in the hands of our States.

We ought to be helpful to the States in this legislation by not tying their hands but giving them flexibility, and where we really think there ought to be improvements in the system, giving some benefit to a State that changes the system in a positive manner. This bill has that kind of incentive built into it which is the part I put in the bill which I introduced not too long ago, because I thought it was very important to encourage States to make changes.

I thank the Senator for yielding to me, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 329

(Purpose: Relating to telecast material, video games, Internet content, and music lyrics)

Mr. BROWNBACK. Mr. President, by a previous unanimous consent agreement, I call up amendment No. 329.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself, Mr. HATCH, Mr. LIEBERMAN, and Mr. ABRAHAM, proposes an amendment numbered 329.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the 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. BROWNBACK. Mr. President, I call up this amendment on behalf of myself, Senator HATCH and Senator LIEBERMAN. I ask unanimous consent that Senator ABRAHAM be listed as an original cosponsor.

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

Mr. BROWNBACK. Mr. President, this is a discussion we have been having within the country and we now need to have in the Senate. We have four provisions in the amendment. They are, basically, things that we can address in the Senate about the culture of violence that has enveloped the country and has taken us to the point where so many people have so many fears of what has taken place, and we see some of this acted out.

This is not a panacea amendment. It will not solve all our problems, but I think it is a positive step in the right direction. It has bipartisan support, and I am hopeful we can get broad support throughout the Senate so that these amendments will become law. Let me go through each of them.

The amendment will provide, first, a limited antitrust exemption to the entertainment industry enabling the industry to develop and disseminate voluntary guidelines for television programming, movies, video games, Internet content and music.

What we are seeking is an antitrust exemption so that the industry can enter into its own voluntary code of conduct, the likes of which the television industry used to have and then left after there was some feeling that this was potentially an antitrust violation.

We want to give them an antitrust exemption so they can set a code of conduct, a floor below which they will not go in the race to the bottom for ever more violent, ever more explicit, ever more troubling content. We want to provide that for television, movies, video game producers, Internet content, and music.

These voluntary guidelines will be used to alleviate some of the negative impact of violent sexual content and other subjects inappropriate for children that are so pervasive throughout the television shows, movies, video games, Internet content, and music produced today by the industry.

This amendment does not—does not—require the entertainment industry to develop or disseminate such guidelines, nor does it provide the Federal Government with any additional authority to regulate TV programming, movies, video games, Internet content, or music. Members can support this and know what this amendment does not do.

The amendment does enable the entertainment industry to establish voluntary guidelines. I believe this is an appropriate way for us to encourage the industry to reconsider their entertainment products with an eye toward their corporate responsibility.

My amendment would simply make clear that the entertainment industry would not be subject to antitrust scrutiny if its members create such guidelines. This amendment does not infringe upon the first amendment rights of the entertainment industry. It would provide us with the opportunity to give the industry the tools that are

necessary to articulate what their standards are and to inform parents what they can expect from the industry.

Why do we need a code of conduct? I think there are several very important reasons why.

First, our popular culture exerts an enormous influence on our young children and on our entire society. What we see, hear, and experience helps shape how we think, how we feel, and how we act. This is particularly true for children. All too often, what kids see in movies or on television, what they hear in music, and what they experience in the games they play actually desensitizes them and debases rather than uplifts.

Given that entertainment companies wield such enormous power in this country, it is only right that parents and consumers should know what their standards are and how they will use their media. This code of conduct will call on entertainment executives to define those standards, what levels they would not sink below, and what ideals they intend to uphold. I think the public has a right to know that as well.

Second, establishing a code of conduct not only informs parents, it helps hold the entertainment industries accountable. Parents will have a written code by which to judge television, movies, music, and games and be empowered to demand that companies live up to their code.

Third, a code of conduct says that entertainment companies do bear some corporate responsibility for the impact of the entertainment that they peddle. For too long, entertainment executives have insisted—in the face of mountains of evidence to the contrary—that the violence and sexual activity they depict had no impact, and that therefore they had no responsibility. A code of conduct recognizes that these companies wield enormous power and must therefore bear a corporate responsibility to the public at large.

There are some who defend the extreme violence and sexual activity in some movies, television shows, or music lyrics by claiming they are merely reflections of the reality of life, that they hold a mirror to society. But it is not a mirror; it is a mirage. The world of television and movies is—thank goodness—far more violent, conflicted and sexually explicit than the life of the average American. There are far more Amish people in the United States than there are serial murderers. There are more pastors than prostitutes. But you would never know that from watching television.

Enabling the entertainment industry to develop and enter into a code of conduct is not a panacea. It will not, by itself, put an end to all objectionable content, but it will be an important first step in encouraging the industry to reconsider the influence—for good or ill—of its products, its internal standards, and its corporate responsibility.

It will provide parents and consumers with information, and enable them to

hold entertainment companies responsible for their product, and it will further an important national dialogue about what our duties to our children are and the role we play in determining whether we live in a culture that glorifies death, carnage and violence, or in a civil society.

We also have other provisions that are in this amendment beyond just the code of conduct, the voluntary code of conduct. This amendment would also require the Federal Trade Commission and the Department of Justice to conduct a joint study of the marketing practices of the motion picture industry, recording industry, and video game industry.

The amendment requires the FTC and the DOJ examine the extent to which the entertainment industry targets—targets—the marketing of violent, sexually explicit or other material unsuitable to minors, including whether such content is advertised in media outlets in which minors comprise a substantial percentage of the audience. We want to know, are these entertainment companies actually marketing violence to minors? Are they lacing more violence in their products to get more sales to minors?

The effectiveness of voluntary industry ratings in limiting access of minors to content that is unsuitable is something else that we want studied as well. Further, we want to study the extent to which those who engage in the sale or rental of entertainment products abide by voluntary industry ratings or labeling systems. We want to know whether mechanisms or procedures are necessary to ensure the effective enforcement of voluntary ratings or labeling systems.

We need to know the extent to which the entertainment industry encourages the enforcement of their voluntary ratings and labeling systems. And we need to know whether any of the entertainment industry's marketing practices violate Federal law.

Recently, I held a hearing at which Senator LIEBERMAN and Senator HATCH testified regarding the marketing of violence to our children, and whether violence is used to market products. There is a strong suspicion that, indeed, it occurs.

I would like to draw the attention to the Senate to some of the advertisements of products to children. These are particularly of video games.

This one that I am showing you now is an advertisement in a magazine for a video game rated for teens. This is rated for teenagers. This is the advertisement: "Deploy. Destroy. Then relax over a cold one." It sure is laced with violence and uses violence to market a product to teens.

Here is one, a popular video game, a video game called Carmageddon. I have shown this to the Senate before. Rigormortist. It is about killing people in a car-driving video game.

There is another video game that we have shown to the Senate before. It is

rated for teens. You can see the symbol there: "Destroying your enemies is not enough. You must devour their souls." Clear use of violence and other imagery with that as well.

There is in the amendment an NIH study. There have been literally hundreds of studies, some would estimate even more, conducted on the impact of television on our attitudes, thoughts, psychological well-being, behavior, development, level of aggression, and predisposition toward violence. The more we study it, the clearer the link we have of the consumption of violent entertainment and increased aggression, fear, anger, emotional difficulties, even predisposition towards violence.

However, there have been very few studies done on the impact of music and video games on young people. We need to know more. The other point of this amendment is to study that connection. By some estimates, the average teen listens to music around 4 hours a day. Between 7th and 12th grades, teens will spend around 10,500 hours listening to music. Listen to that again. Between the 7th and 12th grades, they are going to listen, the average teen, to around 10,000 hours of music. That is more time than they will spend in school.

Similarly, the popularity of video games is rapidly increasing among young people. One study, conducted by Strategy Records Research, found that 64 percent of young people played these games on a regular basis. Clearly, young people spend a huge amount of time focused on these kinds of entertainment.

It stands to reason that music and games have some sort of impact on young people, just as it stands to reason that what we see, hear and experience has some impact on our thoughts and attitudes and, thus, our decisions and our behavior. Determining what this impact is, is clearly in the public interest.

This amendment, sponsored by myself, Senator HATCH, Senator LIEBERMAN, and Senator ABRAHAM, provides for a study to determine that impact. We need to know more, and we need to start now.

The first step towards addressing problems is to accurately define them. And for that, we need all the available information. This amendment is an important start in that direction.

I point out something that I hope is becoming more familiar to Members of the Senate and to the country, the violence that is in some of the music. We talked about video games. We have studied music and television. In music, here is a person who is pretty famous now, Marilyn Manson, with an album "Anti-Christ Superstar." You can look at all the words pointing towards "Tomorrow's turned up dead." "You can kill yourself now." Glorification of suicide and violence.

Here is another record out of it. "Anti-cop, Anti-fun." I am not going to read any of that. Here is another top

record from Master P, "Come and Get Some." "I got friends running out the blanking crack house."

You can go down through this and see the violent, in many cases, very hateful and misogynistic, some racist terminology. We need to know what is the impact on a young mind that is consuming, in many cases, on the average of 4 hours of this a day. That is the intent of this study to ask that those things be looked at.

We think the evidence is clearly growing. We need to do something about what has happened to our culture. We are asking in this set of amendments, one, for an antitrust exemption for a voluntary code of conduct, for enforcement of industry rating systems, for a study on the marketing of violence to children, and for an NIH study of violent entertainment, particularly video games and music, and its impact on children.

We have had terrible, unthinkable tragedies that have happened to our children in this country. We know there is a link between the violence and the action. Both the American Medical Association and the American Association of Pediatrics have warned against exposing children to violent entertainment.

One 1996 American Medical Association study conducted concluded this: "The link between media violence and real life violence has been proven by science time and time again."

Another AMA study concluded that "exposure to violence in entertainment increases aggressive behavior and contributes to Americans' sense that they live in a mean society."

Those are pretty clear points of view.

Mr. President, we need to do something. These are modest steps. They will not, in and of themselves, change the society or change the culture, but they are appropriate steps. They can continue our national debate. I think they can help focus us on moving away from this culture of violence, this culture of death, towards more of a culture of peace and a culture of life that clearly we need to provide to our children.

I note that there are a number of people who wish to speak on this amendment. I recognize first the chairman of the committee, who wanted to address this subject, Senator HATCH, and then Senator LIEBERMAN has been on the floor to speak as well. I yield to Senator HATCH on this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that we keep the status quo with regard to no amendments to this amendment until 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I do not intend to object, but I want to make sure that others are going to be able to address the Senate during this period of time. I know the Senator from Utah, the Senator from

Connecticut—I see the Senator from California has some inquiries. I would like to be able to speak as well. I would like to see that we have an opportunity for each of these Members before we get to 12:30. That is my only concern.

Mr. HATCH. I hope everybody can be recognized, but I ask unanimous consent that at 12:30 I be permitted—

Mrs. BOXER. I can't hear the Senator.

Mr. HATCH. I ask unanimous consent to keep the status quo until 12:30 and then at 12:30 I retain the floor.

Mr. KENNEDY. Mr. President, I object to that. We have an agreement now. The Senator is recognized for 30 minutes. Now we are in the position that we can offer second-degree amendments. The Senator is asking that we do not do that for 30 minutes. If you want to get this Senator to agree to it, we are going to have to give other Members the chance to speak on the floor. Otherwise, I am going to object to it. Why don't we just try to work this out with comity?

Mr. HATCH. I would be happy to not speak at this particular time and have somebody from the Democrat side speak.

Mr. KENNEDY. Why doesn't the Senator speak for 10 minutes, and the Senator from Connecticut for 10 minutes, and the remaining 15 minutes to Senator BOXER.

Mrs. BOXER. Ten minutes.

Mr. KENNEDY. Is that agreeable?

Mr. HATCH. We also have to reserve 10 minutes for Senator DEWINE.

Mr. KENNEDY. Between now and 12:30?

Mr. HATCH. We will go beyond 12:30. I think he can come after that.

Mr. KENNEDY. I suggest that the Senator be recognized now for 10 minutes; following that, the Senator from Connecticut, 10 minutes; following that, 15 minutes divided between Senator BOXER and myself; and following that, at 12:30, Senator DEWINE be recognized for 10 minutes; and that there be no intervening motions or actions or amendments.

Mr. HATCH. Or amendments, and that I get the floor as soon as Senator DEWINE has concluded with his speech.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, just with a question to my friend from Utah. It is my understanding that this amendment would be opened up to second-degrees.

Mr. HATCH. We keep the status quo of not opening it to second-degrees.

Mrs. BOXER. At 12:35 the amendment would be opened for second-degrees?

Mr. HATCH. But the floor would be yielded to me.

Mrs. BOXER. So you may well offer a second-degree?

Mr. HATCH. I may well offer a second-degree at that time. We would prefer not to have any amendments to this, but that is what I may very well do.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Parliamentary inquiry: Just so we know, I am to speak for how many minutes?

The PRESIDING OFFICER. The order is as follows: Currently 10 minutes for the chairman, 10 minutes for the Senator from Connecticut.

Mr. HATCH. Fifteen minutes divided equally between the Senator from California and the Senator from Massachusetts?

The PRESIDING OFFICER. Fifteen minutes between the Senators from California and Massachusetts.

Mr. HATCH. And then 10 minutes for—

The PRESIDING OFFICER. And then 10 minutes for the Senator from Ohio.

Mr. HATCH. Then the floor would be yielded back to me?

The PRESIDING OFFICER. That is correct. The Senator from Utah.

Mr. HATCH. Mr. President, I first want to commend Senator BROWNBACK for his initiative to curb the exposure of our youth to violence. I recognize that as early as last year Senator BROWNBACK and I, and I have to add my dear friend from Connecticut, Senator LIEBERMAN, and others, had developed legislation designed to encourage television broadcasters to join forces and develop a code of conduct for responsible programming. That legislation is part of the amendment being offered today, and it addresses the broader concern that our children are exposed to too much violence, too much obscenity, and too much filth—whether through television, in movies, in modern music, or in video games.

Let me say for the record that I hope that as the new V-chip is implemented in televisions, our concern for the pervasive exposure of children to violence on the tube will be alleviated.

Again, I commend my colleague for his leadership in efforts to encourage the broadcast media to exercise responsibility. I commend my colleague from Connecticut as well. They have been two great leaders on these subjects. There are others who deserve credit as well.

Mr. President, I do not take the floor to attack the entertainment industry. It is well known that I work very closely with people in the entertainment industry, trying to make sure that their intellectual property needs are taken care of, and others as well. Indeed, it is just one part of a more complex problem. I do hope we can encourage the industry to work with us to do what is best for our children in America.

As my colleagues know, I have long supported the creative industry, as evidenced by continued efforts to ensure strong intellectual property rights that protect the creative products of these industries.

Why can't this industry, which is a source of so much good in America, do more to discourage the marketing of filth to children? Why shouldn't the industry help fight the marketing of violence to young people?

Study after study indicates that prolonged exposure of children to ultra-violent movies and video games increases the likelihood for aggression and aggressive conduct on their part. As President Clinton noted in his radio address last week, the two juveniles who committed the atrocities in Littleton played the ultra-violent video game Doom—that is this right here—the ultra-violent video game Doom obsessively, over and over and over. In addition, the 14-year-old boy who killed three in the Paducah, KY, school killing in 1997 was also an avid video game player. In fact, the juvenile had never fired a pistol before he accurately shot eight classmates.

Let me give one typical example of how these games are advertised. This chart back here is a page from a video game company's web site. It is promoting a new video game called Turok 2—Seeds of Evil. This ad describes this game as—if you can read those words—“the undeniably, certifiably el numero uno death match Frag fest because we know what you want.”

Now, this last sentence bears repeating: “Because we know what you want.” The ad describes “over 24 devastating weapons” and exclaims that players may “unload twin barrels of ricocheting shotgun shells” and “blow enemies clean away” with the scorpion launcher. And worst of all, it urges players to “send brains flying” with something the gamemakers call a “skull drilling cerebral bore.”

How much more graphic can this get? They emphasize how “real” the games are, too, with “real-time flinch generation.” “Enemies flinch and spasm differently, depending on which body part you hit.” Absent here is any realistic depiction of the consequences of real violence. This is just one example of the irresponsibility of these games being marketed and accessible to our kids. It is pathetic when you stop and think about it.

I might add, given there is evidence that extremely violent or otherwise unsuitable material in movies, music, and video games have negative effects on children, many are concerned about how these products are marketed and sold. Do these industries specifically target products to minors that, according to their own guidelines, are unsuitable to minors? I think the American people deserve an answer to that question.

As I testified before the Senate Commerce Committee last week, I was troubled to learn that according to the National Institute on Media and the Family, some manufacturers of video and computer games are marketing ultraviolent video games rated for adults only to children. In 1998, the National Institute on Media and the Family conducted a thorough study of the video and computer game industry. Some of the findings were very disturbing. For example, lurid advertisements for violent video games are aimed directly at children. The adver-

tisement for the video game Destrega states: “Let the slaughter begin,” while the advertisement for the video game Carmageddon states: “As easy as killing babies with axes.” These and similar advertisements appeared in recent gaming magazines that are targeted to teenagers.

Moreover, an advertisement for Resident Evil 2, a violent video game rated for adults only, was featured in the magazine Sports Illustrated for Kids. Few people would argue that cigarettes, alcohol, or X-rated, or NC-17 rated movies should be advertised in children's magazines. Why should such violent video games—games the industry itself has found unsuitable for children—be advertised and marketed to children? I think we need an answer to that.

Nor is the problem of marketing violence to children limited to video games. In recent years, the lyrics of popular music have grown more violent and depraved. And much of the violence and cruelty in modern music is directed toward women.

Here is one of the recent violent things. This is Eminem, and it is directed, in large measure, toward violence and cruelty toward women.

As Senator BROWNBACK noted on the floor two weeks ago, the group Nine Inch Nails had a commercial success a few years ago with a song celebrating the rape and murder of a woman. This is not an isolated example. Hatred and violence against women in mainstream hip hop and alternative music are widespread and unmistakable. Consider the singer Marilyn Manson, whom MTV named the “Best New Artist of the Year” last year. Some of Manson's less vulgar lyrics include: “Who says date rape isn't kind”; “let's just kill everyone and let your god sort them out”; and “the housewife I will beat, the pro-life I will kill.” Other Manson lyrics cannot be repeated here on the Senate floor.

The weekend after the Colorado shootings, a 12-year-old boy whom I know, bought a Marilyn Manson compact disc from a local Washington area record store, even though it was rated for adult content. Ironically, the warning label on the disc was covered by the price tag. Here is the disc, and here is the way the warning label was covered. The tag covered the warning label, clearly making it easier for kids to buy these products. This indicates that these record warnings are not being taken seriously. Consider Eminem, which I mentioned before, the hip hop artist featured frequently on MTV who recently wrote “Bonnie and Clyde”—a song in which he described his killing his child's mother and dumping her body into the ocean. Many of his songs contain violent, troubling lyrics with the misogynistic message.

Despite historic bipartisan legislation by the State and Federal governments, it is stunning how much modern music glorifies acts of violence, sexual and otherwise, against women.

This music is what many children are listening to. This music is marketed to our youth, and we should not ignore the fact that violent misogynistic music may ultimately affect the behavior and attitudes of many young men toward women.

One might argue that these groups are not embraced by the entertainment industry. How, then, would the industry explain a 1998 Grammy nomination for Nine Inch Nails and a 1999 nomination for Marilyn Manson? It is one thing to say these people can't produce this material; it is another thing for the industry to embrace it.

Many Americans were justifiably outraged when it was discovered that tobacco companies marketed cigarettes to children. I believe we should be equally concerned if we find that violent music and video games are being marketed to children. Limiting access to ultraviolent music and video games to children does not raise the same constitutional concerns that a general prohibition on such material would entail.

For example, while some can reasonably contend that the first amendment protects certain X-rated material, no one can reasonably argue that the Constitution prohibits restricting such material to children.

Now, that is why one provision of this amendment—a provision I developed with Senators LIEBERMAN, HARKIN, and KOHL—directs the FTC and the Department of Justice to examine the extent to which the motion pictures, recording, and video game industries market violent, sexually explicit, or other harmful and unsuitable material to minors—including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience.

The report will also examine the extent to which retailers, and in the case of motion pictures, theater owners, have policies to restrict the sale, rental, or admission of such unsuitable material to minors—and whether the industry requires, monitors, or encourages the enforcement of their respective voluntary rating systems by retail merchants or theater owners.

Mr. President, I do want to note that over the years each of these industries has taken some positive steps in developing voluntary labeling systems that provide notice to parents about unsuitable content of certain products.

But as I have said before, it is important to see if such standards are enforced at the retail stage, and also see if, despite their standards, the industry targets unsuitable materials to minors.

I also want to take a few moments to discuss another provision of this amendment that provides a limited antitrust exemption to the industry in order to empower them to develop effective enforcement procedures for their voluntary guidelines. This provision is different from the provision developed by Senator BROWNBACK, which

relates to the development of a code of conduct.

For years, I and others in Congress have searched for solutions for limiting the negative impact exposure to violent or sexually explicit content—whether in motion pictures, television, songs, or video games—has on our children. This provision of the amendment is designed to achieve this objective by empowering the respective industries to develop and enforce responsible guidelines without the fear of liability under our antitrust laws. It will allow manufacturers and producers to agree among themselves to refuse to sell their products to retail outlets who do not follow the industry's standards and guidelines—if the industry chooses to do that.

Mr. President, as chairman of the Judiciary Committee, I am mindful of the first amendment concerns that could be raised by attempts on the part of the Federal Government to broadly regulate content, on the Internet or over the other media. But I do believe that we must do what we can do to promote responsibility on the part of the film industry, the recording industry and the entertainment software industry in meeting the needs of children. This amendment does that.

Over the years each of these industries has taken positive steps in developing voluntary rating systems that either provide notice to parents about unsuitable content of certain products, or attempt to restrict the sale of unsuitable products to adults or mature audiences. Unfortunately, it appears that adequate and effective enforcement of these guidelines at the retail level is lacking. For instance, there is little enforcement effort that ensures children under the age of 17 are in fact prohibited from viewing NC-17 rated movies—or that children are not allowed to purchase music or video games which are purportedly intended for sale to adults. The inquiry by the FTC and DOJ directed by this amendment will further be helpful in this regard.

I believe that the enforcement of the voluntary standards is necessary to make the system work. Proper enforcement will protect the integrity of the overall self-regulatory system. If the industry chooses to exercise responsibility and refuse to sell its product to a retailer who does not follow the industry code of conduct, it should be able to do so—without the fear of antitrust laws.

Here is how this provision of the amendment works: to the extent that the antitrust laws might preclude the motion pictures, recording or video game industries from developing guidelines and procedures for their respective industries to limit the sale of unsuitable material to children, this amendment fixes that. It provides industry with limited exemption from the antitrust laws in order to give them the freedom to develop and en-

force voluntary enforcement mechanisms without the fear of antitrust liability or government regulation.

But with this amendment I hope to encourage industry to limit the sale to minors of material, whether it is music, movies, or video games, which the industry itself deems unsuitable for children.

Again, it is important to underscore that this provision does not tell industry to do or not to do anything. It simply gives them the power to join forces in order to develop enforcement mechanisms without the risk of liability under the antitrust laws.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support the amendment. I am privileged to be a cosponsor of the amendment with the Senator from Kansas, Mr. BROWNBACK, and with the Senator from Utah, Chairman HATCH.

This amendment incorporates several proposals which many of us have been working on together across party lines in this Chamber to try to tone down one of the influences that we are convinced is contributing to the outbreak and crisis of youth violence in our country.

Two other colleagues whom I have been privileged to work with are Senator MCCAIN of Arizona and Senator KOHL of Wisconsin. At this time I ask unanimous consent that Senators MCCAIN and KOHL be added as original cosponsors of this amendment.

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

Mr. LIEBERMAN. Mr. President, in the wake of the tragic shooting in Littleton, we as a nation, as individuals, are focusing in on an unsettling fact: No matter how good times are economically in America, something seems to have gone wrong in our country, something that is whetting the taste for blood and death in our children, turning too many of them into killers in our schools, in the suburbs, on the urban street corners, and in the homes of every kind of community throughout our country.

As I have listened to this discussion at home in Connecticut, and as I have listened to it here on the floor of the Senate, in the committees and caucus rooms of this Capitol, I think what is important is that we are all recognizing and accepting that this is an extremely complicated problem without a single cause, fueled by an amorphous mix of factors.

A child is not, if I may say, a natural born killer. A child, unfortunately, is affected by a variety of circumstances that make him into a killer, from the disengagement of parents, from the makeup of the child himself, to the disconnection and alienation that many children feel from their families, their peers, their communities, to the weakening of our moral and community safety nets. This is a mix that has been

made more deadly in our time by the easy access many children have to guns.

Most of what we know for sure, as we consider the complexity of the problem, is, unfortunately, in the statistics, there is a Littleton every day. An average of 13 children die from gunshot wounds every 24 hours in America—some self-inflicted and more from murder.

The fact is that no civilized country in the world comes close to matching this level of homicide and suicide, let alone the massacres we have seen committed in public places. The more we look at this problem, the more we understand—many of us—that the environment in which we are raising our children, with all of the death and destruction and dismemberment and degradation that we expose them to in the entertainment media, with the wealth of perverse messages we send them romanticizing and in many ways sanitizing violence—all of that has an effect. All of that draws a connection between the culture and the killing, between the viciousness pouring out of our children and piling up throughout our society.

I know there are skeptics and naysayers who, despite the reams of evidence and scientific and anecdotal information gleaned from Littleton, Jonesboro, Paducah, and elsewhere—despite all that our intuition tells us about the omnipresence of electronic media and the pull on our society, despite all of this—cling to the notion that the culture of violence is harmless, that the relentless assault of virtual murder and mayhem on our children is having no effect, and that it can't be true. There has always been violence in our country, these skeptics rationalize. There has always been violence in the culture. So the answers must lie elsewhere.

But the answer lies within each of us, and within each of the groups and industries we are referring to here. The truth is, we have always had alienated, disaffected, and in some cases mentally troubled children. We have always had the cruel taunting of adolescents, the cliques in schools, and in many parts of the country we have also always had guns within easy reach of children. And yet, never before in the history of our country have we seen this level of violence among our children. Something entirely different, chillingly different, is happening, and we have to find out what it is and do something about it.

We could spend weeks discussing this question. In fact, in another amendment several of us will be proposing a year-long commission to look at the problems underneath the problems.

Clearly, some of it has to do with the fact that many of the traditional transmitters of values we have long relied on to shape the moral sense of our children—family, community, faith, and school—have been weakened in recent years, and more and more what is filling that value vacuum is the enor-

mously alluring and powerful, influential entertainment media which too often has become a standard shredder instead of a standard setter.

So how do we in this society that so values freedom of expression urge and push the entertainment industry to self-control, to self-regulate, to acknowledge not that they are causing this problem but that they are contributing to a crisis that is killing too many of our children?

It is not easy. I think in this amendment we have found a way to begin to do it with an industry code of conduct exempting those in the entertainment industry from the fear of antitrust prosecutions so that they can work together to develop a code of conduct which will protect them from what some of them claim to be: With the currently existing competitive pressure downward, if the other company produces an ultra-violent movie and makes money, we have got to do it.

Of course, nobody has to do anything. Lines should be drawn about what people won't do to make an extra dollar or two or an extra 10 million dollars or two.

This amendment enables the companies to get together to do just that, and also to enforce the rating system that they themselves put on. We don't want to be censors. Let the industries themselves rate their products, as they do now. But then let them agree not to market products that they have rated as inappropriate, as harmful to children. Let them agree that when they rate a movie as unsuitable for kids under 17, there ought to be some responsibility in the theater owner not to let children under 17 into that movie, just the way there was responsibility on the owner of a bar not to serve liquor to a minor.

Mr. President, last week I submitted evidence to the Commerce Committee, which I think is strongly suggestive of the fact that two major entertainment industries—the movies and the video games—are rating products as bad for our children and then, as my colleagues have shown here on the floor, directly marketing those products to our children, contributing to the culture of violence that is embracing, surrounding, suffocating, and too often motivating our kids.

This amendment rightfully calls on the Justice Department and the Federal Trade Commission to conduct an investigation of the marketing practices of the video game, music, and motion picture industries to determine if they engage in deceptive marketing practices by targeting minors for the acquisition of material they themselves have deemed unsuitable for such minors.

I am afraid to say that Joe Camel has not gone away. He seems too often to have gone into the entertainment business.

Consider the anecdotal evidence from the movie industry, which indicates that violent films rated for adults only

are being marketed to children. Over the last few years we have seen the rise of a new class of teen-targeted films—referred to by some as “teensploitation” movies—which has engaged producers and directors in a conspicuous contest to see who can be more violent, more sexually provocative, and generally more perverse to attract youth audiences. A perfect example of this trend is “Very Bad Things,” a supposed comedy about a bachelor party gone wrong, which finds fun in the dismembering of a stripper and the successive mutilation of the party-goers.

The latest entry is “Idle Hands,” which was released just last week. It is promoted as “sick and twisted laugh riot,” and it's not hard to see where this description comes from—according to reviews, the film features a severed hand that fondles a girl before strangling her, a knitting needle that is driven through a policeman's ear, and a decapitation by circular saw blade, all apparently played for laughs.

What these movies have in common, beyond their violent and offensive content, is that they are rated “R,” meaning that they are not meant for children under 17. Yet according to several recent news media reports, most producers and studio executives assume that underage kids can and will get in. “Well, let's hope so,” says Roger Kumble, the director of “Cruel Intentions,” the teen remake of “Dangerous Liaisons” which is by all accounts far more salacious than the original. This sentiment was affirmed by Don Mancini, the writer of all four R-rated “Child's Play” horror films, who acknowledged that young teens were the target for his most recent release, “Bride of Chucky,” and other similarly bloody slasher films. “They have grown up watching these movies on home video,” he said. “Now that there are new ones coming out, these kids are tantalized.”

To apparently help lure in young audiences, these teensploitation movies are heavily advertised on MTV and network series that teens watch regularly, such as “Dawson's Creek” and “Buffy the Vampire Slayer,” and are stocked with actors from these teen-favored TV shows. This pattern succeeded with the teen slasher movies “Scream” and “I Know What You Did Last Summer,” and it continues with the current “Cruel Intentions”—the director said casting Sarah Michelle Gellar of Buffy fame was like “dangling the carrot” in front of young teens. This dangling is apparently working—according to a recent Gallup poll, half of American teens say they have seen an “R”-rated movie in the last month, including 42 percent of those aged 13–15.

The video and PC and arcade gamemakers are less candid about targeting their marketing to teens than the moviemakers, but the evidence is there just the same. Action figures based on bloodthirsty characters from “Resident Evil 2,” “Duke Nukem,” and

"Mortal Kombat"—three heavily-violent titles that are rated "M" for 17-and-up—are being sold at Toys-R-Us and similar toy stores. Those same toy stores, which cater largely to children, typically carry those games and many of "M"-rated titles filled with guns and gore.

Equally disturbing is the advertising that publishers place in the various glossy game-player magazines. These magazines are widely read by young gamers, and they are filled with perverse and antisocial messages. Here are just a few: "Carmageddon" boasts it is "as easy as killing babies with axes"; "Point Blanks" claims it is "more fun than shooting your neighbor's cat"; "Die by the Sword" instructs, "Escape. Dismember. Massacre."; and "Cardinal Syn" features a severed, bloodied head on top of a spear, with the tag line, "Happiness is a Warm Cranium." A good indication these messages are reaching their target audience came from a survey done by the national Institute on Media and the Family last winter, which found that while only five percent of parents were familiar with the game "Duke Nukem," 80 percent of junior high students knew of it.

Taken together, the evidence here is enough to demonstrate that there is a troubling trend in the entertainment industry, one that it needs to stop now. The marketing of these ever-more vicious and violent products is making a mockery of the various rating systems, telling parents that these products are inappropriate for children but we're going to sell them anyway, and reminding us of similar behavior by the tobacco industry. More than that, it is unethical and unacceptable, and should stop now.

We presented this evidence at a hearing before the Commerce Committee earlier this month, and the response from Hollywood was a deafening silence. There was no acknowledgment that this is going on, or even that it presents a problem. Their unwillingness to discuss this problem leaves us no chance to act. That is why Senator HATCH and I, along with Senator BROWNBACK, are calling for an investigation into the marketing practices of the movie, music and video game industries, to determine to what extent they are targeting ultraviolent, adult-rated products to children.

Finally, in this amendment we call for an NIH study on violent entertainment. NIH is directed to conduct a study of the effect of violence in video games and music, building on the studies that have been done which conclusively show that violence in movies and television affects the behavior of children and makes them more violent.

This study would be a companion piece to the directive the President issued on Monday at the summit. He called on the Surgeon General to do a broad-based study of the causes of youth violence in our country, including the effect the entertainment industry is having on the violent behavior of our children.

This amendment is one of several that will be introduced today. None of them individually will solve this problem. This is all a matter which in some ways is the history of human civilization and the extent to which we can improve the prospect that we will express our better natures and not our worst natures. As humans, we are far from perfect. Parents try to raise children and develop their better nature. Too often today those parents feel as if they are in fundamental and in some ways critical competition with the entertainment industry to raise their kids.

All we are doing in these amendments and these statements is to appeal to the entertainment industry to exercise some responsibility: Help America raise our children so that society will be safer than I fear it is as a result of the violent material included in too many entertainment products.

I hope—and I say this with some confidence based on the bipartisan reach of the cosponsors of this amendment—Senators BROWNBACK, HATCH, MCCAIN, KOHL, and myself at least—that this amendment will be passed across party lines with an overwhelming majority of colleagues of the Senate voting in favor of it.

I yield the floor.

Mrs. BOXER. Mr. President, I have 7½ minutes and Senator KENNEDY has 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I appreciate the hard work the Senator from Kansas, the Senator from Connecticut, and the Senator from Utah have put into their amendment. I have no problem with looking at all the different causes of violence among our youth. As a matter of fact, it is very much called for.

I also believe that anyone in our society who says, I have nothing to do with this, is simply not taking responsibility for something very pervasive in our society. That goes for every one of us, in our private lives as moms, dads, grandmas, and grandpas, in our public lives as Members of the Senate.

There is one thing missing from this well-worded amendment. I know the Senator from Kansas is checking on some matters for Members who may have some concerns. What is missing from here as we look at the marketing practices of the entertainment industry—which, as I say, I don't have an objection to looking at that—I don't see anything in here at all that deals with the marketing practices of another industry, a huge industry in our country, and that is the gun industry.

Why do I bring that up? We all say that angry kids and guns don't mix. We know we want to keep guns away from children. So it seems to me, as we see more and more kids with weapons, we ought to look at the marketing practices of the gun manufacturers if we are to be fair in this amendment. We should look at everybody if we are truly being fair.

Why do I think this is important? Let me give my friend a couple of examples so I am not just being theoretical. I say to my friend from Kansas, the author of the amendment before the Senate, this is taken off the amendment. This is a picture directly from the Internet in the Beretta catalog. They call it their Youth Collection. We can see the bold colors in the gun. What they say in advertising—and I think this is very important—from their Youth Collection:

An exciting, bold designer look that is sure to make you stand out in a crowd.

I don't know about my friend from Kansas, but I don't know what they mean, "stand out in a crowd." If mom or dad takes them hunting, you "stand out in a crowd" with your mom and dad? You already "stand out in a crowd" with them.

This is from a gun magazine called Guns and Ammo: A young man who looks like he is about 13. It is titled "Start 'Em Young." "There is no time like the present." This young man is not holding a long gun; he is holding a handgun—which we believe is a make-believe gun—holding a handgun in one hand and a bottle of Pepsi in the other hand.

If we are going to look at marketing practices, we ought to look at them across the board.

Here is another advertisement that will take your breath away. A little boy, who like my grandson's age, about 3½, is being used in a catalog advertising Browning guns. This child looks like he is about 3½ years old.

In the NRA Youth Magazine, it says, "News for Young Shooters." It doesn't say young hunters. "New youth guns for '97."

This is an advertisement in the NRA magazine. This is a handgun. The advertisement says, "The right way to get started in handgunning." This is in a youth magazine.

The law says you can't buy a handgun from a dealer unless you are 21; at a gun show you can purchase at 18.

This is the Youth Magazine, I say to my friend from Kansas, Youth Magazine—below 18—and they advertise a handgun.

I could show more examples of marketing practices that look to a lot of Members as if they are going after very, very young people.

I understand the rules around here and I have great respect for my friend from Utah. He will second-degree the Senator's amendment with an amendment of his own, and I don't know exactly what it will contain. I hope it will be to expand this to gun manufacturers, expand our study. If it is, I would be delighted.

I ask my friend from Kansas if he would accept this amendment, which simply adds a new title, takes the same study and includes a study of marketing practices of the firearms industry toward young people, so that we have a well-balanced amendment before the Senate that deals both with

what the entertainment industry is doing and what the gun manufacturers are doing. I ask my friend from Kansas if he is willing to accept this amendment that simply takes the same study and allows it to be made of the marketing practices of the firearms industry toward juveniles.

Mr. BROWNBACK. Mr. President, if I could respond to my colleague, I appreciate her bringing this up. It would have been nice, maybe, to have caught it at a little earlier time.

The amendment itself is directed at a particular facet. I think we are going to have a number of different amendments that are going to affect the gun industry.

We do not have an amendment here on marketing for the knife industry either. There are other places, I suppose, we could look at marketing issues as well, and perhaps should.

This is particularly directed at a certain sector. I hope my colleague will bring this up at another time with another amendment. I am afraid I could not accept it at this point in time because I have too many cosponsors on this amendment and I would have to go around to those cosponsors and ask them.

I think the Senator brings up a good point. I think this is a fair item to look at. It has been studied. There have been several studies, I am informed, on this very point she is raising. It might be good to look at some of those. The things we are trying to study here have not been studied before. That is why we particularly look at that set of points, because we have not. It is tied into a particular industry area.

Mrs. BOXER. If I may reclaim my time, because I have limited time, the reason I wanted to find out if my friend would accept it—obviously, he is not going to do it. I am happy to look at how many kids a year die because of knives, but I can tell you now, 4,600 kids a year die of gunshots. It is the leading cause of death among children in my State. It is the second leading cause of death among youngsters nationwide. If you want to look at knives, I am happy to look at knives. You show the numbers. They do not come close. Guns are the No. 1 cause of death in California among kids; No. 2 nationwide. It has overtaken car deaths in my State, and it is about to overtake car deaths nationwide.

All I am saying to my friend is this. I appreciate the hard work he has put in on his amendment, but I hope he will consider accepting this amendment. I think it is fair. We are looking at causes of violence, dealing with marketing practices in the entertainment industry. We ought to expand it to include this.

I have the numbers: 137 children died of knives in 1996 compared to 4,600 who died of gunshots. If you want to examine the knifing deaths, I am happy to do that, but the magnitude of the problem is not the same. We have the equivalent of one Columbine High

School incident every day. I know the Senator from Massachusetts—

Mr. KENNEDY. I yield my time to the Senator.

Mrs. BOXER. If my friend wants to continue the colloquy, I am happy to yield him 2 minutes. Then I can discuss this back and forth with him.

Mr. BROWNBACK. I would note, I think we should look at these prior studies that have been done on this particular issue. I think it would be wise as well to look at those. I appreciate my colleague raising this. We have a series of amendments that are bipartisan. We have a series of cosponsors on this amendment. It is an area on which we have held a number of hearings. That is what we seek to have addressed here.

If she seeks to add it into another, or bring it up as a separate amendment, I think that would be a good thing to do. I am certainly not opposed. But on this, at this point in time, we have a number of cosponsors. I think we are up to eight cosponsors, bipartisan, on this. I would need to go to all of them and ask all of them to add this particular amendment. It is out of the flow of what we are trying to do with this amendment. We have announced this. I have been working with a number of people on a bipartisan basis. I think we need to stay with that at this time.

Mrs. BOXER. I thank my friend. I have to say to him, why is it out of the flow of this amendment? I am just taking back my time at this point. I yielded my friend time. He made a statement that my amendment is out of the flow.

I thought we were looking at reducing juvenile crime and juvenile death. I thought we were looking at reducing the culture of violence. All I am saying to my friend is, you are going after one industry here. Fine. They better stand up and be counted on this. But when it comes to the gun industry, you cited studies. What other studies?

As a matter of fact, if you want to look at the way Congress has treated the gun industry, that is the only industry in the whole country that I know of which is not even regulated by any Federal law, in terms of the Consumer Product Safety Commission, which they are specifically exempted from. I have to say I am disappointed because, in the spirit of bipartisanship, we should make every industry stand up and be counted when it comes to our children.

Every day in America there is another Columbine. Every day, 13 children are gunned down. They die. Yes, we need to look at the violent culture, as my friend from Utah has pointed out, and my friend from Kansas. Yes, we need to look at why that culture seems to impact our kids more.

I was struck by a comment of Senator LEVIN from Michigan, who pointed out that in the town directly across from Detroit, in Canada, where they get the same videos, the same movies,

the same music, there were hardly any gun deaths. He has those exact numbers, something like 300 compared to 19.

So there are a lot of factors that we have to deal with, including family lives of our children. Do they have enough to do after school?

It is about prevention. Senator KENNEDY has been eloquent on the point. Senator LEAHY has been eloquent on the point, saying: Yes, we want to do even more on prevention. But when we are down to studying an industry, how do you say, I really can't study at this point the marketing practices of the firearm industry? To me, it is amazing that they would advertise a handgun in the NRA youth bulletin when laws in our country today say you have to be 21 to buy a handgun from a dealer, and, at a gun show, 18. But nowhere does it say in our law you can buy a handgun under 18. Yet, in the youth magazine, what does it say? "The right way to get started handgunning." Here is this young man, 13 years old, posing with a handgun replica. "Start 'em young. There's no time like the present."

Here is the Beretta, painted in bright colors to attract children, in their youth collection of which they say, "an exciting bold designer look that is sure to make you stand out in a crowd." You know, I think that ought to be investigated. What do they mean? I would love to know what they mean by that: "An exciting bold designer look that is sure to make you stand out in a crowd." Those two shooters at Columbine wanted to stand out in a crowd.

So I think if we are going to look at an industry and say we will only look at one and turn our back on the firearms industry and their marketing practice, that is wrong. I am disappointed that my friend from Kansas will not accept this amendment. He has eight cosponsors. I am sure a lot of them would support this amendment.

It is my intention to offer this at another time, because I do not feel we should study one industry and bring all our efforts down on one industry while turning our back on another industry which looks to me as if it is going after our kids—really young. A picture of a 3½-year-old child in one of these advertisements—maybe he is 2½, maybe he is 4.

Let me express my deep disappointment we cannot do this by unanimous consent, and express my desire to offer this amendment, which is basically the same as the one before us, with the FTC looking at the advertising practices of the gun industry.

I think not to take this amendment, I say to my friends on the other side of the aisle, is a sad day. It is a sad day because it looks to me as if you want to blame everything on one industry and turn your back on another one that is going after our children.

It is not balanced; it is not fair. I hope to offer this amendment, and I hope to get support for it at a later time.

Mr. President, I yield back my time to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from California. I believe most of our time has been used. I will address the Senate on the matters which I had intended to address later in the afternoon. I see my friend and colleague from Ohio on the floor, so I will seek recognition later.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to add the Senator from Ohio, Mr. DEWINE, as an original cosponsor of this amendment.

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

The Senator from Ohio is recognized for 10 minutes.

Mr. DEWINE. Mr. President, I rise this afternoon in strong support of the amendment offered by the Senator from Kansas, Mr. BROWNBACK, and the chairman of the Judiciary Committee, Senator HATCH. I want to discuss one of the provisions of this amendment. This provision is similar to legislation Senator BROWNBACK and I introduced in the last Congress, and that bill was S. 539, the Television Improvement Act. We introduced that bill in the last Congress, along with the Senator from Connecticut, Mr. LIEBERMAN, and my friend and ranking member of the Antitrust Subcommittee, Senator KOHL.

This amendment will create an exemption from antitrust liability to allow the entertainment industry to develop and agree upon voluntary guidelines designed to alleviate the negative impact of numerous forms of entertainment—broadcast programming, movies, music lyrics, video games, and Internet content.

In other words, this amendment will remove a legal obstacle that arguably could prevent decisionmakers in the entertainment industry from getting together to make responsible decisions about the products they produce. Specifically, this amendment will allow them to agree voluntarily to limit the amount of violence, sexual content, criminal behavior, and profanity that exists in their various mediums. It will also, equally important, give them an opportunity, if they chose to take it, to promote and provide entertainment that is educational, informational, or otherwise beneficial to children. In other words, it will allow them to come together to agree to limit the bad things, but it will also allow them to come together to try to improve the quality of product they are putting out and specifically when they are dealing with products for children.

I emphasize that the purpose of this amendment is to allow the entertainment industry to voluntarily come together to address the American people's growing concern about the negative influence of television, movies, and other forms of entertainment on our children. Rather than mandate

Government restrictions on programming content, this amendment is designed to give industry leaders the opportunity to improve on their own the quality of television programs, music, movies, videos, and Internet content.

In the past, the television industry has had such a code of conduct. In fact, for most of its history, the television industry utilized the code in order to help it make programming decisions. But in recent years, many of the entertainment industry have expressed concern that such a code might expose them to legal liability and they, therefore, have abandoned it.

As chairman of the Antitrust Subcommittee, I studied this matter in the last Congress, and I came to the conclusion that a code of conduct would be appropriate and legal under current antitrust laws. However, just to be sure and to remove any doubt, I am supporting this amendment exemption.

This amendment exemption will remove any lingering doubts those in the industry might have. Quite candidly, quite bluntly, this will say to the entertainment industry: You have no excuse—no excuse—not to come together and try to improve programming for children. You have no excuse not to come together and try to limit the bad things that are on, to limit the things that the American people find so objectionable.

Acting on this legislation gives the Senate the opportunity to urge entertainment providers to work together and to cooperate to ensure our children's best interests are, in fact, protected.

This amendment encourages voluntary, responsible behavior. It will not give any Government agency or entity any new authority to regulate or control the content of television programs or the content of movies, music, video games, or the Internet. It merely gives those in the entertainment industry the freedom to regulate themselves and to do the right thing.

I recognize that entertainment, like almost everything else in our economy, is driven by competitive pressures. Often in the heat of competition, those in the industry may believe they are offering a product that is of lower quality than they might like, but they may feel they have to do that. This amendment offers a way out of the situation.

The amendment basically calls for a cease-fire among cable stations and the networks, the movie studios, the record companies, the video game industry, and the web sites. This is a cease-fire so they can try to work out an industry-by-industry response to the legitimate demands of millions of American parents for more family-oriented entertainment.

When I look at this amendment, I look at it as I think many parents do. I am worried about what is happening in this country. There was a time, not too many years ago, when parents did not have to worry about what was on television during the so-called family

hour. That is not true anymore. There really is not a family hour anymore. We have all seen the steady decline in the quality of television over the last few years.

In addition, we all know music lyrics have become more graphic and more violent and, in recent years, video games and the Internet are providing more violent and sexually explicit material than we ever imagined possible.

It is beyond dispute that these television shows, movies, records, and video games are having an effect. For a young person, for a teenager, popular music is really the sound track of their lives. Movies and television provide a lot of the context for their relationships. Video games and the Internet provide a great deal of their entertainment.

As these movies become more violent, more sexually explicit, as these songs show more and more disrespect for life and for the rights of others, some of our children are starting to believe this behavior is acceptable and normal. Some are starting to believe this make-believe world of music and movies is the real world with sometimes very tragic consequences.

I understand it is not the role or the responsibility of the entertainment industry to raise our kids or to protect them from the violence of the real world. That is our job as parents and as citizens. It is time that the entertainment industry did its fair share. That is what this amendment is calling for.

I hope the entertainment industry takes the opportunity that is offered by this amendment and makes a commitment to provide the kind of entertainment of which we can all be proud.

Mr. President, I thank the Senator from Kansas for offering this very important and, I think, timely amendment. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I ask unanimous consent that we lay the pending amendment aside so that the distinguished Senator from California may be able to call up a separate amendment, which we will accept.

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

AMENDMENT NO. 330

Mrs. BOXER. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from California [Mrs. BOXER], for herself, Mr. KENNEDY, Mr. DURBIN and Mr. LAUTENBERG proposes an amendment numbered 330.

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 end, add the following:

SEC. . STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—

The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry; with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

Mrs. BOXER. Mr. President, I thank my friend from Utah and my friend from Kansas for indicating they will accept this amendment. All we do here is we extend this study to the firearms industry as it relates to their marketing practices aimed at children. I am very pleased that, after we had a chance to discuss this, they have agreed to accept it. I think it makes what we are doing here stronger and fairer, by looking at all the aspects of this problem.

I thank my friend for indicating he will accept this amendment.

Mr. HATCH. Mr. President, we are prepared to accept the amendment.

Mr. BROWNBACK. If I could just comment, I have had no objection to this all along. We had a specific set area we wanted to talk about and to address and to have a discussion on. I have not had an objection to doing this. But we have had a focus and set of hearings on the things we talked about, and it has been well developed, and it had eight cosponsors to it. I just did not want to do that without having a chance for other people to look at it and have their point of view. I have no objection to this.

Mrs. BOXER. Again, I thank my friend.

I ask unanimous consent that Senators KENNEDY and DURBIN be added as cosponsors to this amendment.

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

Mrs. BOXER. I look forward to working with my colleagues to reduce gun violence. I also ask unanimous consent that Senator LAUTENBERG be added as a cosponsor as well.

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

Mrs. BOXER. I thank my friends and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 330.

Without objection, the amendment is agreed to.

The amendment (No. 330) was agreed to.

Mr. HATCH. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, what is the status of the time agreement?

The PRESIDING OFFICER. We have no time agreement.

Mr. SESSIONS. Mr. President, I would like to speak briefly in favor of the Brownback-Hatch amendment.

I believe it is a good, realistic first step, because what it deals with is a voluntary step that would allow us to conduct a search and allow voluntary actions by the movie and entertainment industry to confront a problem many of us believe is affecting the culture of violence in America.

All of us know that it is not a bomb or a knife that has the intent to kill. The intent to kill comes from the person who wields that weapon. There must be "malicious intent" under the law to constitute a criminal act.

We believe, and I think most Members of this body believe, that something is awry, that somehow, some way we are allowing a plethora, a host, a bombardment of unhealthy messages to reach our children and that some of them are seriously affected thereby.

I, for one, think that the reason we have had more than one of these mass shootings at schools is because a very, very small number of young people in America have found themselves able to immerse into a nihilistic, depressive, death-oriented, violent-oriented lifestyle. It surrounds them. If they are in an automobile, there is violent, depressive music on the radio. If they go to the movies, there are violent movies they can watch. They not only can see them in the theater, but they can rent the movies and play them time and time again, as some of these young people apparently have. These very dangerous movies are filled with anger and violence.

There are such things more and more happening on television today. And a young person can get on the Internet and play very intense life-and-death games in which youths are out to kill before they are killed. It is an intense experience for many young people.

There are chat rooms on the Internet. You can get on the Internet and find somebody who can feed your negative thoughts, who believes that Adolf Hitler is worthy of respect. You can find somebody on the Internet who would agree with that and affirm this unhealthy view of life.

I think we are seeing that kind of thing, and maybe that is a factor in what is happening in America.

I would say there is no better champion than Senator BROWNBACK, and I am so proud of the Senator from Kansas for raising this issue so articulately and so persuasively. I think this is just

the beginning. I think we are called upon as leaders in the American Government to think seriously about what we are doing and how it affects our culture.

One of the great Greek philosophers—Plato, I believe—said, "The purpose of education is to make people good."

We think the purpose of education is to transmit technical knowledge and job skills, and that no teacher should even be empowered to suggest what is good and what is bad, to choose light rather than darkness, to choose life rather than death. Are we not capable of affirming those basic principles in our public life in America? I think we can.

I think this is a bizarre and abnormal theory we have developed about the proper role of government with regard to matters of arousing religion and faith in this country. The Constitution deals only briefly with the right to express religious opinions. For example, I would like to make this point. It is the only reference in our Constitution about religion. The First Amendment says Congress "shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof."

People say, what about this "wall of separation" between church and state? Thomas Jefferson wrote a letter in which he made reference to a "wall of separation" between church and state. This was later. Those who ratified the Constitution never ratified that. We don't even know what he meant by that, it was a private letter, not a formal opinion. That is not part of the Constitution. It has never been approved by the American people, adopted by we, the people of the United States of America, when they ratified the Constitution or voted on in Philadelphia by the people who were there. What they voted on was that Congress, the United States Congress, "shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof."

The President, sitting in the Chair—I happen to have done that a number of times in just over 2 years in this body. When you look out across the wall, you see in words 6 inches high, or higher, right up there over the door of this august room, it says "in God We Trust."

If you go in the anteroom over here, in the President's Room, there is a figure holding a Bible in her arm. It is painted on the ceiling. How long it has been on there I don't know, but for many, many years. There is another one with a cross. There are four words on the four corners of the wall. I think one of them is "philosophy." One of them is "government." And one of them is "religion." We made reference in our founding documents to divine providence, to our creator.

So I believe we have established an extraordinarily bizarre understanding in recent years of what the meaning and the proper understanding of the

separation between church and state is. I believe that this Congress was prohibited by the American people and the Founding Fathers from establishing an official religion. I do not believe there is anything that any scholar can say that the Constitution is prohibiting acknowledgment of a higher being. In fact, we have done that throughout the history of this country.

My personal view is that this legalistic approach has intimidated teachers and made them less willing to provide moral guidance and affirmation of religious impulses of their students. They feel that it is somehow illegal for them even to do so.

I do not believe that is true. I think threats of lawsuits have intimidated natural free speech. The Constitution says Congress shall not prohibit the free expression of religion.

I think we ought to have a more natural approach. I think any teacher, or any government official, ought to be sensitive not to use any position of authority they may have to impose their own personal theology or philosophy or political views on people who are in a captive audience. That is normal, natural decency. Where I grew up, I was taught to respect people's religion. If they disagreed with me, that was their prerogative. In this country, you are allowed to have and adhere to deep religious beliefs. If a religious faith called on students to pause at a certain time during the day to have a prayer and it is part of their doctrine and they believe deeply in this, why would we not allow that to happen? I was taught you tried to accommodate people's religious beliefs—not to get into debate and argument with them—because we respected people who had something more important than who made the highest test score.

Griffin Bell, former Federal judge, and former Attorney General of the United States for President Carter once made a speech. It was suggested he might be critical of President Reagan—he was appointing judges and he said President Reagan had a litmus test for judges. Judge Bell was asked what he thought about this litmus test. He shocked the State bar association meeting members by walking to the microphone and saying, "I don't know, maybe we ought to have a litmus test—nobody ought to be on the Federal bench who doesn't believe in a prayer at a football game."

I wonder about that. Why do we think you can't even have a voluntary moment so those people who choose to do so might bow for one moment at the football game to affirm that there is something more important in life than who is the biggest, strongest and who has the most points? How does this undermine our freedom as Americans? If you don't want to bow your head, you don't have to; if you think it is superstitious—free country. If you respect other people's religion and if this is important to them, you will benignly allow them to carry on with their beliefs.

I think we have gone way too far. I think it has affected the ability of the American leadership to assert certain cultural beliefs and values, and if we don't do that, we are suggesting directly and indirectly to our children that there are no permanent values, there are no values worth dying for.

One reporter, referring to a prominent American, said there is not one single belief he would adhere to if he thinks it is against his political interest to do so. I hope we haven't reached that point. I hope there are still things that people are willing to stand for, pay a price for—yes, die for.

That ought to be transmitted to our children. There are a multitude of ways that can be done. Even our televisions, our newspapers, and our radios affirmed those basic values consistently in the 1950s, for example. It was affirmed at our schools. It was affirmed in our families. It was affirmed in our churches.

Now we have begun to lose our moral compass. How we deal with it, I don't know. The Senator from Kansas, Senator BROWNBACK, has said he doesn't really know the answers but he is raising those questions. He is calling on us as a nation to analyze what is happening, to recognize that a culture that affirms life, a culture that affirms light, is better than a culture that affirms death and darkness. Honesty is better than dishonesty; kindness is better than meanness. There is right and there is wrong. We ought to adhere to the right even when, in the short-term, it is not helpful to us. Somehow we have to deal with this.

These amendments are a step. We believe it is constitutional, appropriate, and fair.

We believe we should analyze in one little area what is happening, to create some studies about the market, a National Institutes of Health study of violent entertainment and the impacts it may have.

Just this week I happened to be passing a television set tuned to the Maury Povich show. A mother was expressing her concern about her daughter who was off stage. And they would flip back and forth. The mother said she is doing a lot of dangerous things, even saying she killed somebody. The daughter, off stage, hearing this was still smiling. The daughter even acknowledged throwing her own school principal on the floor.

That is so bizarre. Some say television won't affect anybody. Well, maybe it won't one time. But what happens when you see this every afternoon after school? When certain children who are unhealthy receive these messages, can it distort their view of life? Make them less positive, more negative? Less peaceful, more violent? Less committed to honoring rules and civility and decency and order? I suspect that it does and can and it is not going away.

We have a great economy; things are doing well. We are benefiting from

some of the greatest technological achievements in the history of the world. I hope they will continue. It is making life better for us. However, if we have a danger, it will be that we as a nation will lose our way, lose our direction, lose our discipline, our commitment to order and peacefulness and cooperation. If we lose that, then improvements in technology that made our life so much better may not be able to carry us much further.

When talking about how much money we spend on education, what good does it do to have a \$500 textbook if the child won't read that book and he has no motivation, no commitment to improve himself or herself or the parents are not supportive? You have a state of the art classroom with the finest technology and students are not interested. You talk to teachers and they will say a lot of children in their classrooms are just not interested, they have no thought for what they are going to make of their lives in the future.

I don't know all of the answers. I know this juvenile violence bill does not answer all of them. I know this: In America today, if we have criminal activity by young people, this society has to take that seriously. Even Doctor Laura tells us that. Everybody knows that. A football coach knew that. If you are in the Army and you get out of step, they get you back in line. There is punishment; there are expectations of people that we insist on. That is how you have good Army units, good football teams, good classrooms, and good nations.

I am concerned with those issues. I think they are fundamental. I feel a burden to think more about it, to pray more about it, and try to be able to contribute effectively to it.

We do need to make sure we are doing fundamental things well. One of them is to have a court system that works well. When a young child is arrested for a serious crime, he should be confronted by a judge and a probation officer and something should be done that is appropriate to that crime. You do not love children and you do not care for them if you blindly allow them to get away with serious wrongdoing. We are failing them when we do that. It is the concept of tough love. If you love children, you cannot have them break into a house and steal something and be caught and allow nothing to happen to them. That is happening in America today. You talk to your police officers, they are having to make these arrests. They tell me: JEFF, these kids are laughing at us. We can't do anything to them and they know it.

Victims often are not even allowed to go into the juvenile centers and know what is going on. Their records are not maintained. Judges have no alternatives for punishment or mental health treatment or counseling or drug testing and drug treatment.

We want to improve this system to focus on those young people who are going astray, to intervene in their lives and, hopefully, create a better America. It is just a small step. But we have an absolute obligation to make sure the moneys we expend are spent wisely and that they affirm the needs of our civilization; that is, the need for order, abiding by the law, peacefulness, and not violence.

Mr. President, I thank Senator HATCH and Senator BROWNBACK for their support of this amendment. It is a good step in the right direction. We are going to have to do more of that as the years go by.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his excellent remarks. He has been a major player in this matter from the beginning. I really appreciate what he has been doing.

I appreciate the cooperation we have had from colleagues on both sides of the aisle because this is an important bill. This is going to make a difference as to whether we have, time after time, incidents such as we had in Littleton, CO, or whether we are going to do something about it. This bill will do an awful lot about it, although nothing is going to stop people who have an emotional disturbance from perhaps doing things we cannot contemplate.

Mr. President, I ask unanimous consent with respect to the Brownback amendment on culture that the amendment be laid aside and no amendments to the amendment be in order prior to the vote on or in relation to the amendment.

I further ask consent that Senator LAUTENBERG be recognized in order to offer an amendment regarding gun shows under the same terms as outlined above, and the amendment be laid aside, and Senator CRAIG then be recognized to offer an amendment regarding gun shows, and there be 90 minutes equally divided for debate on both amendments, under the same terms as outlined above.

Finally, I ask unanimous consent that following the debates the amendments be laid aside, with votes occurring beginning at 4 p.m., in the order offered, with 5 minutes prior to each vote for explanation.

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

Ms. MIKULSKI. Mr. President, I ask I be allowed to speak for 5 minutes on the pending bill.

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

Ms. MIKULSKI. Mr. President, I know we have been discussing the juvenile justice bill now for several days. I would like to compliment the leadership on both sides of the aisle for trying to move this bill. But this is not about a bill. It is not about an amendment. It is not about money. It is about America's children and how are we going to get behind our children so

they are safer in their schools and safer on their streets.

There are two aspects of this bill where I have had a longstanding passion. Number one is making sure we have the support services in our schools to back up our teachers and help our children. And number two is after school so we can provide meaningful, structured activities for kids so they will not only have a place to go but a place to benefit from both learning and character building.

This is why in this legislation I support the Democratic initiative to put more mental health counselors into the schools and also to put school social workers and school nurses into the schools. Our teachers are very busy. I hope we pass the 100,000 new teachers initiative, so we have smaller class sizes so our teachers can give more attention to our children. But, while our teachers are in the classroom, there are other support services that help those children while they are in school.

I want to see more school nurses in our schools to help our kids. Mr. President, a school nurse often provides the early detection and warning for other problems the children have. They know whether our children need eyeglasses or a hearing aid. Sometimes a child who doesn't have needed eyeglasses is a child headed for trouble out of frustration. It is often the school nurse who begins identifying the early warning signals of emotional problems. Or if a child is under treatment, it is that school nurse who is supervising that the child is taking his or her medication and staying on the medication. This is what helps our kids.

Let me talk about the school social worker. This is not about Freud, this is not about Jung, this is not about in-depth counseling. This is making sure we know where these children are in terms of some aspects of the problems they are having. If a child is referred to a school social worker, that means the child is teeter-tottering and could go one way or the other. Often a child comes to school troubled because of problems at home. It could be a mother who has a substance abuse problem. It could be a father who is without a job. A school social worker first and foremost listens to the child and helps the family. Often it is the school social worker who takes the child in a teeter-totter situation and makes sure they do not go off on the wrong track. It is the school social worker that can get them back on the right track.

These are the kinds of things we want to have in our juvenile justice bill. Yes, we need more security. But I tell you, while we are looking for more cops in the schools, let's also get more counselors into the schools to be able to help our kids and our teachers.

Our children are lonely. Our children are very lonely. Listen to them. They often turn to each other and, as we saw in some communities, they turn on each other. We have to reach out to our children so they have a significant

adult they can relate to in their lives. Hopefully, it is their parents. That puts you on first base. Hopefully, they can relate to a good teacher. That can put you on second base. But often what puts you on the third base and brings you home is structured, afterschool activities. Our most famous general, Colin Powell, is devoted to these afterschool activities. It is the single most important prevention program for children. Afterschool can help kids avoid trouble. Or help them to move on, exercising the great talents they have. I visited the afterschool programs in my community. I even had townhall meetings with children in these communities. It was fantastic.

You say: What do you like about the afterschool program?

They say: At 3 o'clock we leave school and we walk in here and we are greeted with a snack and we are greeted with a smile. Often it could be a police officer in a PAL Program, a Police Athletic League, or it could be part of the Boys and Girls program. Then they learn. Often they do their homework. They even have computer classes.

They are learning. They have activities. Then they move to sports or other programs. For the kids who go into sports, it is not only about playing basketball, it is about learning sportsmanship. This is about character building, confidence building, and so on. We can do no more important things than getting behind our teachers, supporting our families, and having these services.

I hope we do not think our children should be taught in a prison-like atmosphere. We need to make sure they are safe. Let's have enough teachers, enough counselors, and enough support so the schools are not only safe, but our children's learning is sound.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to offer an amendment that will close the gun show loophole which allows criminals, mentally deranged, and children easy access to firearms.

First, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator has the right to offer an amendment at this time, which will be set aside, and then the Craig amendment will be offered and laid aside. There then will be 90 minutes for debate on both amendments.

Mr. LAUTENBERG. I assume, Mr. President, that is equally divided.

The PRESIDING OFFICER. Equally divided.

AMENDMENT NO. 331

(Purpose: To regulate the sale of firearms at gun shows)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SCHUMER, Mrs.

BOXER, Mr. KOHL, and Mrs. FEINSTEIN, proposes an amendment numbered 331.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the 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. Under the previous order, the Senator from Idaho is to be recognized to offer his amendment.

Mr. CRAIG. Mr. President, it is my understanding that the Lautenberg amendment that was just offered will be laid aside or should I ask that it be laid aside?

The PRESIDING OFFICER. Yes, that is the order.

Mr. LAUTENBERG. Mr. President, without objecting, this is simply to send up the amendment.

The PRESIDING OFFICER. To send it up to be read.

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. It will be laid aside, and the Senators will have 90 minutes for debate.

AMENDMENT NO. 332

(Purpose: To amend chapter 44 of title 18, United States Code, to preserve privacy and property rights, prohibit the collection of fees, and the retention of information in connection with background checks of law abiding citizens acquiring firearms)

Mr. CRAIG. Mr. President, I ask that the Lautenberg amendment be laid aside, and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 332.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRAIG. Mr. President, I have now offered a gun show amendment that I believe is an important counter to the one just offered by Senator LAUTENBERG. I yield the floor to Senator LAUTENBERG for the presentation of his amendment.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Jersey.

AMENDMENT NO. 331

Mr. LAUTENBERG. Mr. President, I thank the Senator from Idaho, and I look forward to the discussion that will ensue, because we are going to decide, with serious debate, whether or not we are going to close this gun show loophole which, as demonstrated in this chart, shatters the image of the Brady bill that has been responsible for obstructing gun purchases 250,000 times in the years it has been in business.

Some of my colleagues are well aware of criminals who have used gun shows to purchase guns to kill, maim and destroy the lives of others.

I am going to talk about specific examples. Most of my colleagues also

know that there are thousands of gun shows across the country each year. Last year, over 4,400 gun shows were advertised in the Gun Show Calendar, a trade publication.

Ordinarily, these shows are held in public arenas, civic centers, et cetera. The gun seller rents a table—it could be a card table or any kind of a table—from a gun show promoter to display material for a fee ranging from \$5 to \$50. The number of tables at shows vary from as few as 50 to as many as 2,000.

Fortunately, most of the people who participate in gun shows are law-abiding citizens. Many families look forward to a Saturday or a Sunday spent at a gun show. But these families are not aware that they may be in the presence of dangerous criminals who use gun shows as cash-and-carry convenience stores.

I mentioned before there are many criminals who use gun shows as a place to shore up their weaponry to commit mayhem. In 1993, Gian Ferri, a mentally disturbed man with a grudge against lawyers, used a TEC-DC9 to kill eight people and wound six others in a San Francisco law office. He walked in there and started shooting. He bought the gun at a gun show.

In 1987, Robert Mire escaped from a Florida prison and got his weapons at a gun show to launch a lengthy robbery spree. Mire then took his own life when confronted by law enforcement at a Tampa gun show in 1991.

Perhaps the most notorious criminals associated with gun shows are Timothy McVeigh and Terry Nichols. They used gun shows to raise money for the Oklahoma City bombing episode that took place in 1995.

In fact, a recent study by the Department of the Treasury and the Department of Justice reveals that thousands of firearms from gun shows wind up in the hands of criminals. This may be just the tip of the iceberg. Because many vendors are not required to keep records of their sales, there is no way to precisely know how many firearms from gun shows wind up in the hands of criminals or the mentally unstable and children.

The threat that gun shows pose for our children became clear with the terrible tragedy in Littleton, CO. Although all of the facts are not in yet, it appears that a female associate of the killers, Eric Harris and Dylan Klebold, purchased some of the guns that were used in the attack at a gun show. Regrettably, it has become clear to our youth that gun shows provide easy access to weapons.

How did we get to this point? The problem is a loophole in Federal gun laws. The Brady law requires that federally licensed gun dealers complete a background check and keep certain records when they sell a firearm, whether at a gun store or at a gun show. But many individuals can sell firearms without a license, and they are not required to conduct a background check.

Since between 25 and 50 percent of the gun sellers at gun shows are not licensed, tens of thousands of firearms are sold at these events with no background checks or recordkeeping. You can just walk into a gun show, put down your cash, and walk away with a shotgun, a semiautomatic handgun, or any other deadly weapon you can get your hands on. Of course, you can also sell a deadly weapon. If you have stolen a gun or are involved in a gun trafficking scheme, gun shows provide an easy opportunity to distribute firearms.

While the gun show loophole helps criminals further their deadly schemes, it also places federally licensed firearms dealers—people who bought a license through the Federal Government and have been checked out—at a competitive disadvantage when it comes to the gun shows, because these guys can just sell it from their table, they can sell it from the back of their car, and they can sell as many as they want. They do not care who they sell it to, and they do not even have to ask the person's first name. Just give me the cash. I don't know if they use credit cards. Give me the cash and here are the guns you want.

When federally licensed firearms dealers participate in a gun show, they have to comply with a background check and recordkeeping requirements of the Brady law. It is so simple but so appropriate.

But an unlicensed seller at the next table can make unlimited sales to any person who comes up with the cash without any requirements.

The ease of these sales drains significant business from the law-abiding gun store owners and other licensees and penalizes them for following the law. So there are a good many reasons to close the gun show loophole, and there is no excuse not to. We have to act, and act now, to help make our communities safer.

The amendment I am proposing would take several simple steps to prevent illegal activity at gun shows. First, I point out that this amendment is very clearly designed for gun shows, the places where these unlicensed dealers sell to anybody they want. Gun shows are defined as an event where two or more people are selling 50 or more firearms. So this amendment does not cover someone who is selling their favorite gun to a friend or a club member or a neighbor.

The key provision would require that all gun sales go through a federally licensed firearms dealer. So if the person who is unlicensed wants to sell a gun to somebody over here, he then has to include a federally licensed firearms dealer in the process. The federally licensed firearms dealer then would be responsible for conducting a Brady check on the purchaser. This ensures that the prohibited purchasers—criminals, the insane, and children—cannot buy guns. This will not burden the vast majority of collectors or hunters or sportsmen who want to buy firearms.

Of course, a gun sale may take a few more minutes, but why not? This minor inconvenience is a small cost to pay. And if you do not believe that, ask the 61 percent of the American people who think that the accessibility of firearms had a large measure of responsibility in the killings that took place at Columbine High School. This minor inconvenience is a small cost to pay when weighed against the need to keep guns out of the wrong hands.

My amendment would also take other steps to help the Bureau of Alcohol, Tobacco and Firearms investigate gun crimes and to help law enforcement prosecute criminals.

Taken together, these provisions will prevent criminals from abusing gun shows to buy deadly weapons. For many Americans, as we note, these commonsense steps seem so obvious. They are probably wondering why we have not addressed this problem sooner. Frankly, I do, too. Well, I don't wonder, because there is an influence around here and around the House of Representatives that always intervenes when we try to get commonsense legislation in place.

We are not taking away guns from people who have a legitimate right to buy them. But we are saying that gun violence is an unacceptable condition in our country.

In the last 20 years, over 70,000 children have lost their lives—70,000 families stricken with grief—because of the availability of a gun, obviously, we think, in the hands of the wrong person.

I do not want to point any fingers or try to assess blame, but this is not the time for partisan politics. This is not the time for organizations, such as the NRA, that stand in the way of any sensible, commonsense legislation every time we bring it up—87 percent of the people in a poll just conducted said they want the gun show loophole closed. Why do we have to fight to make it happen?

Everybody—every one in this Chamber—ought to stand up and salute it and say, yes, we want to save the lives of our kids who are going to school. Do they have the right to bear arms? That is a question, but we know people have a right to bear children. And we think they have a right to see these children live safely and that when they go to school, they do not have to worry as much about whether they are going to be injured or perhaps even killed than whether they do their homework.

Our country has seen too much violence. Every year in this country over 4,000 children lose their lives to guns. Every day, 13 kids, on average, are gunned down by a gun, either in their own hand or someone else's. Too many parents have seen their children injured or killed. Too many families have been torn apart by grief and anguish as a result of the absence in their lives of a child they brought to this world.

So, please, let us work together to pass this measure. I plead with my col-

leagues: Step up to the plate and be people of honor, people of concern. Let's try to prevent future tragedies. Let's make it harder for young people and criminals to gain access to guns.

I think we are reaching a consensus on this issue. We are going to find out in a few minutes. There is a broad range of bipartisan support for closing the gun show loophole. Also, there is a broad spectrum of organizations that support this amendment.

They know that it is going to help fight crime. Law enforcement officials support it. In addition to the Federal agencies that enforce gun laws, the Police Executive Research Forum, the Police Foundation, the Hispanic American Police Command Officers Association, and the National Organization of Black Law Enforcement Executives have written letters of support. I ask unanimous consent that copies of those letters be printed in the RECORD.

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

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, May 11, 1999.
Senate Majority Leader TRENT LOTT,
The Capitol, Washington, DC.

DEAR SENATOR LOTT: The Police Executive Research Forum (PERF)—a national organization of police professionals who are dedicated to improving policing practices through research, debate and leadership—believes that reasonable measures need to be taken to protect our citizens and our children from gun violence. We are currently studying the President's proposed gun legislation and other pending firearms proposals that affect public safety. While we cannot give our position on every amendment that is expected to be offered on the Senate floor this week, PERF has taken a position on a number of the provisions, and supports the goals of the remaining measures.

It is estimated that there are 2,000 to 5,000 gun shows annually across the nation that are not subject to federal gun laws. Sales from "private collections" can be made at these shows without a waiting period or background check on the purchaser, unless the seller is a licensed Federal Firearm Dealer. To close the loopholes that are exploited by sellers who operate full-fledged businesses, but are not FFLs, we believe the proposed legislation is needed and long overdue. PERF has supported gun show legislation to this effect in the past and will continue to work towards ensuring reasonable measures that will help keep guns out of the hands of criminals.

PERF has also been a long-standing proponent of a waiting period that would give local police the opportunity to screen handgun purchasers using local records. PERF members believe that there is also value in a "cooling-off" period between the purchase and receipt of a firearm, particularly when there are exceptions for exigent circumstances.

We have witnessed again the carnage that results when children have access to firearms. PERF has supported child access prevention bills in the past because we see the horror that can occur when angry and disturbed kids have guns. PERF has supported measures that impose new safety standards on the manufacture and importation of handguns requiring a child resistant trigger standard; a child resistant safety lock; a magazine disconnect safety for pistols; a manual safety; and practice of a drop test.

PERF has supported proposals to prohibit the sale of an assault weapon to anyone under age 18 and to increase the criminal penalties for selling a gun to a juvenile.

We must do more to keep America's children safe—not just because of recent events—but because of the shootings, accidents and suicide attempts we see with frightening regularity. These proposals are steps in the right direction. We applaud your efforts to help police make our communities safer places to live.

Sincerely,
EDWARD A. FLYNN,
PERF's Legislative Committee Chair,
Arlington (VA) Police Department.

POLICE FOUNDATION,
Washington, DC, May 11, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The Police Foundation is a private, independent, nonpartisan, and nonprofit organization dedicated to supporting innovation and improvement in policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a wide range of important police operational and administrative concerns. Motivating all of the foundation's efforts is the goal of efficient, humane policing that operates within the framework of democratic principles and the highest ideals of the nation.

As a founding member of the Law Enforcement Steering Committee, an unprecedented coalition of the nation's foremost law enforcement organizations, the foundation worked tirelessly for six years for passage of The Brady Law to require a waiting period and a background check prior to the purchase of a handgun. The foundation has also supported efforts and legislation to regulate the sale of armor-piercing ammunition, and the importation, manufacture, and sale of assault weapons, the high-capacity magazines.

The reality of policing in America includes dealing with citizens who possess firearms. About 200 million guns are in private hands. So huge is the domestic arsenal that American police must be aware that a firearm may be at hand in any situation they encounter. Tragically, in thousands of situations each year, the potential for injury or death by firearms is realized.

In 1994, almost 40,000 Americans died from gunshot wounds. By the year 2003, according to the Centers for Disease Control, the leading cause of death by injury in the United States will be from gunshots. Yet we regulate guns less than we do other consumer products such as automobiles.

The legacy of disability and death that guns, especially handguns, have wrought on American society is of concern to law enforcement personnel, health officials, educators, policy makers, families and communities across America. Today, in the wake of yet another tragic episode of gun violence by high school students, it is incumbent that these same forces join together to formulate rational national policies to address gun violence and children. Every day in America, 13 young people aged 19 and under are killed in gun homicides, suicides, and unintentional shootings, a toll equal to the tragedy in Littleton, Colorado.

The Police Foundation, therefore, supports the following amendments to S. 254:

- (1) An amendment to ban juvenile possession of assault weapons;
- (2) An amendment that bans juvenile possession of high-capacity ammunition clips;

(3) A ban on the importation of high-capacity ammunition clips;

(4) An amendment that requires that no guns are sold at gun shows without a background check, a waiting period, and appropriate documentation;

(5) An amendment requiring anyone offering guns for sale over the Internet to possess a federal firearms license and to oversee all resulting firearms transactions;

(6) An amendment that will provide: enhanced tools for the prosecution of firearms laws, including substantially increasing the scope of the Bureau of Alcohol, Tobacco, and Firearms' youth gun tracing program; additional resources to investigate and prosecute violations of Federal firearms laws; and resources for increased federal and state coordination of gun prosecutions.

(7) An amendment raising the minimum age to 21 for possession of handguns, semi-automatic assault weapons, and large-capacity ammunition feeding devices.

(8) An amendment that requires the sale of child safety locks with every handgun sold;

(9) An amendment to reinstate a permanent, mandatory national waiting period prior to the purchase of a handgun.

(10) An amendment to limit handgun purchases to one per month.

The Police Foundation is committed to working with you and your colleagues in the Congress in supporting and enacting sensible gun control measures that protect all Americans and most especially our children.

Sincerely yours,

HUBERT WILLIAMS.

HISPANIC AMERICAN POLICE
COMMAND OFFICERS ASSOCIATION,
Washington, DC, May 10, 1999.

Senate Majority Leader TRENT LOTT,
The Capitol, Washington, DC.

DEAR MAJORITY LEADER LOTT: I am writing on behalf of the Hispanic American Police Command Officers Association, HAPCOA to express our general support for the eight gun control amendments that are expected to be offered on the Senate floor this week. HAPCOA also supports President Clinton's legislation. The 1999 Gun Enforcement and Accountability Act. Both of these measures are designed to reduce child criminal access to firearms.

HAPCOA represents of 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs, and state agencies, to the DEA, U.S. Marshals Service, FBI, U.S. Secret Service, U.S. Park Police and other federal agencies and organizations.

As a law enforcement association, we know only too well the impact gun violence has on Communities. As with all law enforcement officers, we too live in the communities. We have witnessed first hand what happens when children and criminals have too easy access to guns. Today, in every city in our country, there are children in schools and homes with hand guns. Children who are expressed to Violence on a daily basis, children who feel they need protection—more than they need an education. Children who should be enjoying life—rather than taking a life.

We place profound responsibilities on our nation's police officers asking them to combat Crimes, uphold the law, and defend the lives of others while continually risking their own. We trust the police to keep our homes, schools and neighborhoods safe from crime. Police officers cannot achieve these and other goals without legislation that supports their work.

These eight proposed amendments would do that—help law enforcement officials in their efforts to reduce gun related crimes. It

is time to break the cycle of gun violence in America.

Sincerely,

JESS QUINTERO,
National Executive Director.

NATIONAL ORGANIZATION OF
BLACK LAW ENFORCEMENT EXECUTIVES,
Arlington, VA, May 11, 1999.

Hon. ROD R. BLAGOJEVICH,
House of Representatives, Hart Senate Office
Building, Washington, DC.

DEAR REPRESENTATIVE BLAGOJEVICH: This is to advise you that National Organization of Black Law Enforcement Executives (NOBLE) representing over 3000 black law enforcement managers, executives, and practitioners strongly supports your effort to provide a permanent legislative mandate (S. 443) to promote the fair, safe, and reasonable regulation of gun shows.

As the threat of violence against the police and citizens alike has escalated, so has NOBLE'S commitment to the passage of effective gun control legislation. The potential threat posed to our members and to law enforcement personnel nationwide by the unregulated selling of firearms demands that S. 443 be enacted. Your efforts to bring fairness and accountability to gun shows by holding all participants to the same standards is commended and supported by NOBLE.

If our organization can be of further assistance on this matter, please call me.

Sincerely

ROBERT L. STEWART,
Executive Director.

Mr. LAUTENBERG. I have also received support, surprisingly—and I say, hooray—from some in the gun industry. The American Shooting Sports Council, which represents the interests of gun manufacturers, and the National Shooting Sports Foundation have both endorsed my legislation. They say, "Support the amendment that is proposed closing the gun show loophole."

The National Alliance of Stocking Gun Dealers, the trade association for gun dealers, has endorsed this legislation. I would like to read part of their letter:

While it is uncommon for our organization to endorse legislation that would place any new regulations upon the sale of guns, we view the case of gun shows as an exception.

As your legislation creates no new requirements or regulations that don't already exist for law-abiding gun owners, we find it a reasonable and necessary change to existing laws and fully endorse the gun shows accountability act.

It is a letter that they sent to me.

There are prominent Republican politicians—this isn't exclusively a Democratic matter—who support closing the gun show loophole, for instance, Texas Governor George W. Bush, a prominent name in national politics, as well as the Governor of one of the largest States in this country. Congressman HENRY HYDE, a distinguished, respectable Congressman—he has always been a supporter of gun ownership—supports eliminating the gun show loophole.

The amendment is also supported by Jim and Sarah Brady's Handgun Control, Incorporated, and the Coalition to Stop Gun Violence, which represents a number of health, religious and civil rights organizations.

When Sarah Brady, George W. Bush, HENRY HYDE, gun manufacturers and

gun dealers get behind closing a loophole, I think everybody here ought to listen, and we ought to close it. We ought to close that loophole, because what happens in that loophole is children fall through it, and lives, way too early, are permanently maimed as a result.

All you have to do is remember a picture of the boy jumping out of the window at Columbine High and see what has happened to him. He is damaged, severely damaged. It looks as if those damages are going to last all of his life, impairing his speech, his ability to walk, and so forth.

Americans are tired of it. They are tired of losing those lives to gun violence. Again, I do not understand why the opposition is trying to say, no, let's leave the loophole there. Let's make sure that we don't inhibit those purchases of guns by anybody who just wants to buy them.

I do not understand it. I am sure the American people, whether they are here or watching television and seeing what is going on, don't want to have that loophole continue to exist.

Every year we lose 34,000 Americans to gunfire. It is the number of deaths that we would expect to see in a war. In Vietnam, a terrible, terrible period in American history, we lost 58,000 people in the 11 years of that war. Here we see more than half of that number lost every year. When will the public's rage finally reach into this place and say we have had enough? Instead, there is a war going on in our communities. We have to stop this senseless slaughter.

Every day, 13 young lives end prematurely. The hopes and the dreams of 13 children, their families, their friends are destroyed.

I urge my colleagues to take this step with all of us holding together in the battle against gun violence. Let those who want to oppose this legislation think about what they would say to a neighbor or a friend or someone in their community who lost a child: Well, he had the right to bear arms, or guns don't kill, people kill.

They always blame it on the criminal. But for a lot of people, the first time they commit a crime is when they pull the trigger on that weapon.

I hope we are going to pass this amendment, make it harder for criminals and children to get guns. We might not stop all the shootings, but we may stop some. I hope that the American people will notice everybody who votes for and against this amendment or what they try to do to water it down, to leave a glaring loophole sitting there.

Mr. President, how much time do I have?

THE PRESIDING OFFICER. The Senator has 26 minutes 33 seconds.

Mr. LAUTENBERG. I yield the Senator from New York 5 minutes.

THE PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank the Senator from New Jersey

very much. I also thank my friend, the Senator from Idaho, for his graciousness in letting me take the floor right now.

Let me say, as somebody who has been involved in this issue for a long time, today is a very crucial day in our fight to bring rationality to the laws that relate to guns in America. It is the first time we have had a real opportunity to make progress since the Brady law was passed.

All we are trying to do here is make sure that Brady continues to work. The bottom line is a simple one; that is, as Brady has begun to work, the vast majority of Americans, gun owners and nongun owners, have abided by this law. Almost everybody believes it has worked, but those who wish to avoid the law have found loopholes—the Internet, which we will be dealing with later, an amendment I will propose, and most notably, gun shows, which the Senator from New Jersey has highlighted. I am proud to be his lead cosponsor of that legislation we have worked on.

The problem we face in the law when we try to make laws on gun controls is we are always ruled by the least common denominator. If 99 percent of the people obey the law, but 1 percent finds a loophole, then all the criminal element and everybody who wants to give guns to children, to criminals, to the mentally incompetent will use that loophole. So all the rest of the laws do no good.

They say there are 40,000 laws on the books about gun control. But as long as you have a weak link in the chain, it is exploited, and we suffer. In my city, 95 percent of the guns that are used in crimes come from out of State, many of them from gun shows. Gun shows have proliferated as the loophole has become more obvious and more known to people.

I plead with my colleagues—it is so important for us to continue the work of Brady. We are not seeking to go further in the area of gun control. We are simply trying to keep the status quo by plugging the loopholes that have allowed people to get around the Brady law which most people regard as very, very successful.

I know that my friend, the Senator from Idaho, has an amendment to make it voluntary. The problem with that is very simple, in my judgment. Again, it would not work because it is the least common denominator. If you go to a gun show and nine of the sellers of guns are using the instant check system and one isn't, anyone who evades the law will go to that one. All the other nine law-abiding people will both lose business and not be able to stop it. So making these laws voluntary, you may as well not make them at all, because those who wish to avoid the law will go to the one person who doesn't participate in the system and send a cascade of guns forward.

I am proud of this debate, Mr. President. First, I am proud that its tone is

one of constructiveness in the light of Littleton, CO. Each of us is groping to see what can be done. We have differences of opinion, but there is respect in the debate.

I thank the Senator from Idaho. When he added his amendment, he did not come up with an amendment that was a subterfuge. He did not come up with an amendment that simply diverted the issue, as we have seen time and time again. He came up with an amendment that would allow us to debate this issue foursquare.

It is very simple. If you believe in closing the gun show loophole, you have to vote yes on the amendment of the Senator from New Jersey. If you vote no on that, the loophole will continue, because no matter how many people voluntarily comply at gun shows, those who wish to violate the law or turn the other way, as the law is violated, will continue to do so.

This is an important crossroads in our debate. Just as in warfare there is defensive and offensive warfare and some move forward and then new mechanisms are found to get around those who move forward, we are at that point right now. If we allow people who wish to get around the Brady law and sell guns to criminals and sell guns to children and sell guns to the mentally incompetent, to use gun shows or use the Internet or any other way to get around it, we will have taken a dramatic step backwards. I believe the Brady law has in good part contributed to the decline in gun violence throughout America. Has it made it certain; has it made it so that there is no gun violence? Of course not. But why is it that gun violence has plummeted even more than other crimes since the Brady law has been passed?

The best explanation is that, yes, it works. The best explanation is that despite the doom and gloom, when we debated Brady, from the opponents, it has not interfered with the rights of the legitimate gun owner. I ask my colleagues, if you believe in keeping Brady sound—

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SCHUMER. If I might ask for an additional 30 seconds.

Mr. LAUTENBERG. I yield 30 seconds.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. I thank the Senator, and I thank the Chair.

If you believe in keeping Brady sound, if you believe that we can save lives without impinging on the rights of legitimate gun owners, then the only vote you can cast is yes on the Lautenberg amendment. Any other vote will not do the job.

This is a modest but important first step that will continue to reduce the number of deaths caused by firearms without impinging on the rights of those who believe they need them. I thank the Senator, and I thank the Senator from Idaho, again, for his graciousness.

Mr. LAUTENBERG. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 332

Mr. CRAIG. Mr. President, I hope that those of our colleagues who are not on the floor this afternoon will take time to watch this debate and listen on television, because today we have very clear comparatives of something that works, that lessens the impact of Government, lessens the creation of a bureaucracy, and something that doesn't work which creates a very large bureaucracy against a substantial American pastime and an American business activity in this country. We are talking about gun shows. Some 5,000 gun shows across America are attended today by between 4.5 million and 5 million people annually. They are not in some back room or in some dark alley creating the environment for clandestine meetings between criminals. They are at fairgrounds, large convention centers and hotel lobbies. They are something that many Americans attend today because most Americans who attend gun shows are legitimate law-abiding citizens who have disposable income and wish to collect firearms as something they do in their pastime. Those are the true dynamics of a gun show.

Let me read to you what the President of the United States—and I am afraid what my colleagues have tried to generate this afternoon is that it may be some evil activity. This is a radio message from the President of the United States, November 7, 1998, speaking of gun shows.

... illegal arms, bazaars for criminals, and gun traffickers looking to buy and sell guns on a cash-and-carry/no-questions-asked basis, entirely without background checks.

That is the rhetoric that has imbued this issue and came up with this neat little quick phrase called a "loophole." That is the basis from which we come this afternoon to this debate. Five million people are clandestine criminals going to gun bazaars across this Nation? Five million? I doubt that very much.

In fact, the National Institute of Justice, which is an arm of the Justice Department of this administration, said this about gun shows:

Less than 2 percent of the guns used by criminals may have come from gun shows.

Less than 2 percent. So those are the dynamics and the realities of this debate. I don't know how you paint it any other way, except by using bright red and black paint, because other than that, you have to deal with the truth and the facts at hand.

What is this great loophole that my colleagues are talking about at this time? The loophole, they would have you believe, happens to be the Federal law. That law is a very straightforward

law. That law of several years ago defines what a gun dealer is and what a gun dealer isn't. It is the Gun Control Act of 1968 and the Firearm Owners Act of 1986. In there it is clearly defined what a gun dealer is and what a gun dealer isn't and, most importantly, what a private citizen is allowed to engage in in an occasional sale or exchange or purchase of a firearm for the enhancement of a personal collection, or for a hobby and/or to sell all or part of a personal collection of firearms within their State of residence without obtaining a dealer's license.

What the Senator from New Jersey has not talked about are the laws that govern gun shows. Mr. President, 98 percent of those who are there are dealers licensed under Federal law who must keep records and have those records inspected by the Bureau of Alcohol, Tobacco and Firearms. That wasn't mentioned. Maybe it was simply forgotten. But there is no question, the Senator from New Jersey is right; there are private citizens who come to gun shows and engage in discussions with other private citizens and decide to buy or sell their gun or guns. Is that a loophole? No. It is provided for in the 1986 law. It is something this Congress has already decided is right and proper to do as a private citizen—to engage in the sale of his or her private property. And we have been very clear in tightening it up so they could not get beyond the law. But we have also talked about legitimate collectors, and they are very definable within the law.

But what is important is that we make sure can clarify even the 2 percent. My amendment works to do that. There are people who collect guns, and now and then want to sell more than just one or two of their guns. Guess where they would go. They would probably go to a gun show where there are a lot of people who are interested in guns. And we would say in my amendment that we would allow them a special license category, that they could become a licensed gun dealer for a short period of time for either the sale of their guns, or for gunsmithing, or for a firearm repair business. This would be a new category of license in the Federal law.

This term of "engage in business" would not necessarily fit because they were not businesspeople. They didn't make their living from the sale of firearms or firearm equipment or gun cleaning equipment or loading equipment or all of those kinds of things that are the hobbies of millions of Americans. But we recognize that we ought to give them a category, and in that category, in selling their guns, they would be required to keep records. They would be required to keep records, and they could keep them at their homes. Those records must be available for inspection by the ATF because they don't have a business.

Remember, those in business keep copious Federal records, and the Bureau of Alcohol, Tobacco and Firearms can

inspect them at any time. People who are involved in the sale of guns, and certainly in the importation of guns, all of those kinds of things today, under the 1968 and 1986 laws, are clearly well defined and controlled. But we are saying in these special instances we want to make sure these people do it right.

Now, this is more than just to protect the person who purchases; we want to protect the person who sells, because if that gun were to end up being used by a criminal in a criminal act, and an independent person sold it, they could be liable under local law, under State law, under Federal law. Remember, there are 40,000 gun laws in America today—city, State, county and Federal laws—40,000 gun laws. I would like to adjust it a little, and the Senator from New Jersey wants to add one more so that we would have 40,001.

We also do something else. We spent a lot of time with Brady, and out of Brady we came up with the national instant check system. We created a large computerized system by which when a gun dealer sells a gun, he can check the background of an individual to see whether he or she is a convicted felon, or if they have some adjudication against their personality that would cause them not to be able to own a gun. We will create a special class of register to be at a gun show so that people engaged in the legal, private sale of guns under Federal law can go to that person and say: I have this individual who wants to buy one of my guns. Here is his or her Social Security number. Run it through your system.

Now, what does it do if you comply with these two areas? It creates a safe haven against liability because you have been within the law. But what the Senator from New Jersey didn't say is that if you sell to minors at a gun show, you are breaking the law. If your sale at a gun show went to a felon and it is proven, you are breaking the law. I am talking about private citizens. It is as if he suggested that gun shows are big black holes that criminals congregate in because they can traffic in illegal gun sales. That is false, Mr. President. I don't know of any other way to say it more clearly and abruptly in order to catch the ear of my colleagues. It is not true, and there is no loophole, unless the Senator from New Jersey wants to say that the laws he voted for are loopholes.

I doubt that he would want to do that, because I think at least he was here for the passage of one of those laws. I can't honestly tell you whether he voted for or against it. But it did restrict the rights and activities of individuals as they relate to guns. My guess is that he did. But I will let him speak to that issue.

What we are talking about here is continuing to shape and refine the gun laws—all 40,000 of them.

If my amendment passes, and we create a special new license for a temporary person, or if we create a reg-

istrant for gun shows so that private sales can have a background check, under either of the new license or the special registrant, which would be optional—I don't argue that because I don't want to infringe on the right of private citizens under the 1986 law; congress has already spoken to that—it would provide a very clear incentive to individuals to participate as I have suggested.

Why? Because, as I have mentioned, if the firearm was later used illegally and caused harm, they would be immune from the civil liabilities of that action, except for a lawsuit based on negligent entrustment, or the negligence per se. That you will never get away from, nor should you.

So I think therein lies the difference. Let me talk to one other thing about my colleague's amendment that concerns me a great deal.

On page 4 of his amendment he tries to define what a gun show is. I must tell you, very frankly, it demonstrates to me that he doesn't understand collectors, and hundreds of thousands, if not millions, of Americans who own well more than 50 guns, from antique, Civil War weapons to World War II and World War I weapons, Revolutionary War weapons, are collectors. It doesn't define any of them; it just says 50 firearms or more.

What it says to me is that he has suggested by his law that he is going to move from about 35,000 gun shows a year to hundreds of thousands of gun shows.

What do I mean by that?

If two collectors happen to get together and they happen to own more than 50 guns, and they decide to trade a gun or sell a gun between themselves, they are in violation of the Lautenberg amendment.

I think we have to be careful of that, because it says, "at which two or more persons are offering or exhibiting one or more firearms for sale, transfer, or exchange." I know the law, or at least I know this language. I know that when ATF gets through interpreting it, it won't be any narrower than this; it will be considerably broader.

What about a gun show promoter?

Is that Marriott Corporation, which happens to be housing the gun show for participants next to the convention center, which has a sign up: Gun show participants, come stay at the Marriott, promoting the gun show? I think they would be, by definition of the Lautenberg law.

In other words, what I am asking my colleagues today to do is to read the fine print—which is really not so fine at all—for the term "gun show vendor."

What I am suggesting is, we don't change the law, that we strengthen the law at hand, that we give some options to the private individual, who still should have the right as a private citizen to sell his or her guns to other private citizens if those actions do not fall within Federal law where they are

businesspeople making a profit and are not therefore licensed dealers under the law.

It was interesting when the Senator from New Jersey quoted Handgun Control. They got involved in this issue, and they cranked up Americans, talking about this issue some time ago. They talked about "unlicensed dealers." But, all of a sudden, they found out they couldn't use that term, because all of the dealers are licensed by definition of the Federal law. They had to back off.

In other words, they were more interested in the political impact than the legality and the correctness of their debate, and how tragic that is. So they backed away from that. But they kept the term "loophole," because somehow it conjures up this idea of this dark escape hatch through which criminals pass. That is not the case. It is not the case in 5,000 legitimate, publicly promoted gun shows which nearly 5 million Americans attend annually in city parks, in legitimate hotels, in State convention centers, and in State fairgrounds around this country.

My amendment and the amendment of the Senator from New Jersey are distinctly different. We honor the right of the private citizen. But we give that private citizen options to protect themselves and to access the information system that the taxpayers of this country have spent millions and millions of dollars building so we could have an instant background check to make sure guns didn't get into the hands of convicted felons or other citizens who have adjudicated problems.

I have supported that and have strongly fought for it, even though this administration was dragged, kicking and screaming, into the 21st century of computer background checks because they wanted the right of control.

Therein lies the ultimate difference between these two pieces of legislation.

I hope in the course of the debate we can hear a much clearer definition of what a gun show is, because now I have a lot of friends. If I walk into their home and they discuss the idea of trading a gun or selling a gun to me, I might be in a gun show, and that citizen and I would be engaged in an illegal act. Yet, up until now, that would have been a legal act, because of the right of the private nondealer citizen to engage in those kinds of activities.

There is no loophole. It is only in the minds of those who see guns to be the evil instead of the problems that citizens have either abiding by the law or dealing with their own frustrations.

We have offered a clear alternative, and I think an appropriate alternative, to deal with the question of the 2 percent of sales at gun shows that may on some occasions find themselves in the hands of criminals where that gun was used in illegal activity. Therein lies the difference.

I hope it is clear to my colleagues, the importance of sustaining the gun laws we have and guaranteeing that

private citizens have the right to engage in gun sales from their private collections and their private ownership, on a limited basis, clearly described by the law, without having to become a federally-licensed firearms dealer, as many would care not to be.

I retain the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Jersey.

I want to tell those following this debate that you are never going to have a clearer choice than between the Lautenberg amendment and the Craig amendment. The Lautenberg amendment closes down the loophole that allows people to sell lethal weapons at a gun show—what they call "private sales"—without a background check. The Craig alternative makes it permissible.

What does that mean? It means if you want to get involved in a background check for sale at a gun show, you may. You may. How many laws do we write across America where you say "you may" observe the speed limit, "you may" observe the law when it comes to the sale of drugs, "you may" observe the law when it comes to treason against the United States? No. If a law is going to work, a law has to be sensible and enforceable.

The Craig amendment is neither. It is neither sensible nor enforceable, because not only does it ignore the reality of the horror that is coming out of schools in America but it ignores the reality that at gun shows across America people are buying weapons without a background check and using them in the commission of crime.

This is not my observation, it is the observation of the Department of Treasury, the Department of Justice, and ATF, and other researchers who reviewed 314 recent investigations involving gun shows across America. Their findings are chilling. Felons, although prohibited under the Brady law from buying firearms, have been able to purchase guns at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows.

There are plenty of gun shows in my home State of Illinois. Most of the people who attend are law abiding. Most of them follow the law and are glad to do it. Clearly, the criminal element is using this gun show as a way to launder weapons and purchase them when they can't buy them from a licensed dealer.

Mr. CRAIG would suggest the people attending gun shows are much like those who come around to buy and sell baseball cards. There is a big difference. Of course, what you are buying and selling at a gun show is a lethal weapon.

Senator LAUTENBERG is trying to close down a loophole which is a loophole for criminals. Why the National Rifle Association—which continues to say it is just defending the rights of hunters and sportsmen across America who want to use guns safely and legally—would come in with the Craig amendment in an attempt to undermine Senator LAUTENBERG's amendment is beyond me.

That is not all that is in the Craig amendment. Read on, my friends, because he proceeds in this amendment to provide immunity from civil liability for those who would ask for a special license at a gun show. There are only two groups in America who can't be sued now—diplomats and some health insurance companies—and we are debating that particular element. And now the Senator from Idaho says we should also include in the group of Americans who cannot be held accountable in court those who want to sell guns at a gun show.

The last point I want to make is this: As they poured through the records to try to figure out how these two children in Littleton, CO, came up with two sawed-off shotguns and other weapons, they were stymied because there were no records; they couldn't trace them. They were trying to figure out where they came from. Senator CRAIG's amendment would mandate that we destroy records about the sale of firearms, records that law enforcement needs to try to figure out when guns are stolen and used in the course of crime.

I can't believe any gun owner, who as I do opposes the gun crimes across America, is going to stand up and defend what Mr. CRAIG is arguing for. Senator LAUTENBERG's amendment is clear and concise and hits the points in this loophole that many criminals are using to come into possession of guns which they are using to menace Americans and American families.

Mr. LAUTENBERG. I yield 3 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from New Jersey for his continued leadership on sensible gun laws. That is what we are talking about here: closing a loophole that is leading to trouble, that is leading to death. We have a chance to close the loophole. That is all the Lautenberg amendment does.

Good people go to gun shows but not all gun shows are good. Let me read from an associated press article:

Undercover state [this is California] agents found illegal weapons so plentiful at a Los Angeles County gun show that they ran out of money after shopping at a handful of booths.

The weapons included rocket launchers and flame throwers, Attorney General Bill Lockyer said. . . .

They were readily available, all sorts of illegal weapons.

He goes on to say:

I don't know what hunter needs a flame thrower.

I have to say to my friend from Idaho, if we followed his leadership—

and the Senator from Illinois has pointed out the flaws in his amendment—we would be saying something we don't say to any other industry.

Let me explain what I mean. We have standards for cars. They have to have brakes, they have to have wipers, they have to have seatbelts. But guess what. If you sell them at a "car show," as opposed to a "car dealership," they don't need to meet any of the standards and you can sell a car to someone who hasn't got a license because none of the laws would apply.

You could do that with pharmaceuticals. The FDA approves a pharmaceutical and says it has to contain certain elements, that is what they approve, but if you sell it at a "pharmaceutical show" you don't have to have any of those elements.

We could do the same thing for industry after industry.

There are more standards for toy guns in this country than there are for real guns, but even toy guns have to meet certain standards if they are sold at a toy show—the same laws apply.

To make the law voluntary, as my friend from Idaho does, makes no sense at all. It exacerbates a problem that is already a serious problem.

The Senator from New Jersey is saying people are dying unnecessarily from gun violence. There are people getting guns, getting their hands on guns at gun shows who couldn't do it if they went to a licensed dealer. Why on Earth would anyone in this Senate want to condone that—no background checks at a gun show, nothing?

All the Senator from Idaho is saying is make it voluntary. That is not going to fly. The bad people who want to get away with it aren't going to say: Do a background check on me; you might find out I'm a felon. They will say: No, I don't want to comply.

I thank my friend, the Senator from New Jersey, for this intelligent amendment.

I point out to my colleagues who may be following this debate, and I know we vote our conscience here, 87 percent of the American people support a background check on a gun buyer at a gun show—87 percent of the people; 83 percent support requiring background checks on gun show buyers, including dealers.

The bottom line is people want us to take action. The people don't like the fact that thousands of people a year die from gunshot wounds. We can stop it.

This is a good amendment. I hope we will support it and defeat the Craig amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield myself such time as I may consume.

Mr. President, while the Senator from California is on the floor, I think it is important we understand the facts about which she talks. She is referencing a recent gun show in California where State justice department agents were involved. What she did not

say is that every private sale in California, by State law, must be run through the department of justice background check. In other words, the very thing that she wants is now available in California but doesn't work.

What is wrong? Why didn't it work? I guess she will have to answer that question. I am not sure. She is saying she wants what the Senator from New Jersey is offering, but they have it in California as State law and it doesn't work.

Mrs. BOXER. Will the Senator yield? Mr. CRAIG. I will allow the Senator to debate this on her own time.

It is important we keep the record very clear. She said there are no background checks at gun shows. Only 98 percent of the transactions are background checked. She cannot come to the floor and make a broad statement that says there are no background checks. That is within itself a clearly false statement.

In the State of California, the very gun show where there were found to be some violations of State law—and probably Federal law—somehow the State of California can't control it, either. Or should they? Therein lies the question.

In the case of my legislation, private transactions would be given the opportunity of sanctuary, and it would be a tremendous incentive. I think what we need to do here is create incentives. In the State of California there are no incentives; there are mandatory laws, and apparently those laws were broken, at least in some instances.

It is important the record show that it was instances of probably less than 2 percent. It is important the record show that well over 98 percent of sales at gun shows—not by ATF but by the Justice Department's own figures—are background checked. Those are the facts. They shouldn't be just intentionally generated for this debate. They come from the Justice Department itself.

I retain the remainder of my time.

Mr. LAUTENBERG. Mr. President, it is my understanding that time not in a quorum call is divided equally. If we want to stand here silently so that their rebuttal time is reserved for the Senator from Idaho, we are not going to do that; we will wile it away.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield himself time?

Mr. CRAIG. I yield myself time. I want to make a correction to one of the statements I made just a minute ago. Because I insist others use right figures, I must use the same rules. I said 98 percent. I am wrong. It is about a 60-40 percent relationship at gun shows; about 60 percent are sold by licensed firearm dealers that require background checks. By the estimation of ATF and the Justice Department, there appears to be about 40 percent of sales that are private by definition of the law. That is a much more accurate statement than the one I just made.

But it is clear the State of California does have a law that requires all private sales, all transactions, to be subject to background check.

I retain the remainder of my time and yield the floor.

Mr. LAUTENBERG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 10 minutes and 39 seconds. The Senator from Idaho has 23 minutes and 9 seconds. If neither side yields time, time will be charged equally.

Mr. HATCH. Will the Senator from Idaho yield some time?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield the chairman of the Judiciary Committee such time as he requires.

Mr. HATCH. Mr. President, the proposal, the Democratic proposal to heavily regulate firearms at gun shows, while well intentioned, is an example of regulatory overkill.

First, the proposal would require a law-abiding gun show organizer to notify Federal and State law enforcement prior to holding a gun show, and require substantial recordkeeping and reporting before and after the show. But gun shows are not conducted in a secret black market. They are publicly advertised for weeks in advance in order to generate public participation.

Second, the proposal would require individuals to sell through a licensed dealer in order to obtain the background check and other information. While obtaining a background check is a laudable goal, requiring an individual to pay a dealer for the service could be cost prohibitive to a lawful business transaction. So that is a matter of great concern.

The Republican proposal provides for a "special registrant" at a gun show that any nonlicensed seller can use to conduct a background check on the instant check system. This cost-effective mechanism will prevent any unlawful sales without unduly burdening a lawful transaction with regulatory costs. Thus, I must oppose the amendment to heavily regulate gun shows because it is overly burdensome on law-abiding sellers.

I strongly support the amendment filed by my colleague, Senator CRAIG, which will provide for increased safety and licensing of firearm sales at gun shows. This amendment contains several provisions that will make it more difficult for criminals to purchase firearms at gun shows, but this amendment allows law-abiding citizens to continue to buy and sell legal products.

First, the Craig amendment will provide for "special registrants," who may conduct background checks for individual sellers at a gun show using the instant check system. These checks will prevent criminals from purchasing a firearm from another individual, an unlicensed seller at a gun show. It will also provide an inexpensive and efficient means to facilitate the lawful

sale of a firearm by one individual to another.

Second, this amendment will provide for special licenses for persons who want to buy and sell guns primarily or solely at gun shows. This will allow occasional sellers, such as gunsmiths, to avoid the expense and regulation of becoming full-fledged Federal firearms licensees.

Third, the Craig amendment will prohibit Federal and State law enforcement officials from charging a fee to conduct a background check on the instant check system. This would reduce the cost of criminal background checks to individuals.

Fourth, the Craig amendment would encourage the use of the instant check system by granting civil liability protection to those who use it at gun shows. Given the litigation climate we are currently experiencing, this will be a strong incentive to use the "special registrant" provision of this amendment.

In short, this amendment will promote background checks on sales by nonlicensed individuals at gun shows without an undue financial burden. It will prevent crime without punishing law-abiding citizens. So, accordingly, I do believe this amendment deserves support.

I respect the distinguished Senator from Idaho. In fact, I respect both Senators on the Democrat side and the Senator from Idaho for trying to resolve these difficult problems. But I do believe that the amendment of the Senator from Idaho resolves this problem in a more fair and reasonable manner while accomplishing just as much as the distinguished Senator from New Jersey is trying to do with his amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If nobody yields time, time will be charged equally by the Chair.

Several Senators addressed the Chair.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, since we have had the measure on the juvenile crime bill before us, this is really the first opportunity we have had to deal with one of the compelling aspects of reducing violence, not only in our schools but in our communities. We are talking about youth violence. We have had debate and discussion on how we can help schools, how we can help parents, and how we can help teachers. We have also considered, under the Leahy proposal, a series of different strategies to effectively use law enforcement to reduce violence.

Now, we really begin the debate about the proliferation and availability of guns in our society. There are many who choose not to talk about this particular issue, but, hopefully, we will have an opportunity to debate and

have votes. We will find out who in this body is serious about trying to reduce the availability and accessibility of guns whose only purpose is not for hunting, but for killing and maiming individuals.

It is particularly important that we have this discussion about children. Every single day, 13 children die because of the use of guns—almost the equivalent of Littleton, every single day. We know that when we reduce the availability and accessibility of guns, it extends children's lives and the lives of others.

I have just a few moments now. I will, later in the course of the debate, clearly demonstrate, how the United States compares to other countries in terms of the incidence of violence and the incidence of violence and the utilization of guns.

One of the most extraordinary examples we have seen in recent times is what has happened in my own city of Boston. But before discussing Boston's success, I think it is important to understand the weakness of the Craig proposal. This proposal fails to meet the minimum standards of doing anything about guns because, as has been pointed out, this is a completely voluntary program. Those who are not interested in participating, will not participate in the program. It fails to meet the minimum standard of responsibility in dealing with the loophole which the Senator from New Jersey, Senator LAUTENBERG, has identified.

If we are going to do something about gun shows, the Lautenberg amendment is the way to do it. I think any fair reading or listening to the debate will reveal that the Craig amendment fails, and fails abysmally, in reducing the availability and accessibility of guns.

Mr. President, how much time remains?

The PRESIDING OFFICER. There are 7 minutes and 16 seconds remaining.

Mr. KENNEDY. On the time I was yielded?

The PRESIDING OFFICER. There are 2 minutes remaining on the Senator's time.

Mr. KENNEDY. Mr. President, in my 2 remaining minutes, I want to mention what has happened with the use of firearms in homicides for those 16 and under in Boston, MA. In 1990, we had 10; in 1995, we only had 2. In 1998, we had 4. In 1999, for youth homicides in Boston, MA, in 128 schools, zero so far. Zero so far. Something is working. Something is working.

What is working is tough gun laws—and I will have a chance to go into greater detail on that later in the debate—tough law enforcement, effective programs in the schools, and working with children and parents to respond to some of the underlying causes, and the needs of children. It is that combination, but it is also effective because we have tough gun laws.

The Lautenberg amendment is a downpayment on the things that are

important in reducing violence. Many say here: This is a complex issue, and therefore we can't really solve the problem. What the Lautenberg amendment and other amendments say is, we can reduce the incidence of violence in our society and we will miss that opportunity if we fail to adopt them.

This is about saving children's lives. That is what this proposal is about, and a number of other proposals. We should be willing to accept this in an overwhelmingly positive way. The Lautenberg amendment does something; the Craig amendment fails the minimum standard.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. LAUTENBERG. How much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes 13 seconds remaining. The Senator from Idaho has 18 minutes 29 seconds.

Mr. LAUTENBERG. Mr. President, I understand it is possible to extend the time some because the vote, I am told, is going to be delayed from 4 to 4:30. I ask the Senator from Idaho if he is interested in taking some more time for our discussion here. I do not want the time to go by without use.

Mr. HATCH. I prefer to get these two amendments over with so we can move on to the next amendment. We do have one or two others that are going to come up today. I think we have covered it pretty well on both sides.

Mr. LAUTENBERG. I thank my friend from Utah.

Mr. President, I yield myself such time as I have. I understand there is a 2½-minute presentation before each of the votes; is that true?

The PRESIDING OFFICER. Five minutes equally divided; that is correct. The Senator now has 3 minutes 49 seconds.

Mr. LAUTENBERG. Mr. President, I listened with interest and felt like the famous philosopher from New Jersey, Yogi Berra, who said, "This is *deja vu* all over again," because the Senator from Idaho and I have sharply disagreed on what constitutes freedom.

I think there is a freedom that overrides all the others—the freedom to live, the freedom to send your children to school and not worry about whether or not they are going to get shot and permanently injured or worse yet, killed.

The Senator from Idaho points out the fact that there is only a small percentage—he corrected that; he is an honest man. He corrected the percentage he ascribed to gun show purchases away from licensed dealers. A small percentage he said. What are we talking about? What percentage did it take to kill 13 kids in Littleton, CO? It could have been done with 1 percent or less. Four weapons, all of which had a history of gun show traveling.

Four weapons killed those children. Ask those families whether they want tighter control or whether they are

worried about the menace that the Senator from Idaho presented. The menace, he says, is a bigger bureaucracy. How about the menace of losing your child? Where does that stand in the list of things? No, it is important that the Federal Government doesn't intervene; we ought to get rid of the Federal Government. Maybe we do not need any laws.

He said only a small percentage are violators. Yes, we have in our country over 100 million cars on the road, but we have laws against drunk driving; we have laws against reckless driving; we have laws against speeding. Why? Because even though a car is a nice convenience, it can be a lethal weapon if it is mishandled.

What is wrong with saying we ought to take some time, we ought to make records? I do not understand this sham attempt to obscure reality.

He said we don't want to interfere; we will let private citizens—let a private citizen go to an FBI file and say: Listen, I want to look up this guy, and tell me what you will.

A private citizen going to the FBI to find out what kind of history this person has, whether they have mental disease or mental illness or whether or not they have ever been in jail, in private records? But, no, we can't trivialize the gun show business. We are not trivializing it. We say if you want to buy a gun at a gun show, then let a licensed Federal dealer offer a check.

The Senator from Idaho and I had a disagreement a few years ago about whether or not spousal abusers ought to be deprived of their right to own a gun. Beat up your wife as many times as you want, but you still should have your gun. We won that one. It took a heck of a fight to win it, and they are still trying to upset it, but the court upheld our right to say no to a spousal abuser, you don't have a right to own a gun if you are going to abuse your family. Mr. President, 150,000 times a year a woman has a gun put to her head with the threat: I am going to kill you. And the children are watching. What kind of trauma is that?

Mr. CRAIG. Will the Senator from New Jersey yield?

Mr. LAUTENBERG. I will yield for a question on your time.

Mr. CRAIG. Did I support you in the spousal abuse amendment? Did I support you and vote for it?

Mr. LAUTENBERG. The vote was for it.

Mr. CRAIG. Thank you.

Mr. LAUTENBERG. But the amendment died in committee. The amendment died because the NRA wanted to kill that amendment.

Mr. CRAIG. But the Senator from New Jersey said I did not support it. He is wrong. I voted for it, and I supported him.

Mr. LAUTENBERG. We negotiated very hard as they tried to strip it bare but finally resolved it because it was too embarrassing in the public to vote

against it, to say to the public: No; you still deserve a gun even though you beat the heck out of your wife.

What are we talking about here?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. This is theater; this isn't government.

How much time do I have?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I guess I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it is important that facts be facts. The Senator from New Jersey and I did negotiate on the spousal abuse issue because there were some differences. When those differences were worked out, we agreed. So it is not correct to characterize on the floor that I opposed him. He and I agreed, we shook hands, and we voted for it. And I do not run from that vote at all. So let's set that one aside.

Let's talk about the National Shooting Sports Foundation, which the Senator said some minutes ago had endorsed his legislation. We called the National Sports Shooting Foundation today, and they said they do not endorse the Lautenberg legislation.

Just last Monday, the president of NSSF said the industry supports backgrounds checks at gun shows provided the FBI does not maintain the names in violation of the law and the White House agrees to a more aggressive prosecution of felons turned up by the background checks. That is what they said. They did not, by my checking today, support the Lautenberg amendment.

I am also told by Governor Bush's office here in Washington that his office has now called the Lautenberg office to say they do not support, nor have they endorsed, the Lautenberg amendment. That is possibly why that placard a few moments ago that said George W. Bush supported the legislation has been taken down. I do not know that to be a fact. I have not talked with Governor Bush, but it is my understanding at this moment that that is the case from the Governor's office here in Washington. I will set that one aside.

Let's talk about the facts. The facts are that there are 40,000 gun laws in America. Twenty of those were violated at Columbine High School in that tragic event which all of us mourn. We are here today in a juvenile justice bill trying to create a much stronger environment in which to deal with juveniles who act in violent and illegal ways. That is what we are trying to do. That is what the chairman of the Judiciary Committee has worked for over 2 years to do. We are going to be treating violent juveniles more like adults—a significant change in our society and in our culture. And we should. We must.

Well, then, why are gun shows a part of it? Because every time some people get an opportunity to talk about op-

posing guns, they take that opportunity. I do not deny them that right, but what is important is that we deal with the character of the law in the right and appropriate way.

Private citizens are allowed to sell guns in private transactions—at gun shows, in the middle of the street, or in the privacy of their home. That is what the law says. There are liabilities to that. If you sell to a minor, that is against the law. If you sell to a felon, you better be careful; you will be liable. Those are the laws that exist today.

If you are a licensed dealer of guns, making your living from guns, then the laws are manifold and you walk a very tight rope. You keep records, as you should, and you do background checks to deny felons access to guns or those who have an adjudicated problem that would make them unstable in the ownership of guns.

Those are the laws today with which we deal. There are some 5,000-plus gun shows annually that nearly 5 million people attend across America, where 60 percent of the gun transactions are done within the context of federally licensed firearms dealers, and 40 percent are not. We are saying something distinctively different than the Senator from New Jersey, who says: Federally controlled, federally defined, in a bureaucracy of recordkeeping that puts the private citizen at a tremendous liability, even though they are law abiding and do all the right things. We are saying we ought to allow background checks to private citizens if they are involved in those transactions. Our amendment would do that, would create a special registry to access, for that citizen, the NICS, instant background check system of the FBI.

That is right, and it is proper, and it will go a long ways toward dealing with illegal activity—some exist; I cannot deny that. But clearly even the Justice Department says that of the guns that are sold at gun shows, less than 2 percent are found to be in illegal activities. That is this Justice Department. That is Bill Clinton's Justice Department. Yet, Bill Clinton, our President, who tried to characterize gun shows as being a bazaar for criminal activity, is wrong, and he knows it. But when he can play politics with this issue, he runs to do so, even though his own Justice Department would argue that the statistics are substantially different.

We also provide for a unique status of licensure. But what we do most importantly is we do not increase the liability or the recordkeeping responsibility of the private citizen. No tripwires here, no failure to dot the "i" or cross the "t" of a Federal process for which the ATF can come into your home and find you liable. That is not the way it should be. Private citizens have rights in this country, and they even have rights to own guns within the law and under the Constitution. That is what

we guarantee here with clearer definition and clearer process.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CRAPO). The Senator has 11 minutes 45 seconds.

Mr. CRAIG. Mr. President, one other area that concerns me a great deal is the definition by the Senator from New Jersey of "gun show." I have spoken to that to some extent. But I am tremendously fearful that law-abiding citizens, who are legitimate collectors of guns, all of a sudden will find themselves, where more than one should meet, automatically by definition of the Federal law a gun show.

That is wrong. It should not be that way. But certainly if it becomes that way, their liability to even talk about guns and trade guns or exchange guns amongst their friends who are collectors is dramatically curtailed.

Also, I do not think the Senator from New Jersey has done an effective job of refuting what "gun show promoter" means. Because he says that the term "gun show promoter" means any person or organization that plans or promotes and operates a gun show. These are the people who find themselves not only liable but having to get Federal licensure to do so. Does that include the Marriott Hotel next to the Convention Center with a sign out front: All gun show exhibitors stay here. We promote gun show X in city Y or Z? It could. Because we all know that what we mean here as legislative intent oftentimes becomes vastly different once interpreted by the Federal bureaucracy.

Those are my concerns as they relate to these issues. I hope my colleagues will clearly understand those before they take the opportunity to vote this afternoon.

I retain the remainder of my time and relinquish the floor.

Mr. ROTH. Mr. President, I would like to express my views with respect to the issue of background checks at gun shows in relation to the amendments we have today before the Senate.

I am a strong supporter of the second amendment; however, I also believe we must maintain procedures to ensure that guns do not find their way to the wrong hands. This is why I have supported the instant check system which is currently in place.

I have reviewed the amendment offered by Senator LAUTENBERG and the amendment offered by Senator CRAIG. I have concerns with both. In my view the amendment offered by Senator LAUTENBERG goes much further than simply requiring a background check for purchases at gun shows. It would put in place new and burdensome record requirements for gun show operators and vendors and provide the Secretary of the Treasury with unlimited authority to issue additional regulations.

On the other hand, the amendment offered by Senator CRAIG, in my view,

does not go far enough. Senator CRAIG's amendment merely outlines a voluntary or optional background check process.

Mr. President, consistent with my view and past support of the Brady bill, I would support a straightforward background check system for gun show sales, but that is not the choice we have before us today.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 5½ minutes remaining.

Mr. CRAIG. I yield to the chairman.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. With the permission of Senator CRAIG, I ask unanimous consent that the distinguished Senator from Arizona be given 7 minutes to offer his amendment, speak to it, and, as I understand, he is going to withdraw the amendment at the end.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. Mr. President, not objecting but clarifying, if I may, do I retain my time or is that simply used up in this—

The PRESIDING OFFICER. The Senator from Idaho retains his 5 minutes, and the Senator from Arizona would have 7 minutes intervening. Is that the intent of the Senator from Utah?

Mr. HATCH. The Senator's time would not come out of the time of the Senator from Idaho.

Mr. LAUTENBERG. May I ask a question, please? How is the time derived? Is the time now under the control of the Senator from Idaho?

The PRESIDING OFFICER. At this time, the Senator from Idaho has 5 minutes 2 seconds remaining. The unanimous consent request is that the Senator from Arizona have 7 additional minutes for his own purposes.

Mr. LAUTENBERG. No objection.

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

AMENDMENT NO. 333

(Purpose: To prohibit the receipt, transfer, transportation, or possession of a firearm or ammunition by certain violent juvenile offenders, and for other purposes)

Mr. MCCAIN. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN) proposes an amendment numbered 333.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . FIREARMS PENALTIES.

(a) STRAW PURCHASE PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

“(i) fined under this title, imprisoned not more than 15 years, or both; or

“(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

“(B) In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ means conduct described in subsection (e)(2)(B).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) JUVENILE WEAPONS PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended—

(A) in paragraph (4), by striking “Whoever” and inserting “Except as provided in paragraph (6), whoever”; and

(B) in paragraph (6), by striking subparagraph (B) and inserting the following:

“(B) 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 imprisoned not less than 10 and not more than 20 years and fined under this title.

“(C) In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ means conduct described in subsection (e)(2)(B).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

Mr. MCCAIN. Mr. President, I thank the Senator from Utah and also the Senator from Idaho for allowing me this time. I don't think I will use as much as 7 minutes. At that time, I will withdraw my amendment upon the completion of my statement.

This amendment is designed to prevent juveniles from illegally accessing weapons and to punish those who would assist them in doing so.

This amendment provides that whoever illegally purchases a weapon for another individual, knowing that the recipient intends to use the weapon to commit a violent crime, may be imprisoned for up to 15 years. Further, the amendment mandates that whoever illegally purchases a weapon for a juvenile, knowing that the juvenile intends to commit a violent felony with the weapon, will receive a mandatory minimum sentence of 10 years and may be imprisoned for up to 20 years. Current law provides a maximum prison term of 10 years, regardless of the age of the shooter.

Additionally, if a person transfers a handgun or ammunition to a juvenile knowing that the juvenile intends to

commit a violent felony, that individual will receive a minimum 10-year sentence and may be imprisoned up to 20 years.

Mr. President, as I just outlined, this amendment is very simple. The amendment targets the nexus of the youth gun violence issue. Despite the arguments of those who are pushing for more restrictive guns ownership laws, the fact is that the overwhelming majority of kids who are committing these violent acts are getting guns illegally. It is ludicrous to argue that gang members are going to gun shows or to Walmart to buy their weapons. For the most part, they are obtaining them illegally.

Recent events have shaken the collective conscience of this nation. The murders at Columbine High School in Colorado have again brought home to every American the degree to which we are failing our children.

The most basic and profound responsibility that our culture—any culture—has is raising its children. We are failing in that responsibility, and the extent of our failure is being measured in the deaths and injuries of kids in schoolyards and on neighborhood streets. Over the past 2 years, we have been jolted time and again with the horrifying news and images of school shootings. Every day, in towns and cities across this country, kids are killing kids, and kids are killing adults in a spiraling pattern of youth violence driven by the drug trade, gang activity, and other factors.

Our children are killing each other, and they are killing themselves. We must act to change this.

Primary responsibility lies with families. As a country, we are not parenting our children. We are not adequately involving ourselves in our children's lives, the friends they hang out with, what they do with their time, and the problems they are struggling with. This is our job, our paramount responsibility, and we are failing. We must get our priorities straight, and that means putting our kids first.

However, parents need help. They need help because our homes, our families, and our children's minds are being flooded by a tide of violence. This dehumanizing violence pervades our society. Movies depict graphic violence, and children are taught to kill and maim by interactive video games. The Internet, which holds such tremendous potential, is used by some to communicate unimaginable hatred, images and descriptions of violence, and "how-to" manuals on everything from bomb construction to drugs. Our culture is dominated by media, and our children, more so than any other generation, are vulnerable to the images of violence and hate that are, sadly, the dominant themes in so much of what they see and hear.

I recently joined with some of my colleagues to call upon the President to convene an emergency summit of the leaders of the entertainment and

interactive media industry to develop an action plan for controlling children's access to media violence. I am pleased that the President heeded this call. However, I am very disappointed that the President's summit proved to be heavy on symbolism and light on substance. We can do more.

I have also joined others to introduce legislation calling upon the Surgeon General to conduct a comprehensive study of media violence in all its forms, and to issue a report on its effects together with recommendations on how we can turn around the tragic tide of youth violence.

Further, yesterday, I, along with Senator LIEBERMAN and others, announced legislation that would establish a National Youth Violence Commission, consisting of religious leaders and experts in education, family psychology, law enforcement, and parenting, to produce a comprehensive study of the forces that are conspiring to turn our children into killers.

Combined, these measures—along with this legislation—are important steps targeting various aspects of the complex problem of youth violence. However, if we are to turn this tide, we must press the fight on every front.

One reality of the horrific schoolyard shootings, and the criminal gun violence that is so prevalent among our youth, is the illegal use of guns. The amendment I have offered is specifically targeted at the illegal means by which kids are acquiring guns. The extent of this problem is made acutely apparent by the events that unfolded in Littleton. From what we are told, 18 different gun laws were violated, including illegal straw purchases and transfers.

This amendment states simply that, if you know a kid is going to commit a violent felony, and you give him or her the gun to commit that crime, you are going to go to jail for a long time.

Mr. President, this amendment is not a panacea. As I have stated, the malady of youth violence that is eating at the soul of this Nation is a complex disease. It will require a multi-faceted cure. I believe we must push for a comprehensive approach. What we must have is the unqualified commitment of all Americans to raise our children, to put them first.

This amendment is one step—one necessary step that will help us deal with the problem of kids killing kids. I hope the Senate will adopt this amendment.

Mr. President, my understanding is that the distinguished manager of the bill has included this amendment in the package. I thank him for doing that. Therefore, it would be deemed unnecessary that this amendment be considered separately at this time. I thank the distinguished chairman of the Judiciary Committee for including this amendment in the package.

Mr. President, I ask unanimous consent to withdraw the amendment at this time.

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

The amendment (No. 333) was withdrawn.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I compliment the distinguished Senator from Arizona for his leadership on this issue and for the work that he has done to help pass this bill.

Mr. President, I ask unanimous consent that the previously stacked votes be delayed to begin at 4:30 this afternoon. We have three so far lined up. And further, following the debate outlined in the previous consent, Senator THOMPSON be recognized for up to 20 minutes for general debate on the bill, and then Senator KENNEDY for 10 minutes and then Senator LEAHY for 5 minutes.

I further ask that following the votes, Senator HOLLINGS be recognized to offer an amendment regarding TV violence limited to 3 hours equally divided prior to a motion to table, with no amendments in order prior to that vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I want to make sure I understand this. We are starting basically now, Senator THOMPSON will be recognized.

Mr. HATCH. Right.

Mr. LEAHY. And then my 5 minutes is in there prior to the vote.

Mr. HATCH. Following Senator KENNEDY.

Now, also if we have enough time left over after Senator LEAHY speaks, I ask unanimous consent that we can work on a Republican amendment before the votes, too, so we can at least have one more. We will try to work that out between the two managers on the floor. We will begin with Senator THOMPSON for 20 minutes, KENNEDY for 10, and LEAHY for 5, and then we will see where we can go.

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

The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Chair. I thank the Senator from Utah and I congratulate him for his long work in this area. While I cannot support this legislation, it is certainly better than much I have seen in this area. I know he and Senators SESSIONS, BIDEN, and others, have spent a lot of time on this. I congratulate them for it.

Mr. President, I rise not to debate any particular amendment. There has been a lot of good discussion as to the grants, the programs, and as to the various amendments and details of what we should do and how much money we should spend on various programs.

I rise not to address that because I have a significant problem with the entire concept. I believe that our approach with regard to youth violence

here is misguided. First, I will address basically what this bill does. Among other things, it makes it easier to prosecute juveniles in Federal criminal court. We have from 100 to 200 prosecutions a year of juveniles in Federal court. It is a minuscule part of our criminal justice system.

In 1998, there were 58,000 Federal criminal cases filed involving 79,000 defendants. As I say, there were only 100 or 200 juvenile Federal crime cases among that group. This bill would make it easier to bring what has traditionally been a State matter into the Federal system. It makes it easier to try a juvenile as an adult. It would allow juveniles as young as 14 years of age to be tried as an adult for violent crimes and drug offenses—drug offenses, again, that are of the street crime category, where we have laws on the books in every State of the Union. It makes more local street crime Federal offenses—recruiting gang members and things of that nature. It allows the Attorney General to send in a Federal task force if she deems it necessary.

Then there is an array of programs and grants that this bill sets forth: Educational programs, educational grants for dropout prevention, school violence, restitution, child abuse, probation enhancement, mentoring programs, drug abuse, gang prevention, gun prevention, job training, after-school activities, family strengthening, evaluation programs. Then this bill requires in a few instances, and in a few instances encourages, States to do certain other things if they want to participate and get this grant money and program money. It encourages boot camps, sentencing of juveniles who are as young as 10 years old as adults, encourages graduated sanctions, and encourages States to set up various kinds of programs for victims of juvenile crime. That is required if the States want this money. It requires communities to establish coalitions to replicate other communities. In other words, it requires coalitions of groups of law enforcement officers to get together and do some of the things that have been done in other communities where they apparently have had good results.

Then we have seen research amendments with regard to crime in schools, establishing of hotlines, and increasing the penalties for various things. We have extended, by amendment, the 1994 crime bill that will spend about \$31 billion over the next 5 years. This bill does all of these things.

Mr. President, it is a tremendous conglomeration of grants and programs and mandates, whereby we spend additional billions of dollars on matters that are being, or should be, covered by State and local laws, or that should be handled by local governments—such things that would be anticrime measures, tough on crime measures; or we are dealing with areas in which we really don't know what we are doing, with all due respect, as a Federal Gov-

ernment. With that, I am referring to basically prevention programs.

Basically, what we try to do is either get tough on crime programs, increasing penalties, and federalizing additional offenses, on the one hand, or coming in with prevention programs designed to reach young people before they get in trouble. Both are laudable goals. But not too long ago, I chaired the Youth Violence Juvenile Justice Subcommittee of the Judiciary Committee. We had extensive hearings. It is a subject that we are all concerned about. We are looking for solutions. I came away with the distinct feeling and impression that we need to concentrate more on research and evaluation of the underlying problems of juvenile violence. There is no question but that these are deep-rooted, social, complex problems about which we know very little.

I believe there is one thing the Federal Government does probably better than anybody else, and that is research and evaluation. We have the resources and we can get the capability and we can make the long-term commitment if we desire to come up with evaluation programs over a period of time to really determine what kind of programs work. We spend all of this money, we put forth all of these programs, and we really have no idea what is working.

We have 132 Federal criminal juvenile justice programs on the books today. I daresay we have very little idea what is really working and what is not working. We have another tragedy, so we double the money with regard, in many instances, to the same programs we have already.

Professor Alfred Blumstein was a witness before our committee. He is a professor at Carnegie-Mellon University. He talked about the research and evaluation that was needed. You could not listen to him without coming away with a certain feeling of humility about how little we know regarding this matter. He said:

The last 25 years has seen a considerable accumulation of research findings and insights that were not available earlier. Those research findings, however, reflect only a tiny portion of what we need to know to make effective policy and operational decisions in each of the many areas relating to juvenile violence.

He said:

There have been some evaluations of various kinds of rehabilitation programs, and these are encouraging, but we have very little in the way of evaluation of prevention programs. This is partly because so little has been done, but also because it is very difficult to measure the effects of programs whose effects may not be observed for a decade or more.

In other words, what he is saying is, in order to have an evaluation of a research program worth its salt, we need to set it up for a decade or more.

He goes on to say:

... Thus, while it is clear that much important research has been conducted over the past decade, it is also clear that we are still at an extremely primitive stage of

knowledge regarding violence, especially for directing focused action, and that much more still needs to be done.

He says:

... we need much more and better information on the development and the nature of criminal careers ...

He goes on and on and says:

... The major growth in juvenile violence is not only of concern itself, but it is symptomatic of many key aspects of juvenile development that need major attention. The knowledge base to address these issues is remarkably thin in terms of knowing how best to intervene in these developmental processes.

So, Mr. President, instead of passing additional laws, additional get-tough-on-crime measures, instead of establishing a Federal entity that is sufficiently funded where there is a commitment over many, many years, instead of focusing on research and evaluation before we go about implementing these policies, we are now coming up with the same old responses that we have had in the past.

In this bill, there is some research and evaluation provisions that I think are very good; in fact, some of the things we worked on in times past when I was on the Judiciary Committee. But it is minuscule in comparison to what we need. Research and evaluation programs are scattered out among the States, a little bit here and there. We need a long-term Federal commitment in the one area where the Federal Government does it best—for research and evaluation of programs. We can see what works—which of these 132 Federal programs are working—and then be a clearinghouse for State and local governments so they can get the benefit of that knowledge, and they can go back and implement their own programs, instead of us instituting all of these grants and all of these programs directing States to do some things, and encouraging States to do other things, thinking that we have answers that we do not have. We are getting the cart before the horse because of the tragic circumstances we are faced with.

We know now that some of these programs are very questionable in terms of results.

The DARE program, the GREAT program, some of the mentoring programs—we simply know that in some cases there is absolutely no objective data that indicates they are doing any good, and in some cases there is expert testimony that in fact they are doing some bad things.

We cannot sit up here and have things occur to us that sound good to us and assume they are going to work out in real life. That is how we got the airbags that killed children. That is how we got the program of asbestos removal that we now know was the wrong way to go about that problem. We need to have a little humility as we approach this problem.

We encourage things. There are some amendments, such as counseling programs for juvenile violence in schools,

and so forth. I understand they have a gymnasium full of counselors out there in Colorado now that people are not using. We encourage boot camps for juveniles as adults when we know now that in some cases juveniles treated as juveniles will get more than they do being treated as adults.

We want to pass additional gun laws. Every State in the Union has laws against children taking guns to school. We came in and overlaid that with Federal law that made it a Federal offense for kids to take guns to school. Now we have State laws and a Federal law.

Now we have had a tragedy. And goodness knows what the next batch of laws will be that portend to address this.

When I see statements made that by this bill we are giving our children back their childhood, or we are empowering parents to be decent parents, it concerns me that we may really believe that, because we do not have that ability, we do not have that power, we do not have that knowledge, or know-how.

What is the underlying philosophy for Federal involvement in this area, or Federal control in some cases? Is it expertise? Do we have more expertise on the Senate floor than out among the State and local people who deal with this problem every day?

I doubt it, because we keep coming up with the same old programs and adding one every once in a while. We have the waterfront covered as far as programs are concerned. I can't think of a program that has not been covered or funded in some way.

Is it because we have the money? Well, yes. We do have the money, because more and more we are depriving States and local governments of their sources of revenue, bringing it to Washington, then doling it back to them and telling them how to spend it, as if we knew.

In this bill we have \$450 million for juvenile accountability block grants, \$75 million for juvenile criminal history upgrades, \$200 million for challenge grants, \$200 million for JJDPA prevention grants, \$40 million for the National Institute for Juvenile Crime Control and Prevention, of which \$20 million would go to evaluation research, \$20 million for gang programs, \$20 million for the demonstration programs, \$15 million for mentoring programs.

I defy anyone to point out to me which one of these programs is working or not working of the ones that we already have on the books that basically track these same kinds of efforts.

Is the federalization of this matter because the problem is bigger and, therefore, we have to address it? I don't think that is the case. We continue to federalize matters that are so insignificant that we don't even prosecute them once they get on the books.

We now have Federal laws with regard to animal enterprise terrorism, theft of livestock, and odometer tampering. There has been a total of four

prosecutions nationwide for all three of those acts.

Now we have a horrendous incident out in Colorado, which disturbs all of us. But the fact of the matter is that less than 1 percent of youth homicides occur in schools.

Deaths by homicide is the second leading cause of deaths among children, second to accidents. And much of that has to do with driving while intoxicated and things of that nature.

Mr. President, the 10th amendment was put in the Constitution for a reason. The Federal Government ought to do the things the Federal Government is good at and leave the States alone to do the things the Constitution gives them under the Constitution. There is no plenary Federal law enforcement power under the Constitution.

We think we have a good result up here with a program in Boston, or wherever, so that we want to authorize the Attorney General to go in and put that program in other places. If it were a good program, logic would extend it to every place in the country, which means a Federal police power. And we do not want that.

We held federalism hearings the other day. We had a consensus from Democrats and Republicans, liberals and conservatives, law enforcement officers and defense lawyers. And they are all concerned about the trend toward federalizing what essentially have been State and local matters for more than 200 years.

There were 1,000 bills introduced in the 105th Congress. A lot of them had to do with juvenile crimes. No one knows actually how many Federal crimes are on the books now; the statutes are so complicated. Some people say 3,000. But with the administrative regulations, and so forth, there are thousands and thousands of statutes and regulations that have criminal consequences. That is the wrong direction.

The Federal Government should cover things in the Federal criminal law that have to do with Federal people or property, and interstate transactions that are truly interstate. Local corruption conflicts, litigation of civil rights, and things of that nature; that is, the law enforcement side of the equation, that is the equation that the State and local governments have the responsibility for. If we take that away from them, either in one fell swoop or gradually, they will do a worse job of it in the future instead of a better job.

On the prevention side, especially with regard to juveniles, let us have a little modesty and acknowledge that we do not know the answers to these problems. Some of them we will never know. They are complex. They are inherent societal problems that we did not get into overnight; we will not get out of them overnight.

But I would suggest again that instead of spending these billions of dollars—literally billions of dollars on top of billions of dollars—on programs

about which we have no idea of their efficacy, what is working and what is not working, let's scale that way back and put some money up here for some long-term research and evaluation for over a decade or so, so we can really tell what works. Let us be a clearing-house and an example then for the States. We don't have to dole out the money to them or suggest that they do this program or that program when we don't know what we are doing. They can see what works and what doesn't work.

On the grounds of the Federal Government properly doing what it should be doing, letting the States do their traditional job under the Constitution, and, second, on the grounds of a little bit of modesty in terms of crime prevention—and that is where it is as far as these juveniles are concerned, on the prevention side—we have to get to these kids earlier. But the fact of the matter is, we are scattered to the four winds, throwing billions of dollars at a problem without knowing what the solution is.

There is only one way that I see we can go, and that is more research for Federal evaluation and research, and in the meantime let's hold our horses and not respond to the headlines—the most difficult thing in the world to do. But by getting out front and pretending we can do things we can't do, we are setting the cause back; we are not advancing it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, thank you very much.

I was listening to my good friend from Tennessee talking about what we need to do, that we need to give more time for research and evaluation of where we are in terms of violence among young people in this country.

Quite frankly, I would invite our colleagues and Members of Congress—Members of the Senate in this instance—to look at what has happened up in my own home city of Boston, MA, in recent years.

In Boston, Mr. President, we have had a dramatic strengthening of various gun laws in recent years, stricter enforcement of existing laws, and the implementation of very important programs in terms of help and assistance for the students, the teachers, and the parents, and the schools. We have had the community police men and women working in the schools, working with the superintendents, working with the parents, working with the children.

There has been the development of support groups for the children. There has been the development of violence prevention and mediation programs; an important 2 to 6 program; an after-school program which is so important

in terms of helping and assisting children in the afternoon with their various academic endeavors so when the children do go home in the late afternoon and see their parents—in most situations both of whom have been working hard—they will have quality time with them.

It is an effective approach. We are not here to suggest this will be the only approach. I am not here to suggest that there shouldn't be additional reviews or studies. But as we look at the various challenges we are facing today, we shouldn't just throw up our hands and say because there are so many things to do, we can't do anything at all. There are important things that we can do.

The Senate has made some judgments on some of those recommendations—those which have been offered by Senator ROBB, Senator LEAHY, and others during the course of the last day or so. Now we are beginning a debate on another, I think, extremely important provision. That is the accessibility and the availability of these weapons, particularly to children, in our society.

It is uncontroversial that various societies that deny easy access and easy availability of these weapons do not have the kind of homicide records we have seen in the United States. Industrial nations that have strict restrictions on the access and availability of weapons see a fraction of the number of homicides that we have seen. There is a direct correlation. We have seen that ourselves over the years.

We have had leadership from our colleagues, including Senator FEINSTEIN, Senator LAUTENBERG, and others here on the development and the support of the Brady bill. We have made important progress. In my own State of Massachusetts, we have made significant progress in a variety of ways regarding gun laws.

This chart describes firearm homicides by all ages in recent years in Boston. We see the dramatic reduction: 1993, 65; 1994, 62; 1995, 64; 1999, 4. It seems to me it would be worthwhile to look and listen to those who are out there in the streets, in the schools, in law enforcement, who have witnessed this kind of result. We hear a great deal of postulating and theorizing about what may be done or what should be done, but we have a very practical example in this chart of what has been done and what is being done. So far in this particular year, with 128 schools, we have not had a single homicide in Boston, MA.

The school lots of the city of Boston were fire zones, not too many years ago, but we have made important progress. One of the most important reasons is the gun laws that have been passed.

The age for juvenile possession of handguns in Massachusetts is 21—it is 18 nationwide—but it is 21 in my State of Massachusetts. We enacted the cap

law, a law that says we are going to hold individuals who have weapons in their homes responsible, so that there will be a separation of the gun from the ammunition. We hear a great deal of talk about the second amendment, about responsible Americans. We say that is fine; we will hold you responsible. You are going to store your gun separate from your ammunition. If you don't and there is a crime, we are holding you responsible.

That has had an important impact. There have been 16 States that have adopted similar laws, and we are beginning to see important progress made.

In Massachusetts, we have a waiting period for handgun purchases. We have a State ban on all assault weapons, and we have yet to hear from any hunters that they need to have assault weapons to go out in the woods and hunt deer. We have effectively halted all assault weapons, and that has been an important addition.

We have barred private sales of guns between individuals avoiding, circumventing the background checks.

We have insisted we will have safety locks on the guns that are sold in Massachusetts. We have the technology for a gun safety lock to prevent children up to maybe 4 years of age from pulling the trigger of a handgun. Why aren't we putting those requirements into the legislation?

We have important, strict, provisions in terms of reporting stolen weapons.

Those are the kinds of measures we have passed in Massachusetts. I don't see how anyone can make the case that they provide much hindrance to individuals who want to exercise their right to go out and hunt. I don't see how those measures inhibit that opportunity.

We are seeing, not only in the city of Boston, similar results in other cities around our Commonwealth. Something is working; something is happening. We are saying, let us try to find what is working, what is happening, what is tried and tested. We are not going to solve all of the problems, but we are going to reduce the number of youth homicides. We can see very clearly from this chart we are talking about 15, 20, 30, 40, 50, 60 children who are alive today that would not be alive, I daresay, unless those steps had been taken. These are positive bottom-line results.

We are going to see various amendments offered by Members on this side of the aisle—whether it is the Lautenberg amendment on the gun shows; whether it is the Durbin amendment; or whether it will be Senator BOXER and Senator FEINSTEIN offering amendments that have been along the lines of what has been proven and tested here. And I doubt very much we will have much success.

The American people ought to pay close attention to this debate. We will have votes this afternoon. And hopefully, we will have the important votes on these issues tomorrow. We need to

listen to the American people on these issues. We are talking not just about a policy on education. We are not talking about a health policy. We are not talking about an environmental policy. We are not talking about a defense policy. We are talking about whether there are steps that can be taken, by this body, that will make a difference in terms of the lives of children in our society.

We can do it. We demonstrated it. We should do it. And we ought to be able to accept it here in the Senate during the course of this debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont, Mr. LEAHY, is to be recognized for 35 minutes.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I know we are going to have a series of votes in a short while. I would like to speak about one of them, amendment No. 332, introduced by the distinguished Senator from Idaho, Mr. CRAIG. I have heard of the emperor not having clothes, but this amendment has no clothes.

This is an amendment that speaks about controlling gun sales at gun shows, auctions or out of the back of your truck or whatever, and we are going to put some controls on it. We are going to put some controls on for background checks, but only if the person who opens the back of his trunk to sell these guns "desires to have access to the national instant check system." Of course, if he doesn't want to, he can keep right on selling the guns, no checks, nothing. I am not that great at driving a truck, but I could drive an 18-wheeler through that hole.

Then it has a whole lot of civil liabilities in here for certain future Federal firearm violations. But then there is probably the best sweetheart deal I have ever seen. It dismisses pending actions from any Federal or State court for gun dealers. It gives blanket immunity. This amendment might cover a State or a city, Attorney General or anybody else who sued a gun dealer and dismiss the case. Not even a TV judge could throw it out that easy, but this amendment could. It is not clear from its drafting who is covered by this immunity section of the amendment.

I do not know why we do not amend it. I am sure there are some around here, because of their ties with the tobacco industry, who would like to do that for the tobacco industry. Can you imagine if anybody brought up a piece of legislation that said we will, by this amendment, remove all liability on tobacco suits? They would be laughed out of here. It would be a front-page story in the paper. Suppose somebody came in and said, I want to throw a little amendment in here to do away with suits against toxic waste sites. People would be calling up, saying, what, did you get a PAC contribution from Polluters, Incorporated?

I have seen some remarkable amendments. I commend the distinguished

Senator. He has very strong feelings about guns and he has concerns about any limitations on them. But this is remarkable.

I keep a file of extraordinary things I have seen during my 25 years here. This will go in the file. To put in an amendment, not even debate this line, but to say, anybody who has a suit against a gun dealer or perhaps a gun manufacturer, it might be thrown out. No hearings. No debate. Nothing. But the Senate has thrown it out. In fact, this section is just titled "Immunity." That is pretty amazing. It says:

A qualified civil liability action pending under the date of enactment of this subsection shall be dismissed immediately by the court.

Man, every defendant is going to be rushing into court if we pass this, saying, I am home free. I get out of jail. I do not have to pass "go." I do get to collect the \$200.

Mr. President, every Senator who votes for this is voting to override the courts of their State. They are voting to override the municipalities of their State. They are voting to override the legislature of their State. They are voting to override the Attorney General of their State. They are voting on suits they have not even seen, to just throw them out of court. I have been here long enough to know special interest legislation makes it to the floor of the Senate, but this may be the all-time king.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, we now have 25 minutes left. There are a few people who would still like to speak, especially the distinguished Senator from Alabama, in response to Senator KENNEDY and his conclusions. I ask unanimous consent to yield 3 minutes to the distinguished Senator from Alabama, and then immediately thereafter call up the Hatch-Leahy Internet screening amendment.

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

Mr. SESSIONS. Mr. President, I thank the Senator for his leadership on this. I say to the Senator from Massachusetts, the Boston project has been a very successful project and contrary to his understanding of our legislation, it does model itself after the key successes of the Boston project. I have had members of my staff visit Boston. The number of murders and decline in crime have been remarkable. It is driven, if you talk to the people there, by a coordinated effort by the entire community, really led by the judiciary, the courts, the police and the probation officers.

When judges give a young person probation in Boston, if he is a member of a gang and he is supposed to be in at 7 o'clock at night, a probation officer, along with a uniformed policeman, will go out at night, knock on the door and make sure he or she is home. This is not being done anyplace else in America.

They are taking these young people seriously. They are following up. Judges and parole officers in Boston have the capacity to discipline them through detention facilities and other forms of discipline if they violate their probation, which most juvenile judges do not.

The whole purpose, what we are doing here, is to try to empower other court systems in America to do the same type of innovative research. In fact, our bill, on page 230, requires this coordinated local effort, which was the key to Boston and several other cities which are making progress in juvenile crime.

This requires, prior to receiving a grant under this section, that

... a unit of local government shall certify that it has or will establish a coordinated enforcement plan—

That is what they have in Boston. for reducing juvenile crime within the jurisdiction of the unit of local government developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing police, sheriff, the prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit and social service organizations involved in crime prevention.

So I say to the Senator from Massachusetts, this is what we are doing here. The key to the success of the Boston project, in my opinion, is a coordinated effort among Federal, State and local agencies under the jurisdiction of the court and probation officer, who actually monitors young people who started to be involved in violations of the law, with an intense interest, an intense interest borne out of love and concern, to insist that they stop their bad activities and, in fact, return to the rule of law.

If we do that effectively, I do believe we have the capacity to reduce crime in America.

I yield the remainder of my time to Chairman HATCH.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 335

(Purpose: Relating to the availability of Internet filtering and screening software)

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 legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes an amendment numbered 335.

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 amendment is as follows:

On page 265, below line 20, add the following:

SEC. 402. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of en-

tering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet service provider" means a "service provider" as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

Mr. HATCH. Mr. President, I am pleased to offer this next amendment along with Senator LEAHY, my friend and colleague, which I have developed with the distinguished ranking member of the Judiciary Committee, Senator LEAHY. This amendment is largely aimed at limiting the negative impact to children from violence and indecent material on the Internet.

At the outset, let me note this amendment does not regulate content. Instead, it encourages the larger Internet service providers to provide, either

for free or at a fee not exceeding the cost to the ISP, the Internet service provider, filtering technologies that would empower parents to limit or block access of minors to unsuitable material on the Internet.

We cannot place all the blame for today's culture of violence on the Internet. But we also cannot ignore the fact that this powerful new medium has the ability to expose children to violent, sexually explicit, and other inappropriate materials with no limits, not even the time-of-broadcast limits that are currently imposed on television broadcasters. Indeed, a recent Time/CNN poll found that 75 percent of teens aged 13 to 17 believed the Internet is partly responsible for crimes like the Columbine High School shootings.

This amendment respects the first amendment of the Constitution by not regulating content, but ensures that parents will have the adequate technological tools to control the access of their children to unsuitable material on the Internet.

Let me say that many Internet subscribers already have such tools provided to them free of charge. For example, the largest Internet service provider currently provides its 17 million subscribers with such filtering technology as part of their standard service.

I honestly believe that other ISPs, or Internet service providers, who do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests and that the market will demand it. That is why this amendment will not go into effect if, within 3 years, the service providers end up offering such technologies voluntarily.

This is what we would like to do. We think it is a fair amendment. We think it is something that should be done, and we think responsible Internet service providers should be willing to do this, and I am very, very pleased to offer this with my esteemed colleague who has worked very, very hard on all software Internet issues.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I appreciate the generous comments of the Senator from Utah. This can be propounded later on, but we will be voting on this one tomorrow. I ask unanimous consent it be in order to ask for the yeas and nays on this amendment, the Lautenberg, the Craig, and the Brownback amendments at this point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I move to table the Lautenberg amendment.

Mr. LEAHY. Mr. President, first, on the Hatch-Leahy Internet amendment,

let me just say I have worked on a number of these issues with the distinguished Senator from Utah. I think this is one that should get very broad support in this body.

I have talked for years about how we should allow the users of the Internet to control limited access to objectionable material that can be found on line. Anybody with any kind of ability at all can find objectionable material on line. It fits the standard of objectionable by any of us in this body. Some of it is disgusting and obscene and nothing I would want even my adult children to see.

But there is also a lot of amazing and wonderful material in this relatively new communication medium when you can go on the Internet and see people exploring in Antarctica or on Mount Everest, or see surgery being performed experimentally, or talk with astronauts on our space shuttle. These are the wonderful things on line and should be encouraged.

What worries me is when Congress tries to regulate content on the Internet. I have opposed that. For example, I was against the Communications Decency Act, eventually found unconstitutional by the Supreme Court. The law was passed with the best of intentions. It was done to protect children from indecent on-line materials, something all of us as parents want to do. It did it by empowering the Government and was, thus, unconstitutional.

What we should do is empower individual users and parents to decide what material is objectionable. This belongs to parents and users. Also, it brings parents and their children closer together if they actually work together and look at what is on the Internet.

The amendment Senator HATCH and I have offered will require large on-line service providers to offer subscribers filtering software systems that will stop material parents find objectionable from reaching their computer screen.

I am supportive of voluntary industry efforts to provide Internet users with one-click-away resources on how to protect their children as they go on line. Senator CAMPBELL, the distinguished Senator from Colorado, and I joined the Vice President at the White House just last week to hear about this One Click Away Program. Vice President GORE, Senator BEN NIGHTHORSE CAMPBELL, I, and others across the political spectrum joined together to say this is something parents want, need, and can use.

Our amendment promotes the use of filtering technologies by Internet users. It is a far better, more constitutional alternative to Government censorship. I commend the distinguished Senator from Utah. I appreciate working with him on this. While I realize we will not vote on this one until tomorrow morning, I look forward to joining the distinguished Senator from Utah and encourage all Senators of both parties to vote for it.

Mr. President, I yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am honored to have my colleague work with me on this. It always makes me feel good when we work together on these matters. This is an important issue, and since one ISP, or Internet service provider, already provides these services as a matter of course, it seems to us it is not asking too much for others to do so. If they do not want to do it without cost, then they should not charge more than what the actual costs are, which is what this amendment does.

Do we have the yeas and nays on this amendment, Mr. President?

The PRESIDING OFFICER. We do.

Mr. HATCH. I ask unanimous consent that this amendment be put over and set aside until tomorrow morning, to be voted on at 9:40 in the morning with at least 6 minutes divided equally between the Senator from Vermont and the Senator from Utah for final debate.

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

Mr. HATCH. As I understand it, we are coming in at 9:30 a.m., so we have allowed for the prayer and 6 minutes for the distinguished Senator from Vermont and the Senator from Utah. Of course, if the majority leader wants to change the times—I understand the 9:30 time is all right with the majority leader, but if he wants to change it, we will be glad to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I see the distinguished Senator from Kansas is here. I understand he is prepared to go forward. There is 5 minutes to be equally divided between him and whoever decides to speak on the minority side. I suggest we go ahead and be prepared to vote.

The PRESIDING OFFICER. Does the Senator have a unanimous consent request?

Mr. HATCH. I ask unanimous consent that we proceed at this time on the three amendments and the three votes, with the 5 minutes equally divided for each one.

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

The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much.

AMENDMENT NO. 329

Mr. BROWNBACK. Mr. President, as the vote nears on the amendment that I have proposed, along with the chairman and Senator LIEBERMAN and a

number of others—and I will be asking for a recorded vote—I thank them for their work on this issue. The chairman has done tireless work in trying to do things to clean up the culture, and also in this juvenile justice bill to address issues here which I think are critically important. Senator MCCAIN, with his leadership on the Commerce Committee, has elevated the issues, as well as Senator LIEBERMAN in his work, and Senator SESSIONS as well.

I also note the addition of Senator KENT CONRAD as an original cosponsor of this amendment, and I appreciate all of his support.

There has been much discussion today about the causes and cures of youth violence. As I have noted before, I do not believe my amendment—this amendment—is a panacea for all that ails us, but it is a modest and necessary first step towards encouraging a sense of corporate responsibility among some of the most powerful corporations in the world—corporations with incredible access to the minds of young people—and towards gaining a better understanding of the impact of cultural influences on youth violence.

I firmly believe that youth violence is not merely, or even primarily, a public policy problem; it is a cultural and a moral problem.

We live in a society, unfortunately, that glorifies violence. Popular culture is awash in violence. It is glorified in gangsta rap songs, glamorized in movies with vigilante heroes, and simulated in numerous video games. Violence, carnage, destruction and death is presented not as a horror but as entertainment for our young people—young people whose minds, hearts, moral sense, manners, behavior, convictions, and conscience are still being developed.

Recently, the Pope denounced what he called a “culture of death,” a culture that rewards the producers of violent entertainment with lucrative contracts and critical acclaim, celebrates the casual cruelty and consequence-free violence depicted in movies and music, that markets the simulation of mass murder in games that were sold to children. His remarks should give us much to think about. This is not something we can fix with legislation, but it should be raised and discussed and seriously considered, not only on the floor of the Senate, but in homes, studios, and corporate boardrooms across America.

Nothing in this amendment curtails freedom of expression in any way. It does not restrict the entertainment industry in any way. Rather, it gives entertainment companies more freedom, enabling—not requiring but enabling—they to enter into a voluntary code of conduct. Such a code would spell out what the company standards are, what products they would be putting forward, and would set a line that the industry would say below this we will not go, and say that to the public.

This amendment also provides for further studies on the impact and mar-

keting of violent entertainment. We need to know more, and we need to start now. The first step towards addressing problems is to accurately define them.

Mr. President, I say, in conclusion on this amendment, we are here today saying that it is time to address this. It is time for us to step forward and be serious about it. It is time for us to renew the culture in America. This amendment is a first step.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWNBACK. I will ask for the yeas and nays at the appropriate time on this amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mrs. FEINSTEIN. Mr. President, for 7 years now as a member of the Senate Judiciary committee I have watched the situation in this nation going from bad to worse to terrible with respect to violence and its glorification in the media.

I am voting for this amendment because I believe it gives the various industries what they need to be able to establish voluntary guidelines through a voluntary “code of conduct” to limit the depictions of violence in music, films, video games or television.

This amendment provides the entertainment industry with an exemption from antitrust laws in order to develop and disseminate voluntary codes of conduct with respect to violence, similar to the National Association of Broadcasters television code prior to 1983, when a court held the code violated antitrust laws.

Additionally, the Justice Department and the Federal Trade Commission will be directed to conduct a joint investigation of the marketing practices used by the makers of video games, music and motion pictures to determine whether they engage in deceptive marketing practices, including directly targeting material to minors, which is unsuitable for minors.

Furthermore, the National Institutes of Health will be directed to conduct a study of the effects of violent video games and music on child development and youth violence, examining whether and to what extent such violence affects the emotional and psychological development of juveniles and whether it contributes to juvenile delinquency and youth violence.

The glorification of violence in the media has reached such an extent that a manufacturer of interactive computer games to young people advertises: “Kill your friends, guilt free.”

With such messages of death and degradation delivered through the media, and with our nation awash with guns easily accessible to young people, is it any surprise that troubled youths are now taking up these weapons and going on rampages, killing their classmates and teachers?

The latest of these tragedies occurred in Littleton, Colorado, where Eric Harris spent hours and hours playing vio-

lent computer games like Doom and Quake, featuring the wholesale slaughter of digital enemies before joining his friend Dylan Klebold in killing 12 other students and a teacher.

Isn't it time, at the very least, that the manufacturers of video games, television programs, motion pictures and music acknowledge the impact on young people of the carnage they promulgate and demonstrate through a voluntary code of conduct some willingness to limit the violence?

Isn't it time that the entertainment industry does its best to discourage the production and promotion of gratuitous, simulated death and destruction that all too often triggers real and terrifying acts of violence by our young people?

Isn't it time that we in Congress direct the Justice Department and the Federal Trade Commission to investigate whether deceptive marketing practices are being employed to target minors?

Isn't it time that we in Congress direct the National Institutes of Health to study the effect of these violent video games and music on our young people?

Isn't it time that we do everything we can to stop tragedies like Littleton from happening again?

Mr. KOHL. Mr. President, today I rise to cosponsor this measure, which aims to provide us with a better understanding of how violence in our culture is marketed to children and encourage industry to take self-regulatory steps to reduce this violence. Just as important, it will help us determine whether the video game industry is breaking its promise and targeting ultraviolent games to minors.

Mr. President, as we look to find meaning—or to develop policy—in the wake of the Littleton tragedy, it is clear that there's no single answer as to how we can prevent such a terrible event from happening again. Indeed, throughout my time in the Senate, I've worked very hard for a comprehensive approach: Prevention programs for at-risk kids, laws that try to restrict minors from getting handguns, strong punishments for folks who use guns to commit a crime and for truly violent juveniles, and reasonable restrictions on providing inappropriate information to children. My sense is that by the time we complete action on this juvenile justice bill, many of these issues will be addressed in productive, bipartisan ways.

But one part of this comprehensive approach that I'll focus on today is the marketing of violence to children, especially in ultraviolent video games. Senator LIEBERMAN and I have worked very hard on this issue for quite some time, and we've made some progress since we first held joint hearings on the video game industry back in 1993. Since then, the industry has rated all games, giving parents a far better sense of what they are buying for their kids. Recently, though, we have seen

some disturbing signs of “backsliding,” especially on enforcement of the ratings system.

Let me give you just a few examples. The Interactive Digital Software Association—which represents video game manufacturers—has an Advertising Code of Conduct that says, “Companies should not specifically target advertising to [underage] consumers.” But the companies who produce games like “Duke Nukem” and “Resident Evil”—both rated “M” for age seventeen and up—sell action figures from their games at Toys-R-Us to much younger children.

That is not only wrong, it is unacceptable.

Make no mistake about it: Though these games are for adults, the manufacturers are marketing to our kids. That’s why we think an FTC/DOJ study—one that separates out the bad actors from the good ones and gives this disturbing trend the scrutiny it deserves—is not just an appropriate response, it is also a timely one. And while the evidence is much clearer with respect to video games than other forms of entertainment, what harm can there be in a study? It might just prove some folks in the industry are doing a good job.

Mr. President, this amendment also includes an antitrust exemption for the entertainment industry so its members can collaborate on a “code of conduct” and how best to implement the various ratings systems. It is not entirely clear that the industry actually needs this “safe harbor,” but again, there is no harm to reenacting and expanding Senator SIMON’s measure.

Of course, Mr. President, these measures are certainly no panacea—no law can be. But they each represent a small step that we in Congress can take as our national community gains a better understanding of what kind of violent images our children face today and what effect it is having on them. For if we do not take the time to learn more about the root causes of youth violence and, instead, blindly make scapegoats out of games or artists or movies we simply don’t like, we might as well know nothing at all. Thank you.

Mr. LEAHY. Mr. President, I understand the thrust of what the distinguished Senator from Kansas wishes to do. I am inclined to agree with him.

I am worried that his amendment may be creating not just one, but two antitrust exemptions in the bill. I do not want, nor do I expect that he would want to create unnecessarily large loopholes in our antitrust laws.

I will support his amendment so we can go on to conference with it, because what he is trying to accomplish is something I think the majority of us here in this Senate would want to accomplish. I suggest that the distinguished Senator, between the time this bill leaves the Senate and goes to conference, may want to work with the distinguished Senator from Utah and myself to make sure that we do not

create an antitrust exemption that goes beyond what the distinguished Senator wishes to accomplish.

I am not suggesting such an expertise in antitrust law that I could tell him precisely how we might do that, but there are a couple red flags here. My recommendation is that we pass the amendment, but then that the three of us, and any other Senators who may be interested, may want to look at it closely to make sure that it is drafted, one, to accomplish exactly what all of us want to accomplish, but, two, not to raise an antitrust problem in another area.

With that, Mr. President, I am perfectly willing to yield back the remainder of my time, if there is any time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 329. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. MOYNIHAN) are 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 98, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—98

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Murkowski
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchinson	Sessions
Chafee	Inhofe	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	

NOT VOTING—2

Inouye Moynihan

The amendment (No. 329) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry: My understanding is the Lautenberg amendment is next and there are 5 minutes to be equally divided before I make a motion to table.

The PRESIDING OFFICER. There are 5 minutes equally divided prior to the motion to table.

Mr. LEAHY. Mr. President, I don’t believe the time should start until the Senate is in order. The Senator from New Jersey is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Jersey is recognized.

AMENDMENT NO. 331

Mr. LAUTENBERG. Mr. President, my amendment is pretty simple. It does nothing more than close a loophole—that exists at gun shows—from the Brady law. The loophole allows criminals, children, and other prohibited persons to purchase guns at gun shows without a background check, without giving them a name, without giving them an address. Just take it away. Pay your money and take your gun.

Some people may be surprised to hear you can walk into a show, put your money on the table, walk away with a shotgun, semiautomatic, handgun or any other deadly weapon that you want to get your hands on. It is an unacceptable condition. We have to insist that all gun purchases at gun shows go through the background checks that a gun store has to have or that any federally licensed gun dealer will have to have.

Law-abiding citizens have nothing to fear from this amendment. They can buy a gun to the limits already established. All they have to do is consent to an instant background check which takes only minutes. This won’t inconvenience. It will save lives and reduce injuries.

This isn’t a time for partisan politics. Our country has seen too much gun violence. If we reflect a little bit, see what happened in Colorado. Understand that at Columbine High School those guns traveled their way through gun shows to get into the hands they did. Too many parents have seen their children killed. Too many families have been torn with grief as they understand what has happened to a child—unbelievably, in a school.

Let us work together. I plead with my colleagues, let us pass this measure. Who does it hurt? It doesn’t hurt anybody and it may save someone. Let’s make it harder for young people and criminals to gain access to guns.

I think we are reaching a consensus on this issue. There is a broad range of bipartisan support for closing the gun show loophole. An extraordinary alliance supports closing the gun loophole, including gun dealers, law enforcement, Republicans, Democrats, the Bradys.

I hope we can come together, pass this amendment, and show the American people that Democrats and Republicans alike, the gun industry, law enforcement and handgun control, can put partisan politics aside and pass this commonsense legislation.

Mr. CRAIG. Mr. President, you are being asked to table the Lautenberg amendment and to vote up or down on the Craig amendment.

There are very real differences in these two amendments. First of all, there are 40,000 gun laws spread across America. There are 5,000 gun shows and 5 million people attending them on a regular basis.

The question is, Is there a loophole in the law through which illegal activity is going on? If the 1986 gun act is right—that many of you voted on—that says that private citizens have the right to engage in legal transactions, then there is no loophole. In fact, this Justice Department says that less than 2 percent of the guns found in criminal use were sold at gun shows.

What do we do about it? There were 20 laws broken in Littleton, CO. Many people are dead. Laws were broken and now people are being arrested for having violated those laws.

What I offer is a reasonable way to begin to shape gun shows and allow law-abiding citizens the right of access to the FBI instant check system so if they are engaged in the sale of a gun they can make sure that they are safe in that sale. Therefore, we provide an instant check capability at a gun show.

What the Senator from New Jersey did not say is if you are selling at a gun show and you are a licensed dealer, you already come under Federal law. No child, no juvenile walks into a gun show and buys a gun. It is against the law in this country and it is against the law in every State. Nothing should be represented to say anything different. That is the law.

There is a 40-percent sale at a gun show between private citizens, private citizens who are protected under the 1986 gun act who do not engage in gun sales for business purposes.

The Senator from New Jersey goes on to say when two people meet and there are 50 guns present and they exchange a gun, that is a gun show. You have a lot of friends and neighbors that are gun collectors and all of a sudden they find themselves libel.

He also goes on to say promoters must register. Who is a promoter? How about the Marriott Hotel across the street from the convention center of the gun show that has a sign on the marquee; "Gun sales. People attending the gun show stay here." Is that a promotion?

I don't know how to define that definition.

These are the realities of the issues we deal with. I have a much more aggressive, voluntary approach that rapidly begins to tighten down while at the same time protecting the civil liberties of our citizens.

Mr. HATCH. I move to table the amendment.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 331. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. MOYNIHAN) are 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 51, nays 47, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—51

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cleland	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
Domenici	Mack	Thurmond

NAYS—47

Akaka	Feingold	Lincoln
Bayh	Feinstein	Lugar
Biden	Fitzgerald	Mikulski
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
DeWine	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

NOT VOTING—2

Inouye	Moynihan
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The motion was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 332

The PRESIDING OFFICER (Mr. ABRAHAM). There now are 5 minutes equally divided on the Craig amendment.

Who seeks recognition?

Mr. HATCH. Will either side object to yielding back the time so everybody can vote?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. LEAHY. The Senate is not in order.

The PRESIDING OFFICER. Will Senators please take their conversations off the floor of the Senate.

The Senator from Vermont.

Mr. LEAHY. I thank the Chair.

Mr. President, I have spoken earlier about this. The Craig amendment, as drafted, dismisses pending and future lawsuits against some firearms dealers. And I say "some," because the way it is drafted it is not clear, but it throws out State court cases, Federal court cases, gives blanket immunity. I think that goes to such special interests on gun legislation that we ought to reject it, even in this setting.

I yield the remainder of our time to the Senator from New York.

Mr. SCHUMER. I thank the Senator for yielding.

It is unfortunate we could not take this step forward on the Lautenberg amendment. Let me just inform my colleagues that the Craig amendment would not be a status quo amendment, but it would be a big step back, for three reasons.

One was mentioned by Senator LEAHY, that it would exempt certain people—it is unclear who—from liability. No. 2, it expands the pawn shop loophole. The law now is if you are a criminal, you have to get a background check when you redeem your gun at a pawn shop. Under the Craig amendment, that background check would be erased—no check.

And most significantly of all, the Craig amendment repeals a significant portion of the 1968 gun control act. Right now, if you are a licensed Federal firearms dealer, you can only sell guns at your licensed premises or at a gun show in your State. Under the Craig amendment, you could go anywhere in the country and sell your gun. It is a significant step backward.

I had hoped the Senate would take what would be, in my judgment, a step forward on Lautenberg. But please let us not take a step backward, which we would be doing if we voted for this amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have to deal with the facts and we have to deal with what is in print. Is there a liability exemption? Yes. If you are a new registrant, and you do a background check, and you play by the rules at a gun show, or if you are a new licensed dealer at a gun show, those are the incentives to get there. We are not exempting anybody. What we are saying, by definition—on page 14 it clearly spells out what a qualified civil liability action is.

What the Senator from New York just said is not true. I have not changed any Federal law except to deal with gun shows. I am sorry he has misinterpreted it that way. You cannot have it both ways. If you are a registered firearms dealer, and a Federal dealer, you have to meet those standards and qualifications. You do not ramble around the country. You do not do interstate sales. That is against the law. And he knows it.

But what we are saying, to encourage background checks, to encourage participation at a gun show—under the legal status now, remember, these guns that are sold by individuals without background checks are legal under the law, but we want to tighten it up. So we say, we will protect your liability, not your negligence but your liability, if you get a license and become registered and do background checks and keep a record.

And if you choose not to do that, but you still want to protect yourself, we are putting a new registrant in each gun show qualified by the ATF and the FBI, and you walk over to them and say: I want to sell gun "X" to person "Y." Run a background check on them to find out if they are a legal citizen. That is the new law. That is the incentive.

If you believe in the right of free citizens to own a gun, but you want to create incentives to create the kind of thing we are talking about here, then you vote for this amendment. But you do not change the law; you do not create interstate trafficking. That is against the law now, and it will always be.

I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Utah.

Mr. HATCH. I ask unanimous consent that immediately following this vote, Senator THURMOND be recognized for up to 5 minutes for debate and Senator HOLLINGS then be recognized as under the previous order for up to 30 minutes under his control for debate on his TV violence amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. In light of this agreement, there will be no further votes today. The first vote tomorrow will be at 9:40 a.m.

The PRESIDING OFFICER. The question is on agreeing to the Craig amendment No. 332. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—53

Abraham	Cleland	Frist
Allard	Cochran	Gorton
Ashcroft	Collins	Gramm
Bennett	Coverdell	Grams
Bond	Craig	Grassley
Brownback	Crapo	Gregg
Bunning	DeWine	Hagel
Burns	Domenici	Hatch
Campbell	Enzi	Helms

Hutchinson	McConnell	Snowe
Hutchinson	Murkowski	Specter
Inhofe	Nickles	Stevens
Jeffords	Roberts	Thomas
Kyl	Santorum	Thompson
Lott	Sessions	Thurmond
Lugar	Shelby	Voinovich
Mack	Smith (NH)	Warner
McCain	Smith (OR)	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Fitzgerald	Mikulski
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerry	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Inouye Moynihan

The amendment (No. 332) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank my able colleague for yielding me this time.

I am very pleased that we are considering S. 254, Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act. This legislation is badly needed to help states effectively confront youth crime and violence.

The recent murders in Littleton, Colorado were random and senseless acts of violence. There are no Federal laws, including the bill we are considering here, that would have prevented this terrible tragedy. However, the events there highlight the importance of having an effective policy to deter and combat youth crime and violence. Children aged 15 to 19 committed over 20 percent of all crime in 1997, including 20 percent of all violent crime. America must have safe schools where students can learn, and this bill is part of this Congress' efforts to help families and communities provide this security.

The states have responsibility over almost all juvenile offenders, and this legislation provides hundreds of millions of dollars to assist states in their efforts. In part, it contains flexible block grants to help states hold violent juveniles accountable for their actions. The money can be used for a wide variety of initiatives according to the needs of the states, including drug testing, boot camps, and detention facilities. It also encourages states to implement graduated sanctions for young offenders. This early intervention with appropriate penalties at the first signs of trouble is essential to deterring more serious crime down the road.

Further, the bill provides almost an equal amount of money, over \$400 mil-

lion, that can be used for prevention programs. Indeed, the key feature of S. 254 is that it provides a balance between prevention and accountability. While prevention is important, it is not alone the solution to violent criminal activity.

During the consideration of this bill, there will probably be more discussion about gun laws. This legislation takes a responsible, reasoned approach in this regard, prohibiting someone who commits a violent felony as a juvenile from possessing firearms. Gun control is not the solution to America's crime problem.

Before we take a reactive approach to putting more Federal gun laws on the books, we should consider whether the laws we already have are being adequately enforced. My Subcommittee on Criminal Justice Oversight in the Judiciary Committee recently held a joint hearing with the Youth Violence Subcommittee on gun prosecutions in the Justice Department. We discovered that gun prosecutions during the Clinton administration have declined considerably from the Bush administration. Unfortunately, the Clinton administration is just beginning to take notice of programs, modeled after Bush administration successes, which aggressively prosecute the gun laws already on the books. In Richmond, Virginia, a concerted effort to enforce gun laws has reduced violent crime almost 40 percent. The Congress is working to expand successes such as this into other cities.

Mr. President, it is time for the Congress to address violent crime committed by young people, and S. 254 represents the most comprehensive Federal effort to address this problem in American history. I hope we can work together to enact this critical legislation.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for up to 30 minutes.

AMENDMENT NO. 328

(Purpose: To amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience)

Mr. HOLLINGS. Mr. President, I send an 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 South Carolina [Mr. HOLLINGS], for himself, Mr. DORGAN, Mr. KOHL, Mr. INOUE, and Mr. BYRD, proposes an amendment numbered 328.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

TITLE —CHILDREN'S PROTECTION FROM VIOLENT TELEVISION PROGRAMMING

SEC. —01. SHORT TITLE.

This title may be cited as the "Children's Protection from Violent Programming Act".

SEC. —02. FINDINGS.

The Congress makes the following findings:

- (1) Television influences the perception children have of the values and behavior that are common and acceptable in society.

- (2) Broadcast television, cable television, and video programming are—

- (A) pervasive presences in the lives of all American children; and

- (B) readily accessible to all American children.

- (3) Violent video programming influences children, as does indecent programming.

- (4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

- (5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

- (6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

- (7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

- (8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

- (9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent content, restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

- (10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

- (11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

- (12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

- (13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

- (14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

- (15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

- (16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their chil-

dren's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solution, or are unable to determine the content of those shows that are only subject to age-based ratings.

SEC. —03. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute any violent video programming to the public during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term violent video programming'.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTY.—The Commission shall impose a civil penalty of not more than \$25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(d) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite."

SEC. —04. SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. —05. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section—03 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

Mr. HOLLINGS. Mr. President, I understand in the debate on this par-

ticular amendment I can have a V-chip device. I ask unanimous consent that I may have that on the floor during the debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. As I understand it from the managers of the bill, on the 3-hour agreement, we are to be allocated 1½ hours per side, with me introducing the particular amendment tonight and using a half hour. I ask the Chair to call my hand at 15 minutes, because I have divided that time with the Senator from North Dakota, Senator DORGAN.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. HOLLINGS. I appreciate that very much.

Mr. President, this is a historic moment for this Senator and the Senate in that I harken back to 1969, 30 years ago, when the senior Senator from Rhode Island, Senator Pastore, raised the question of violence on television and the deleterious effect it had on children and their particular conduct. After much wrangling and debate, it was forestalled for what? A Surgeon General's report. Mind you me, this is 30 years ago. I say "historic" because the stonewalling has been going on for 30 years.

Mr. President, I refer to the Sunday program of "Meet the Press" when my distinguished friend, Mr. Jack Valenti of the Motion Pictures Association, was being interviewed by Tim Russert.

I refer exactly to Mr. Russert's question:

Do you believe that movies can create a sense of violence in people and force them to imitate or copy what they see on the screen, particularly children?

In response, Mr. Valenti said:

The answer is I don't know. This is why I've supported Senator Joe Lieberman's call for the surgeon general to do an in-depth analysis to find out the "why" of violence.

Thereupon, of course, my distinguished friend, Mr. Valenti, went into his dog and pony show of the church, the home, and the school.

Now, there it is, Mr. President. For 30 years, we have been trying to get a measure of this kind up, and it was reported out with only one dissenting vote from the Commerce Committee in the congressional session before last, and again with only one dissenting vote, in a bipartisan fashion, in the last Congress. But we couldn't get it up because they have been very clever about their opposition, their stonewalling, their put-off.

Right to the point, Mr. President, we have done everything possible to show that this particular amendment would pass constitutional muster with all the hearings. There have been some 18 sets of hearings in the Commerce Committee over the 30-year period, with the support of the Parent-Teacher Association, the American Medical Association, the American Psychological Association, and different other ones,

according to this kind of action, with the industry putting in its report, with the cable television people sponsoring it, and finding the same conclusion in here just last year—and with, of all things, the put-off that we had under the leadership of Senator Paul Simon of Illinois. He said the industry ought to be able to get together. But they couldn't on account of the antitrust laws. He wanted to lapse those antitrust laws for a period of time so they could get together and form a code of conduct.

They issued that code of conduct. Of all things, Mr. President, they have been ever since in violation of it.

But I want to refer to the bill itself, and exactly what it does in the sense of having a precedent set, and the idea of TV indecency. We had indecency on TV. It was bothersome to all of the colleagues on both sides of the aisle. We passed a law that the FCC should determine indecency and call the stations' hands if they saw that being violated. Obviously, that thing was taken up immediately under the First Amendment of the Constitution and in the Supreme Court. They found it constitutional.

Incidentally, in the hearings that we had back a few years ago, we had none other than Attorney General Reno attest to the fact that this particular amendment that I now submit would pass constitutional muster. The amendment prohibits the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

That is tried and true. We know in the United Kingdom, France, Belgium, countries in Europe, and down under in Australia, that they have had this safe harbor during a period of time, say, from 9 in the morning until 9 in the evening. I think under the indecency one, it is from 6 in the morning until 10 in the evening. But it is to be determined by the Federal Communications Commission.

Under that safe harbor, they are not shooting each other in the schools in Europe. They are not shooting each other in the schools in Australia. It is tried and true. It has been working. And the issue has been taken up to the highest court and found constitutional.

The FCC is required to define "violent programming" and determine the appropriate timeframe for the safe harbor.

The bill permits the FCC to exempt news and sports programming from the safe harbor, as well as premium and pay-per-view cable programming.

Incidentally, the emphasis is on gratuitous—excessive, gratuitous violence.

Obviously, with the Civil War series, with "Saving Private Ryan," they are going to require a showing of violence for the authenticity of the film itself. That is not what we are really concerned with. Those are educational, and everyone should know about them, including children. But we are talking

about gratuitous violence not being necessary, and even excessive gratuitous violence.

We have legislated in the matter of public interest, after hearings in all of these committees. We have the most restrictive application under the decisions of the Court with respect to the FCC making its findings. Violators of the prohibition would be fined up to \$25,000 for each violation on each day on which a violation occurs. The FCC would revoke the licenses of repeat violators of this prohibition. In considering license renewals, the FCC would consider a licensee's record of compliance with the legislation.

Why, Mr. President, the big objection?

We go back. I counsel my friend, Mr. Valenti, to get the three-volume set of "The History of Broadcasting of the United States," the Oxford Press.

I will turn to that first chapter talking about, in 1953, where we had the film "Man Against Crime." I read from page 23, a quote that the writers received for this plot instruction. I think it is very, very important that everybody pay attention to this one. I quote:

It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

Could there be any better evidence than their writing of their own history of broadcasting to say: Look, the issue here is money. As long as it is going to be supported and, more so, supported with violence, then more money is made. And let's get up to the Congress.

I sort of became amused about these term limitations. We have up here. I am in my 33rd year. We are finally getting the measure that Senator Pastore had in mind when he was put off with the Surgeon General study, which was formulated finally in 1972.

Mr. President, I ask unanimous consent to have printed in the RECORD the summary of that Surgeon General report.

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

TELEVISION AND GROWING UP: THE IMPACT OF TELEVISION VIOLENCE
SUMMARY OF REPORT TO THE SURGEON GENERAL, U.S. PUBLIC HEALTH SERVICE FROM THE U.S. SURGEON GENERAL'S SCIENTIFIC ADVISORY COMMITTEE ON TELEVISION AND SOCIAL BEHAVIOR, 1972

The work of this committee was initiated by a request from Senator John O. Pastore to Health, Education, and Welfare Secretary Robert H. Finch in which Senator Pastore said:

"I am exceedingly troubled by the lack of any definitive information which would help resolve the question of whether there is a causal connection between televised crime and violence and antisocial behavior by individuals, especially children. . . . I am respectfully requesting that you direct the Surgeon General to appoint a committee comprised of distinguished men and women from whatever professions and disciplines deemed appropriate to devise techniques and

to conduct a study under this supervision using those techniques which will establish scientifically insofar as possible what harmful effects, if any, these programs have on children."

* * * * *
Effects on aggressiveness: Evidence from experiments

Experiments have the advantage of allowing causal inference because various influences can be controlled so that the effects, if any, of one or more variables can be assessed. To varying degrees, depending on design and procedures, they have the disadvantages of artificiality and constricted time span. The generalizability of results to everyday life is a question often not easily resolvable.

Experiments concerned with the effects of violence or aggressiveness portrayed on film or television have focused principally on two different kinds of effects: *imitation* and *instigation*. Imitation occurs when what is seen is mimicked or copied. Instigation occurs when what is seen is followed by increased aggressiveness.

Imitation: One way in which a child may learn a new behavior is through observation and imitation. Some 20 published experiments document that children are capable of imitating filmed aggression shown on a movie or television screen. Capacity to imitate, however, does not imply performance. Whether or not what is observed actually will be imitated depends on a variety of situational and personal factors.

No research in this program was concerned with imitation, because the fact that aggressive or violent behavior presented on film or television can be imitated by children is already thoroughly documented.

Instigation. Some 30 published experiments have been widely interpreted as indicating that the viewing of violence on film or television by children or adults increases the likelihood of aggressive behavior. This interpretation has also been widely challenged, principally on the ground that results cannot be generalized beyond the experimental situation. Critics hold that in the experimental situation socially inhibiting factors, such as the influence of social norms and the risk of disapproval or retaliation, are absent, and that the behavior after viewing, through labeled "aggressive," is so unlike what is generally understood by the term as to raise serious questions about the applicability of these laboratory findings to real-life behavior.

The research conducted in this program attempted to provide more precise and extensive evidence on the capacity of televised violence to instigate aggressive behavior in children. The studies variously involve whole television programs, rather than brief excerpts; the possibility of making constructive or helping, as well as aggressive, responses after viewing; and the measurement of effects in the real-life environment of a nursery school. Taken as a group, they represent an effort to take into account more of the circumstances that pertain in real life, and for that reason they have considerable cogency.

In sum. The experimental studies bearing on the effects of aggressive television entertainment content on children support certain conclusions. First, violence depicted on television can immediately or shortly thereafter induce mimicking or copying by children. Second, under certain circumstances television violence can instigate an increase in aggressive acts. The accumulated evidence, however, does not warrant the conclusion that televised violence has a uniformly adverse effect nor the conclusion that it has an adverse effect on the majority of children.

It cannot even be said that the majority of the children in the various studies we have reviewed showed an increase in aggressive behavior in response to the violent fare to which they were exposed. The evidence does indicate that televised violence may lead to increased aggressive behavior in certain subgroups of children, who might constitute a small portion or a substantial proportion of the total population of young television viewers. We cannot estimate the size of the fraction, however, since the available evidence does not come from cross-section samples of the entire American population of children.

The experimental studies we have reviewed tell us something about the characteristics of those children who are most likely to display an increase in aggressive behavior after exposure to televised violence. There is evidence that among young children (ages four to six) those most responsive to television violence are those who are highly aggressive to start with—who are prone to engage in spontaneous aggressive actions against their playmates and, in the case of boys, who display pleasure in viewing violence being inflicted upon others. The very young have difficulty comprehending the contextual setting in which violent acts are depicted and do not grasp the meaning of cues or labels concerning the make-believe character of violence episodes in fictional programs. For older children, one study has found that labeling violence on a television program as make-believe rather than as real reduces the incidence of induced aggressive behavior. Contextual cues to the motivation of the aggressor and to the consequences of acts of violence might also modify the impact of televised violence, but evidence on this topic is inconsistent.

Since a considerable number of experimental studies on the effects of televised violence have now been carried out, it seems improbable that the next generation of studies will bring many great surprises, particularly with regard to broad generalizations not supported by the evidence currently at hand. It does not seem worthwhile to continue to carry out studies designed primarily to test the broad generalization that most or all children react to televised violence in a uniform way. The lack of uniformity in the extensive data now at hand is much too impressive to warrant the expectation that better measures of aggression or other methodological refinements will suddenly allow us to see a uniform effect.

Effects on aggressiveness: Survey evidence

A number of surveys have inquired into the violence viewing of young people and their tendencies toward aggressive behavior. Measures of *exposure* to television violence included time spent viewing, preference for violent programming, and amount of viewing of violent programs. Measures of *aggressive tendencies* variously involved self and others' reports of actual behavior, projected behavior, and attitudes. The behavior involved varied from acts generally regarded as heinous (e.g., arson) to acts which many would applaud (e.g., hitting a man who is attacking a woman).

All of the studies inquired into the relationship between exposure to television violence and aggressive tendencies. Most of the relationships observed were positive, but most were also of low magnitude, ranging from null relationships to correlation coefficients of about .20. A few of the observed correlation coefficients, however, reached .30 or just above.

On the basis of these findings, and taking into account their variety and their inconsistencies, we can tentatively conclude that there is a modest relationship between expo-

sure to television violence and aggressive behavior or tendencies, as the latter are defined in the studies at hand. Two questions which follow are: (1) what is indicated by a correlation coefficient of about .30, and (2) since correlation is not in itself a demonstration of causation, what can be deduced from the data regarding causation?

Correlation coefficients of "middle range," like .30, may result from various sorts of relationships, which in turn may or may not be manifested among the majority of the individuals studied. While the magnitude of such a correlation is not particularly high, it betokens a relationship which merits further inquiry.

Correlation indicates that two variables—in this case violence viewing and aggressive tendencies—are *related* to each other. It does not indicate which of the two, if either, is the cause and which the effect. In this instance the correlation could manifest any of three causal sequences:

- That violence viewing leads to aggression;
- That aggression leads to violence viewing;
- That both violence viewing and aggression are products of a third condition or set of conditions.

The data from these studies are in various ways consonant with both the first and the third of these interpretations, but do not conclusively support either of the two.

* * * * *

General implications

The best predictor of later aggressive tendencies in some studies is the existence of earlier aggressive tendencies, whose origins may lie in family and other environmental influences. Patterns of communication within the family and patterns of punishment of young children seem to relate in ways that are as yet poorly understood both to television viewing and to aggressive behavior. The possible role of mass media in very early acquisition of aggressive tendencies remains unknown. Future research should concentrate on the impact of media material on very young children.

As we have noted, the data, while not wholly consistent or conclusive, do indicate that a modest relationship exists between the viewing of violence and aggressive behavior. The correlational evidence from surveys is amenable to either of two interpretations: that the viewing of violence causes the aggressive behavior, or that both the viewing and the aggression are joint products of some other common source. Several findings of survey studies can be cited to sustain the hypothesis that viewing of violent television has a causal relation to aggressive behavior, though neither individually nor collectively are the findings conclusive. They could also be explained by operation of a "third variable" related to preexisting conditions.

The experimental studies provide some additional evidence bearing on this issue. Those studies contain indications that, under certain limited conditions, television viewing may lead to an increase in aggressive behavior. The evidence is clearest in highly controlled laboratory studies and considerably weaker in studies conducted under more natural conditions. Although some questions have been raised as to whether the behavior observed in the laboratory studies can be called "aggressive" in the consensual sense of the term, the studies point to two mechanisms by which children might be led from watching television to aggressive behavior: the mechanism of imitation, which is well established as part of the behavioral repertoire of children in general; and the mechanism of incitement, which may apply only to those children who are predisposed to be susceptible to this influence. There is some evidence that incitement may follow

nonviolent as well as violent materials, and that this incitement may lead to either prosocial or aggressive behavior, as determined by the opportunities offered in the experiment. However, the fact that some children behave more aggressive in experiments after seeing violent films is well established.

The experimental evidence does not suffer from the ambiguities that characterize the correlational data with regard to third variables, since children in the experiments are assigned in ways that attempt to control such variables. The experimental findings are weak in various other ways and not wholly consistent with one study to another. Nevertheless, they provide suggestive evidence in favor of the interpretation that viewing violence on television is conducive to an increase in aggressive behavior, although it must be emphasized that the causal sequence is very likely applicable only to some children who are predisposed in this direction.

Thus, there is a convergence of the fairly substantial experimental evidence for short-run causation of aggression among some children by viewing violence on the screen and the much less certain evidence from field studies that extensive violence viewing precedes some long-run manifestations of aggressive behavior. This convergence of the two types of evidence constitutes some preliminary indication of a causal relationship, but a good deal of research remains to be done before one can have confidence in these conclusions.

The field studies, correlating different behavior among adolescents, and the laboratory studies of the responses by younger children to violent films converge also on a number of further points.

First, there is evidence that any sequence by which viewing television violence cause aggressive behavior is most likely applicable only to some children who are predisposed in that direction. While imitative behavior is shown by most children in experiments on that mechanism of behavior, the mechanism of being incited to aggressive behavior by seeing violent films shows up in the behavior only of some children who were found in several experimental studies to be previously high in aggression. Likewise, the correlations found in the field studies between extensive viewing of violent material and acting in aggressive ways seem generally to depend on the behavior of a small proportion of the respondents who were identified in some studies as previously high in aggression.

Second, there are suggestions in both sets of studies that the way children respond to violent film material is affected by the context in which it is presented. Such elements as parental explanations, the favorable or unfavorable outcome of the violence, and whether it is seen as fantasy or reality may make a difference. Generalizations about all violent content are likely to be misleading.

Thus, the two sets of findings converge in three respects: a preliminary and tentative indication of a causal relation between viewing violence on television and aggressive behavior; an indication that any such causal relation operates only on some children (who are predisposed to be aggressive); and an indication that it operates only in some environmental contexts. Such tentative and limited conclusions are not very satisfying. They represent substantially more knowledge than we had two years ago, but they leave many questions unanswered.

Some of the areas on which future research should concentrate include: (1) Television's effects in the context of the effects of other mass media. (2) The effects of mass media in the context of individual developmental history and the totality of environmental influences, particularly that of the home environment. In regard to the relationship between

televised violence and aggression, specific topics in need of further attention include: predispositional characteristics of individuals; age differences; effects of labeling, contextual cues, and other program factors; and longitudinal influences of television. (3) The functional and dysfunctional aspects of aggressive behavior in successfully adapting to life's demands. (4) The modeling and imitation of prosocial behavior. (5) The role of environmental factors, including the mass media, in the teaching and learning of values about violence, and the effects of such learning. (6) The symbolic meanings of violent content in mass media fiction, and the function in our social life of such content.

Mr. HOLLINGS. Mr. President, a reading of that report will show a definite causal connection between TV violence and aggressive behavior on the part of children. Time and time again it was shown.

But let me go to the next put-off that we had with my good friend, Senator Paul Simon.

I knew they had somebody to stop me here in the early 1990s.

He got his measure passed. So we couldn't get our bill up for a vote. We had then a finding of standards for the "Depiction of Violence in Television Programming" issued by ABC, CBS, and NBC in December 1992.

Mr. President, I ask unanimous consent to have this printed in the RECORD.

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

APPENDIX B. STANDARDS FOR THE DEPICTION OF VIOLENCE IN TELEVISION PROGRAMS
(Issued by ABC, CBS, and NBC—December 1992)

PREFACE

The following standards for the Depiction of Violence in Television Programs are issued jointly by ABC, CBS, and NBC Television Networks under the Antitrust Exemption granted by the Television Violence Act of 1990.

Each network has long been committed to presenting television viewers with a broad spectrum of entertainment and information programming. Each Network maintains its own extensive published broadcast standards governing acceptability of both program (including on-air promotion) and commercial materials.

These new joint standards are consistent with each of the Network's long-standing preexisting policies on violence. At the same time they set forth in a more detailed and explanatory manner to reflect the experience gained under the preexisting policies. While adopting and subscribing to these joint Standards, each Network will continue the tradition of individual review of material, which will necessitate independent judgments on a program-by-program basis.

The standards are not intended to inhibit the work of producers, directors, writers, or to impede the creative process. They are intended to proscribe gratuitous or excessive portrayals of violence.

In principle, each of the ABC, CBS, and NBC Television Networks is committed to presenting programs which portray the human condition, which may include the depiction of violence as a component. The following Standards for the Depiction of Violence in Television Programs will provide the framework within which the acceptability of content will be determined by each Network in the exercise of its own judgment.

STANDARDS FOR DEPICTION OF VIOLENCE IN TELEVISION PROGRAMS

These written standards cannot cover every situation and must, therefore, be worded broadly. Moreover, the Standards must be considered against the creative context, character and tone of each individual program. Each scene should be evaluated on its own merits with due consideration for its creative integrity.

(1) Conflict and strife are the essence of drama and conflict often results in physical or psychological violence. However, all depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot.

(2) Gratuitous or excessive depictions of violence (or redundant violence shown solely for its own sake), are not acceptable.

(3) Programs should not depict violence as glamorous, nor as an acceptable solution to human conflict.

(4) Depictions of violence may not be used to shock or stimulate the audience.

(5) Scenes showing excessive gore, pain, or physical suffering are not acceptable.

(6) The intensity and frequency of the use of force and other factors relating to the manner of its portrayal should be measured under a standard of reasonableness so that the program, on the whole, is appropriate for a home viewing medium.

(7) Scenes which may be instructive in nature, e.g., which depict in an imitable manner, the use of harmful devices or weapons, describe readily usable techniques for the commission of crimes, or show replicable methods for the evasion of detection or apprehension, should be avoided. Similarly, ingenious, unique, or otherwise unfamiliar methods of inflicting pain or injury are unacceptable if easily capable of imitation.

(8) Realistic depictions of violence should also portray, in human terms, the consequences of that violence to its victims and its perpetrators. Callousness or indifference to suffering experienced by victims of violence should be avoided.

(9) Exceptional care must be taken in stories or scenes where children are victims of, or are threatened by acts of violence (physical, psychological or verbal).

(10) The portrayal of dangerous behavior which would invite imitation by children, including portrayals of the use of weapons or implements readily accessible to this impressionable group, should be avoided.

(11) Realistic portrayals of violence as well as scenes, images or events which are unduly frightening or distressing to children should not be included in any program specifically designed for that audience.

(12) The use of real animals shall conform to accepted standards of humane treatment. Fictionalized portrayals of abusive treatment should be strictly limited to the legitimate requirements of plot development.

(13) Extreme caution must be exercised in any themes, plots, or scenes which mix sex and violence. Rape and other sexual assaults are violent, not erotic, behavior.

(14) The scheduling of any program, commercial or promotional material, including those containing violent depictions, should take into consideration the nature of the program, its content and the likely composition of the intended audience.

(15) Certain exceptions to the foregoing may be acceptable, as in the presentation of material whose overall theme is clearly and unambiguously anti-violent.

Mr. HOLLINGS. I thank the Chair.

I will read just one sentence, being limited in time here.

All depictions of violence should be relevant and necessary to the development of character or to the advancement of theme or plot.

Mr. President, that is exactly what we have in the law. We have the opponents agreeing to this particular amendment. Of course not. They will have Members move to table the amendment.

I am trying to plead for favorable consideration. All we are doing is what the industry—ABC, CBS, NBC—issued to themselves in their own code of conduct.

I read:

Gratuitous or excessive depictions of violence are not acceptable.

Exactly what we are saying in this amendment.

Again I read:

Programs should not depict violence as glamorous.

That is exactly what we found last year in the National Television Violence Study. This study is too voluminous to print in the RECORD. It is what they found in the cable TV-sponsored study with the most outstanding authorities imaginable conducting this study. Various campuses were represented, as I recall. Included were the Society for Adolescent Medicine, the National Cable Television Association, the American Psychiatric Association, the American Sociological Association, the Caucus for Producers and Writers, the American Bar Association. They say it is too glamorous.

I ask unanimous consent to have those names in support printed in the RECORD.

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

NATIONAL TELEVISION VIOLENCE STUDY
COUNCIL MEMBERS

Trina Menden Anglin, M.D., Ph.D., Society of Adolescent Medicine.

Decker Anstrom (Ex Officio), National Cable Television Association.

Char Beales, Cable and Telecommunications: A Marketing Society.

Darlene Chavez, National Education Association.

Belva Davis, American Federation of Television and Radio Artists.

Carl Feinstein, M.D., American Psychiatric Association.

Charles B. Fitzsimons, Producers Guild of America.

Carl Gottlieb, Writers Guild of America, West.

Felice Levine, Ph.D., American Sociological Association.

Ann Marcus, Caucus for Producers, Writers and Directors.

Virginia Markell, National Parent Teacher Association.

Robert McAfee, M.D., American Medical Association.

E. Michael McCann, American Bar Association.

Gene Reynolds, Directors Guild of America.

Donald F. Roberts, Ph.D., International Communication Association.

Don Shifrin, M.D., American Academy of Pediatrics.

Barbara C. Staggers, M.D., M.P.H., National Children's Hospital Association.

Brian L. Wilcox, Ph.D., American Psychological Association.

Roughly three-quarters of all violent scenes showed no remorse or penalty for violence.

These are the things, excessive gratuitous violence, that the industry agrees with in their code, but they continue to violate.

That is why I say this is a historic moment, to get a measure that the best of minds have said is what is needed. Otherwise, the industry associates—writers, producers and everyone else—follow exactly what they found in the history of broadcasting in the 1950s, 40-some years ago, that violence pays.

I retain the remainder of our 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.

Mr. SESSIONS. 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. SESSIONS. I thank the Senator from South Carolina for raising a number of important issues concerning the quality of TV programming and other programming.

I remember very distinctly a number of years ago I was watching when the Pope came to California and in Hollywood met with top executives. He met with them, encouraged them, and urged them to do a better job, and to start to clean up some of the things being shown on television.

When the program was over, they came out to the TV cameras. They interviewed each one of these executives and asked what happened, and what they thought. They said the Pope had made a number of very important suggestions that deserved great consideration and they thought they could make some progress toward his goals.

Charlton Heston came out. They asked: Mr. Heston, what do you think? Mr. Heston, do you think things will get better? Mr. Heston said: If the Lord himself were speaking to them, they wouldn't change. The only thing they are looking at is the rating.

Since then, things have continued to get worse. I have always remembered that. I think it is fair to say that violence apparently pays. They are looking for ratings and money. It does leave us with a difficult question of what we can do to make this a healthier society, a society that is better for raising children.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

NATO'S MISTAKEN BOMBING OF THE CHINESE EMBASSY IN BELGRADE

Mr. MCCAIN. Mr. President, all Americans were disturbed and very sorry about NATO's mistaken bombing

of the Chinese embassy in Belgrade. The President has apologized to the Chinese people, and it was, of course, appropriate for him to do so. I think it is also right that those responsible for this tragic error are held accountable for their mistake. I know that neither apologies nor other responses will alleviate the suffering of those who lost loved ones in the bombing. But America does sincerely regret what happened, and as inadequate as that might be to a grieving parent or spouse or friend, it will have to be enough for the Government of China.

It is outrageous that Beijing would claim, suggest or even hint to the Chinese people that the bombing was intentional. It was a mistake and the leaders of China know that. They do us and themselves a great disservice by pretending otherwise. States that aspire to be great powers should not indulge paranoid delusions as a means of motivating their people. The political consequences are seldom predictable or as easy to manage as they might have anticipated.

America and China have a complex, important, and very consequential relationship that will, in large part, shape the history of the next century. That relationship should not be jeopardized as cavalierly as Beijing has allowed it to be jeopardized over these last few days.

China must cease immediately fueling anti-Americanism and tolerating the attacks it engendered on our embassy and on Americans in China. China should cease immediately its calumnies against the United States. America is a just power, and the greatest force for good on Earth. A very regrettable accident does not change that historical fact, and Beijing knows it. Finally, China should cease immediately to threaten the other elements of our relationship, be they human rights discussions, anti-proliferation cooperation or trade agreements. A sound bilateral relationship is a vital interest for both of us, and, indeed, for the world. Both countries' leaders must conduct themselves with that priority in mind at all times.

China should accept our apology confident that it is sincere, and begin to play a constructive role in helping to persuade Milosevic that he must accede to the just demands of humanity, and the, I hope, nonnegotiable demands of NATO.

Terrible things happen in war. People often make bad mistakes in the fog of battle. That is why decent people try to avoid resolving their differences by force of arms. But that is not always possible. The enemy of peace and justice in the Balkans, Milosevic and his regime, are not decent people. They are the cause of this war, and, thus, are ultimately responsible for the tragedy that occurred last week, and the suffering of the people of Serbia. Furthermore, the calamity that Serbia is now experiencing, as awful as it is, in no way approximates the scale of the hor-

ror that has been visited on the Kosovars. Let us be clear about that, Mr. President. Should Mr. Milosevic observe the most basic standards of human decency no bombs would fall anywhere in the Balkans.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 11, 1999, the federal debt stood at \$5,575,359,326,029.03 (Five trillion, five hundred seventy-five billion, three hundred fifty-nine million, three hundred twenty-six thousand, twenty-nine dollars and three cents).

One year ago, May 11, 1998, the federal debt stood at \$5,487,765,000,000 (Five trillion, four hundred eighty-seven billion, seven hundred sixty-five million).

Five years ago, May 11, 1994, the federal debt stood at \$4,575,659,000,000 (Four trillion, five hundred seventy-five billion, six hundred fifty-nine million).

Ten years ago, May 11, 1989, the federal debt stood at \$2,765,542,000,000 (Two trillion, seven hundred sixty-five billion, five hundred forty-two million).

Fifteen years ago, May 11, 1984, the federal debt stood at \$1,480,589,000,000 (One trillion, four hundred eighty billion, five hundred eighty-nine million) which reflects a debt increase of more than \$4 trillion—\$4,094,770,326,029.03 (Four trillion, ninety-four billion, seven hundred seventy million, three hundred twenty-six thousand, twenty-nine dollars and three cents) during the past 15 years.

THE GREAT APE CONSERVATION ACT OF 1999

Mr. JEFFORDS. Mr. President, yesterday I introduced a bill to assist in the preservation of the great apes. The bill, the "Great Ape Conservation Act of 1999", is modeled after the highly successful African and Asian Elephant Conservation Acts, and the Rhinoceros and Tiger Conservation Act. It will authorize up to \$5 million per year to fund various projects to aid in the preservation of the endangered great apes.

Great ape populations currently face many threats, including habitat loss, population fragmentation, live capture, and hunting for the bushmeat trade. Of all these threats, the danger posed by the increasing bushmeat trade is the most severe. This trade is being facilitated by the construction of inroads to logging areas, which allows once remote forests to be linked directly with urban markets.

Chimpanzees, gorillas, and bonobos, once hunted sustainably, now face population destruction due to increased illegal trade, powerful weapons, and high market prices. This consumption of ape meat not only threatens ape populations, but poses severe health risks to humans. Human contraction of many viruses, including the Human Immunodeficiency Virus (HIV) has

been linked to the slaughter and consumption of apes. With the loss of ape populations, comes the loss of critical medical knowledge that can be obtained through simple, noninvasive research on wild populations. Some estimates suggest that several thousand apes are killed every year across West and Central Africa, a level that is unsustainable and means the certain destruction of viable populations in the very near future.

If we do not act now, not only will great apes face extinction, but the ecosystems that depend on their contributions will suffer. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education and enforcement projects that can have the greatest positive impact. This small, but critical investment of U.S. taxpayer money, matched with private funds, could secure the future of these extraordinary animals.

CORRECTION TO THE RECORD

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The text of amendments Nos. 326 and 328 did not appear in the RECORD of May 11, 1999. The permanent RECORD will be corrected to reflect the proper order. The text of the amendments follow:

REED AMENDMENT NO. 326

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him 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:

On page 265, below line 20, add the following:

SEC. 402. APPLICABILITY OF CONSUMER PRODUCT SAFETY ACT TO FIREARMS AND AMMUNITION.

(a) FINDINGS.—Congress makes the following findings:

(1) Firearms are one of the few consumer products not subject to consumer product safety regulations.

(2) There are currently no quality and safety standards in place for domestically manufactured firearms. In contrast, minimal quality and safety standards have been applied to imported firearms since passage of the Gun Control Act of 1968.

(3) As a result, firearms made in the United States often lack even the most basic safety features designed to prevent unintentional shooting by children. Such features include cylinder locks, trigger locks, magazine disconnect safety, manual safety, and increased trigger resistance.

(4) In 1996 alone, 1,134 people were killed in the United States by accidental firearm discharges, including 376 people aged 19 years and under. In addition, 162 children aged 14 years and under committed suicide using a firearm.

(b) PURPOSE.—The purpose of this section is to reduce the number of unintentional

shootings in the United States each year, especially among children, by permitting the Consumer Product Safety Commission to regulate firearms and ammunition so as to develop uniform safety standards and protect the public against unreasonable risks of injury from firearms and ammunition.

(c) APPLICABILITY OF CONSUMER PRODUCT SAFETY ACT.—Section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) is amended by striking subparagraph (E).

HOLLINGS AMENDMENT NO. 328

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill, S. 254, surpa; as follows:

At the appropriate place, insert the following:

TITLE—CHILDREN'S PROTECTION FROM VIOLENT TELEVISION PROGRAMMING

SEC. SHORT TITLE.

This title may be cited as the "Children's Protection from Violent Programming Act".

SEC. FINDINGS.

The Congress makes the following findings:

(1) Television influences the perception children have to the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent content, restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

(11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

(13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

(14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

(15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

(16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determinate the content of those shows that are only subject to age-based ratings.

SEC. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute any violent video programming to the public during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTY.—The Commission shall impose a civil penalty of not more than \$25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The commission shall consider, among the elements in this review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section

"(d) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite."

SEC. . SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. . EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section—03 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

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 A REQUEST FOR FUNDS FOR OPERATIONS OF U.S. FORCES IN BOSNIA AND HERZEGOVINA; TO THE COMMITTEE ON ARMED SERVICES—MESSAGE FROM THE PRESIDENT—PM 27

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:

Section 1203 of the Strom Thurmond National Defense Authorization Act For Fiscal Year 1999, Public Law 105-261 (the Act), requires submission of a report to the Congress whenever the President submits a request for funds for continued operations of U.S. forces in Bosnia and Herzegovina.

In connection with my Administration's request for funds for FY 2000, the attached report fulfills the requirements of section 1203 of the Act.

I want to emphasize again my continued commitment to close consultation with the Congress on political and military matters concerning Bosnia and Herzegovina. I look forward to continuing to work with the Congress in the months ahead as we work to establish a lasting peace in the Balkans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 12, 1999.

MESSAGES FROM THE HOUSE

At 2:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 209. An act to improve the ability of Federal Agencies to license federally owned inventions.

H.R. 1183. An act 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.

H.R. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.

ENROLLED BILL SIGNED

At 4:10 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 28. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

The Committee on Armed Services was discharged from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 785. A bill for the relief of Frances Scholchenmaier.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 833. An act to amend title 11 of the United States Code, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on April 19, 1999:

EC-2607. A communication from the Director of the Administrative Office of the United States Courts, transmitting, a proposed emergency supplemental request for fiscal year 1999; to the Committee on Appropriations.

EC-2608. A communication from the Assistant Secretary of the Interior for Indian Af-

fairs, transmitting, pursuant to law, the report of a rule entitled "Class III Gaming Procedures" (RIN1076-AD87) received on April 6, 1999; to the Committee on Indian Affairs.

EC-2609. A communication from the Chairman of the Federal Election Commission, transmitting, supplemental legislative recommendations for 1999; to the Committee on Rules and Administration.

EC-2610. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Department of Veterans' Affairs Employment Reduction Assistance Act of 1999"; to the Committee on Veterans' Affairs.

EC-2611. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on the Judiciary.

EC-2612. A communication from the Director of Government Relations for the Girl Scouts of the U.S.A., transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on the Judiciary.

EC-2613. A communication from the Attorney General, transmitting, pursuant to law, the annual accountability report for fiscal year 1998; to the Committee on the Judiciary.

EC-2614. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1998; to the Committee on the Judiciary.

EC-2615. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the danger pay allowance for the United Nations Transitional Administration for Eastern Slavonia (UNTAES) in Vukovar, Croatia; to the Committee on Foreign Relations.

EC-2616. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the danger pay allowance for Kampala, Uganda; to the Committee on Foreign Relations.

EC-2617. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2618. A communication from the Secretary of State, transmitting, pursuant to law, a reorganization plan and report; to the Committee on Foreign Relations.

EC-2619. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Summer Work/Travel" (RIN3116-AA16) received on April 12, 1999; to the Committee on Foreign Relations.

EC-2620. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Short-Term Scholar" (RIN3116-AA15) received on April 6, 1999; to the Committee on Foreign Relations.

EC-2621. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Au Pair Regulations" (RIN3116-AA14) received on April 6, 1999; to the Committee on Foreign Relations.

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated on May 12, 1999:

EC-2980. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report of a technical violation of the Antideficiency Act; to the Committee on Appropriations.

EC-2981. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99-22", received April 27, 1999; to the Committee on Finance.

EC-2982. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-21—Weighted Average Interest Rate Update", received April 27, 1999; to the Committee on Finance.

EC-2983. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "New Canadian Province Import Code for Territory of Nunavut" (RIN0607-AA32), received May 6, 1999; to the Committee on Finance.

EC-2984. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations: Sale of Food and Agricultural Inputs; Remittances; Educational, Religious and Other Activities; Travel-Related Transactions; U.S. Intellectual Property" (31 CFR Part 515), received May 10, 1999; to the Committee on Finance.

EC-2985. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules and Procedures for Funds Transfers" (AA38), received May 4, 1999; to the Committee on Finance.

EC-2986. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Pediatric Asthma Demonstration Act of 1999"; to the Committee On Finance.

EC-2987. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting drafts of proposed changes to the Foreign Assistance Act of 1962 and the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2988. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report of a proposed export license relative to Italy; to the Committee on Foreign Relations.

EC-2989. A communication from the Secretary of Defense, transmitting the reports of retirements; to the Committee on Armed Services.

EC-2990. A communication from the Director, Office of the Secretary of Defense, transmitting a report relative to acquisition and cross-servicing agreements with countries that are not part of the North Atlantic Treaty Organization or its subsidiary bodies; to the Committee on Armed Services.

EC-2991. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report of a plan for the redesign of the military pharmacy system; to the Committee on Armed Services.

EC-2992. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to various management concerns regarding security cooperation programs; to the Committee on Armed Services.

EC-2993. A communication from the Under Secretary, Export Administration, Department of Commerce, transmitting, pursuant

to law, a report of the imposition on Serbia of certain foreign policy-based export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-2994. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports To Serbia" (RIN0694-AB69), received May 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2995. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Exchange Stabilization Fund for fiscal year 1998; to the Committee on Banking, Housing and Urban Affairs.

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:

PO-111. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Energy and Natural Resources.

LEGISLATIVE RESOLUTION 69

Whereas, until 1993, the federal Natural Gas Policy Act of 1978 established the maximum lawful price that a natural gas producer could charge its pipeline customers for natural gas, providing under section 110 of the act that the producer could adjust the maximum price upward in order to recover from pipeline customers any state severance tax payments made by the producer; and

Whereas, in 1988, in the case of *Colorado Interstate Gas Co. v. the Federal Energy Regulatory Commission*, 850 F. 2d 769, the United States Court of Appeals for the District of Columbia Circuit ruled that the ad valorem tax levied by the State of Kansas was not a severance tax within the meaning of section 110 of the Natural Gas Policy Act and ordered natural gas producers to refund that portion of the payments received from the pipelines attributable to the cost of the Kansas ad valorem taxes paid plus interest; and

Whereas, upon remand of the matter to the Federal Energy Regulatory Commission, the commission ordered the refunds to be made on that portion of all purchases which had included Kansas ad valorem taxes which were charged after June 28, 1988, the date of the Appeals Court ruling in the *Colorado Interstate Gas Co.* case; and

Whereas, in 1996, in the case of *Public Service Company of Colorado v. the Federal Energy Regulatory Commission*, 91 F. 3d 1478, the United States Court of Appeals for the District of Columbia overruled the commission, holding that the refunds should commence from October 1983, when notice was filed in the Federal Register of the petition before the commission challenging the propriety of including the Kansas ad valorem taxes in the price charged for natural gas produced in Kansas; and

Whereas, as of November 1997, the consumers of natural gas in twenty-three states were entitled, pursuant to this ruling and the subsequent order of the Federal Energy Regulatory Commission, to refunds and accrued interest from natural gas producers for the period of October 1983 through June 1988, amounting to more than \$334,840,000, with Nebraska consumers to receive approximately \$34,360,000 (approximately ten percent of the total); and

Whereas, of those sums, over 60 percent of the total is accrued interest as of that date with additional interest being compounded quarterly on unpaid balances and on those sums not placed in escrow accounts pursuant to commission order; and

Whereas, the United States Senate and the United States House of Representatives in their individual versions of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 (S. 544 and H.R. 1141) have provisions, added by amendment, which would amend the Natural Gas Policy Act of 1978 to prohibit the commission or any court from ordering the payment of any interest or penalties with respect to ordered refunds of rates or charges made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989; and

Whereas, both acts were adopted by their respective houses of the Congress on March 25 of this year, immediately prior to their Easter adjournment and are pending consideration by a Joint Appropriations Conference Committee; and

Whereas, legislation for the same purpose (S. 626 in the Senate and H.R. 1117 in the House of Representatives) is currently pending; and

Whereas, the sole result of the final adoption of these amendments or these bills will be to mitigate or reduce the liability of natural gas producers for charges wrongfully imposed on consumers in the period of 1983 to 1988 by denying consumers interest on the amount of those charges and relieving the producers of any liability for future penalties flowing from the failure to make court-ordered payments in the prescribed manner; and

Whereas, the lost refunds to Nebraska natural gas consumers will amount to more than 10 percent of the total reduction, representing the fourth largest state loss of the twenty-four states receiving court-ordered refunds; and

Whereas, Nebraska has been urged to join with other states in petitioning Congress to reconsider the adoption of these ill-advised and possibly unconstitutional provisions and avoid future litigation at the expense of all parties involved.

Now, Therefore, be it Resolved by the Members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States to oppose the enactment of S. 626 and H.R. 1117 or any version thereof which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

2. That the Legislature hereby petitions the Congress of the United States to reconsider its actions with regard to S. 544 and H.R. 1141 in the adoption of the amendments which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989 and urges that the ultimate version of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 as reported by the conference committee and adopted by the Congress not include any provision having this effect.

3. That the Legislature urges the members of the Nebraska House and Senate delegations to vote against and to take such actions as necessary to prevent the passage of any amendments or legislation which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

4. That the Clerk of the Legislature transmit copies of this resolution to each member of the Nebraska Congressional delegation and that copies be transmitted to the Speaker of the United States House of Representatives and the President of the United States

Senate with the request that it be officially entered into the Congressional Record as a memorial to the Congress of the United States.

POM-112. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Social Security Act; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 559. A bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building."

S. 858. A bill 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."

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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, Mr. SARBANES, Mr. BRYAN, and Mr. JOHNSON):

S. 1015. A bill to require disclosure with respect to securities transactions conducted "online", to require the Securities and Exchange Commission to study the effects on online trading on securities markets, to prevent online securities fraud, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself, Mr. GREGG, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1016. A bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. SANTORUM, Mr. SARBANES, Mr. CHAFEE, Mr. BRYAN, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. KERREY, Mr. COVERDELL, Mr. ROBB, Mr. CRAIG, Mr. CONRAD, Mr. SHELBY, Mr. ROCKEFELLER, Mr. ALLARD, Mr. DODD, Mr. GRAMS, Mr. JOHNSON, Mr. HAGEL, Mr. SCHUMER, Mr. CRAPO, Mr. LIEBERMAN, Mr. HELMS, Mr. EDWARDS, Mr. ABRAHAM, Mrs. LINCOLN, Mr. SESSIONS, Mrs.

BOXER, Mr. HUTCHINSON, Mrs. FEINSTEIN, Mr. LUGAR, Mr. WELLSTONE, Ms. SNOWE, Mr. TORRICELLI, Mr. SPECTER, Mr. DORGAN, Mrs. HUTCHISON, Mr. HOLLINGS, Mr. THOMAS, Mr. DASCHLE, Mr. LAUTENBERG, Mr. KERRY, Mrs. MURRAY):

S. 1017. A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit; to the Committee on Finance.

By Mr. EDWARDS:

S. 1018. A bill to provide for the appointment of additional Federal district judges in the State of North Carolina, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1019. A bill for the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 1020. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; to the Committee on the Judiciary.

By Mr. KOHL:

S. 1021. A bill to provide for the settlement of claims of the Menominee Indian Tribe of Wisconsin; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. CONRAD, and Mr. WELLSTONE):

S. 1022. A bill to authorize the appropriation of an additional \$1,700,000,000 for fiscal year 2000 for health care for veterans; to the Committee on Veterans' Affairs.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. HELMS, Mr. KERRY, Mr. TORRICELLI, Mr. DURBIN, Mr. SANTORUM, Mr. LIEBERMAN, Mr. KERREY, Mr. LEVIN, Mrs. MURRAY, Mr. SPECTER, Mr. CLELAND, and Mr. EDWARDS):

S. 1023. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. SCHUMER, Mr. SPECTER, Mr. KERRY, Mr. KERREY, Mr. SANTORUM, Mr. DURBIN, Mr. CLELAND, and Mr. CHAFEE):

S. 1024. A bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. BREAUX, Mr. DASCHLE, Mr. SANTORUM, Mr. DURBIN, Mr. SCHUMER, Mr. KERRY, Mr. SPECTER, Mr. CONRAD, Mr. BAUCUS, Mr. CHAFEE, Mr. KERREY, and Mr. CLELAND):

S. 1025. A bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the Medicare program; to the Committee on Finance.

By Mr. DODD:

S. 1026. A bill to amend title XVIII of the Social Security Act to prevent sudden disruption of Medicare beneficiary enrollment in Medicare+Choice plans; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself, and Mr. WYDEN):

S. 1027. A bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. HELMS, Mr. INHOFE, Mr. SANTORUM, Mr. ASHCROFT, Mr. ENZI, Mr. MCCAIN, Mr. SMITH of New Hampshire, and Mr. NICKLES):

S. Res. 100. A resolution reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. GRAHAM, Mr. SANTORUM, Mr. SARBANES, Mr. CHAFEE, Mr. BRYAN, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. KERREY, Mr. COVERDELL, Mr. ROBB, Mr. CRAIG, Mr. CONRAD, Mr. SHELBY, Mr. ROCKEFELLER, Mr. ALLARD, Mr. DODD, Mr. GRAMS, Mr. JOHNSON, Mr. HAGEL, Mr. SCHUMER, Mr. CRAPO, Mr. LIEBERMAN, Mr. HELMS, Mr. EDWARDS, Mr. ABRAHAM, Mrs. LINCOLN, Mr. SESSIONS, Mrs. BOXER, Mr. HUTCHINSON, Mrs. FEINSTEIN, Mr. LUGAR, Mr. WELLSTONE, Ms. SNOWE, Mr. TORRICELLI, Mr. SPECTER, Mr. DORGAN, Mrs. HUTCHISON, Mr. HOLLINGS, Mr. THOMAS, Mr. DASCHLE, Mr. LAUTENBERG, Mr. KERRY, and Mrs. MURRAY):

S. 1017. A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit; to the Committee on Finance.

AFFORDABLE HOUSING OPPORTUNITY ACT OF 1999

Mr. MACK. Mr. President, I rise today to introduce the Affordable Housing Opportunity Act of 1999. My colleague from my home state, BOB GRAHAM, my colleague from Pennsylvania, Senator SANTORUM, and 42 other members of the Senate join me as original cosponsors of this effort to make sure that the Low Income Housing Tax Credit is not undercut by the effects of inflation.

The Low Income Housing Tax Credit is one federal housing program that works. It works to produce affordable rental housing by allowing states to distribute tax credits to those who invest in apartments for low income families. It works because it is decentralized, it is market-oriented, and it relies on the private sector.

The Low Income Housing Tax Credit works because it is based on sound economics. This is in stark contrast to the alternative government approach to the problem of a scarcity of privately owned, affordable housing units, the approach of rent control. Under rent

control, owners are restricted in the price they can charge for their apartments. Since this dramatically reduces the return on their investment in housing, potential owners of rental units take their money elsewhere. The result, confirmed in a study of rent control in California in the early 1990s, is that rent control actually reduces the number of rental units available for low income families.

There is a better way. The Low Income Housing Tax Credit is that way. Under this program, tax credits are allocated by states and their localities to investors in low income housing. In return for agreeing to charge low rents for the units produced, the investors receive a tax credit that makes up for the financial risk of the investment. Instead of mandating low rents, the program provides an incentive for property owners to charge low rents.

And, as Adam Smith would have predicted, this incentive does the job. Since 1987, state agencies have allocated over \$3 billion in Housing Credits to help finance nearly one million apartments for low income families, including 70,000 apartments in 1997. In my own state of Florida, the Credit is responsible for helping finance over 52,000 apartments for low income families, including 3,300 apartments in 1997. The demand for Housing Credits nationwide currently outstrips supply by more than three to one.

Despite the success of the Housing Credit in meeting affordable rental housing needs, the apartments it helps finance can barely keep pace with the nearly 100,000 low cost apartments which are demolished, abandoned, or converted to market rents each year. This is because the credit has been set at an annual amount of \$1.25 per resident of each state, since its creation in 1986. To make up for the loss in value of the credit due to inflation, we propose to increase this amount to \$1.75 per resident and to index the amount for future inflation. It has been estimated that this will increase the stock of critically needed low income apartments by 27,000 each year.

There has long existed in this body a dedication to affordable housing, an interest that knows no party lines. One of the major, early proponents of federally supported affordable housing was Senator Robert A. Taft of Ohio, known in his day as Mr. Republican, whose monument chimes regularly just a few hundred yards from here. With this strong, bipartisan pedigree, I have no hesitation in asking my colleagues on both sides of the aisle to join me to enact this proposal—which is similar to one contained in the President's budget and is supported by the nation's governors and mayors and the affordable housing community—to ensure the continued vitality of a program that works.

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. 1017

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 "Affordable Housing Opportunity Act of 1999".

SEC. 2. INCREASE IN STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Clause (i) of section 42(h)(3)(C) of the Internal Revenue Code of 1986 (relating to State housing credit ceiling) is amended by striking "\$1.25" and inserting "\$1.75".

(b) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) of such Code (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

“(H) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of a calendar year after 2000, the dollar amount contained in subparagraph (C)(i) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 1999’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(i) ROUNDING.—If any increase under clause (i) is not a multiple of 5 cents, such increase shall be rounded to the next lowest multiple of 5 cents.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1999.

Mr. GRAHAM. Mr. President, I rise today with my good friend and colleague, Senator MACK to introduce the Affordable Housing Opportunity Act of 1999. This legislation would raise the annual limit on state authority to allocate low-income housing tax credits from \$1.25 to \$1.75 per capita, and to index the cap to inflation.

Since its creation in the Tax Reform Act of 1986, the low income housing tax credit program has been a tremendous success that has generated nearly a million units of housing for low and moderate income families. In my home state of Florida the tax credit has produced over 52,000 affordable rental units, valued at over \$2.2 billion, including 3,300 apartments in 1997.

This housing tax credit is a valuable incentive for developers to build and rehabilitate low-income housing. It encourages the construction and renovation of low income housing by reducing the tax liability placed on developers of affordable homes. The credit is based on the costs of development as well as the percentage of units devoted to low-income families.

The low income housing tax credit not only helps developers but also benefits families. Those families that get up and go to work every day to earn their rent and mortgage payments, the low income housing tax credit provides families with an important stake in maintaining self-sufficiency. By supporting this credit we make the American dream more available to all Americans.

This credit has succeeded as a catalyst in bringing new sources of funding to low income housing development. This is particularly important at a time when decreasing appropriations for federally-assisted housing and the elimination of other tax incentives for rental housing production have only grown. While this success is gratifying, we should not take for granted the continued growth of this program.

Under the current formula used to fund this program, each state is located \$1.25 multiplied by the State's population. Unlike other provisions of the Tax Code, this formula has not been adjusted since the credit was created in 1986. During the same period, inflation has eroded the credit's purchasing power by nearly 45 percent, as measured by the Consumer Price Index. This cap is strangling state capacity to meet the pressing low income housing needs.

By increasing the cap on this credit to \$1.75, we will free the 12 year cap on housing credit from its current limitations, as requested by our Nation's governors, and we will liberate states' capacity to help millions of Americans who still have no decent, safe, affordable place to live.

A brief look at the history of the housing credit provides ample evidence of why we need our legislation. Nationwide, demand for housing credits outstrips supply by a ratio of three to one. In 1998, states received applications requesting more than 1.2 billion in housing credits—far surpassing the \$365 million in the credit authority available to allocate that year. This trend coupled with the fact that every year nearly 100,000 low cost apartments are demolished, abandoned, or converted to market rate use makes clear the need for this legislation. Increasing the cap as I propose would allow states to finance approximately 27,000 more critically needed low income apartments each year using the housing credit.

In the last Congress, sixty seven Senators cosponsored this legislation, including nearly two-thirds of the Finance Committee, raising the low income housing tax credit to \$1.75 and indexing it for inflation. Nearly 70 percent of the House Ways and Means Committee and a total of 299 House Members cosponsored legislation proposing the same increase.

That indicates just how much support this program has in the Congress. Also, the Administration, the nation's governors and mayors, other state and local government groups, and the affordable housing community strongly support this increase. I am confident with all this support that this measure will finally pass this year. I urge all my colleagues to embrace this important legislation.

By Mr. EDWARDS:

S. 1018. A bill to provide for the appointment of additional Federal district judges in the State of North Carolina, and for other purposes; to the Committee on the Judiciary.

JUSTICE FOR WESTERN NORTH CAROLINA ACT

Mr. EDWARDS. Mr. President, I rise to introduce the Justice for Western North Carolina Act—legislation that will create an additional permanent district court judgeship and an additional temporary district court judgeship in the Western District of North Carolina.

The Western District of North Carolina is one of the most overworked districts in the United States. And it is strained almost to the breaking point. The statistics tell the tale: its judges have the heaviest caseload of all the district courts in the Fourth Circuit. That means of all the district court judges working in Maryland, Virginia, West Virginia, North Carolina, and South Carolina—no other judges have a more crushing workload. Indeed, they deal with a caseload almost twice that recommended for any federal judge. The nonpartisan Judicial Conference of the United States, the principal policymaking body for the federal court system, believes that no judge should handle more than 430 weighted case filings. Well, the judges in the Western District have a weighted filing per judge of 703.

The people of western North Carolina feel the impact of this burden. Criminal felony cases take longer to deal with in western North Carolina than any other district in the country but two. And businesses have to wait almost two years to have their lawsuits heard before a jury. Business disputes, Social Security claims, civil rights disputes—all of them are needlessly delayed when we in the Senate fail to fulfill our responsibility to ensure the prompt administration of justice.

Three able Western District Court judges are doing their utmost to deal with this deluge. But they need our help. And we have failed to address the need sooner. It has been more than twenty years since Congress authorized the Western District's third judgeship. In 1978, there were 775 raw case filings. Last year, there were more than 7,000. It is folly to think that three judges should be able to handle the nearly tenfold increase in case filings in the Western District.

Nor is there any relief from a growing caseload in sight. North Carolina is in the midst of a population boom. Since the 1990 census, the state's population grew by 12%. The Charlotte metropolitan area, which is in the western district of North Carolina, grew by 19 percent since 1990, making it the tenth fastest growing region in the country during this period. This growth in population, business, and industry translates into more commercial, corporate, and criminal law cases.

Mr. President, more than any other justice system in the world, ours provides fair and equal administration of justice. We put this at risk when we do not have enough judges. When judges are overworked, they may be unable to give each case the attention it deserves. The maxim that "justice de-

layed is justice denied" is absolutely true. Slow justice does not just affect the litigants. With commercial cases involving major corporations, it can also hurt employees and consumers, as well. Moreover, we cheapen the Constitution when we fail to authorize the resources necessary for the federal judiciary—one of the three, coequal branches of government—to adequately serve society. Congress must respect the principle of an independent federal judiciary by ensuring that federal judges are not so consumed by the backlog of cases that they are not able to give the cases that come before them the attention they deserve.

The legislation I propose puts into effect the recent recommendation made by the Judicial Conference. The Judicial Conference works to ensure that the federal judiciary delivers equal justice under law. On March 16 of this year, it recommended that we add one permanent and one temporary judgeship in the Western District of North Carolina. The Chief Justice serves as the presiding officer of the nonpartisan Judicial Conference. The membership of the Conference includes the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade.

No one, at least no one I know, disagrees that the Western District is overworked. But some people have proposed the misguided solution of eliminating a judgeship from the Eastern District of North Carolina and transferring it to the Western District. I think that eliminating a judge from the Eastern District would be a real mistake, as big a mistake as not creating new judgeships in the Western District. The proposal is simply robbing Peter to pay Paul.

Eliminating a judgeship from the Eastern District would leave it in the same painful position that the Western District is in now. Last year, the Eastern District had 2056 weighted filings, or 514 for each of its four judgeships, easily above the national average of 484. Taking away a judgeship from the Eastern District would result in a weighted caseload per judge of 685. Transferring a judgeship from the Eastern to the Western District would do no more than switch the problem from the west to the east.

I am also very concerned about the effect this elimination would have on Raleigh and the many people and companies who are based there and depend on the federal judiciary. For the last twenty years, at least one Eastern District judgeship has been filled by a judge presiding in Raleigh. Today, however, the three active judges in the Eastern District reside in Elizabeth City, Greenville, and Wilmington, and most of the Eastern District's court sessions are held in those cities. It is important that those areas have judges, but it is also important that there be a judge in Raleigh. If we transfer the unfilled judgeship to the west,

we will do serious harm to our state capital.

Raleigh is the home of the main offices of the U.S. Attorney, the Federal Public Defender for the Eastern District, the Clerk of Court, the United States Probation Office, the Federal Bureau of Investigation for the Eastern District, and the North Carolina Department of Justice. In addition, many private lawyers who handle civil and criminal cases in the Eastern District come from Raleigh. Finally, the Raleigh metropolitan area, which has more than one million people, is the fifth fastest growing urban area in the nation—swelling by 26 percent since 1990. Eliminating a judgeship based in Raleigh would create unnecessary obstacles to the pursuit of fair administration of justice in that city.

Mr. President, the marble facade on the Supreme Court building says, "Equal Justice Under Law." We in the Congress must not jeopardize this principle by failing to provide the judiciary the resources it needs to do its work. Therefore, I urge your support of the Justice for Western North Carolina Act.

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. 1018

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 "Justice for Western North Carolina Act of 1999".

SEC. 2. DISTRICT JUDGES FOR THE NORTH CAROLINA DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the western district of North Carolina.

(b) TEMPORARY JUDGESHIP.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the western district of North Carolina.

(2) FIRST VACANCY NOT FILLED.—The first vacancy in the office of district judge in the western district of North Carolina, occurring 7 years or more after the confirmation date of the judge named to fill a temporary judgeship created by this subsection, shall not be filled.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section, the item relating to North Carolina in such table is amended to read as follows:

"North Carolina:	
Eastern	4
Middle	4
Western	4."

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this Act.

By Mr. GRASSLEY:

S. 1019. For the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

• Mr. GRASSLEY. Mr. President, today I am introducing legislation to allow Regine Beatie Edwards, an 18 year old German-born legal resident of the United States, to realize her life-long dream of becoming a United States citizen.

Miss Edwards is the adopted daughter of Mr. Stan Edwards, a U.S. citizen who married Regine's mother while engaged in military service in Germany. Regine moved to the United States with her mother on October 16th, 1994. In 1997, Mr. Edwards contacted the INS on several occasions, attempting to obtain the proper form to apply for Regine's naturalization. The INS sent Mr. Edwards form N-643, Application for Certificate in Behalf of an Adopted Child. The INS informed Mr. Edwards that the adoption had to be completed by the time Regine turned 18. The adoption was completed on January 13th, 1997, when Regine was 16½ years of age. Mr. Edwards delivered Regine's application to the INS office in Omaha, Nebraska on March 27, 1998.

The INS reported in January of 1998 that the application was to be denied since the adoption of Ms. Edwards had not been completed prior to her 16th birthday, and therefore form N-643 was the incorrect form for application. Previously, the INS had told Mr. Edwards that the adoption need only be completed by Regine's 18th birthday. The INS then refunded to Mr. Edwards the application fee and informed him that, because of her age, Regine met only three of four qualifications to apply for citizenship. Had the INS told the Edwards that Regine needed to be adopted by the age of 16 in order to qualify for citizenship, the Edwards would have expedited the adoption process, and Regine would be closer to her dream of citizenship.

This bill, passed during the last Congress by the Senate but not acted on by the House, would reclassify Regine as a child pursuant to section 101(b)(1) of the Immigration and Naturalization Act, thereby allowing the processing of her citizenship application.

Regine has stated that it has always been a goal of hers to live in the United States, and to become a citizen of, as she puts it, "a land of freedom and individual opportunity to seek out your dreams and realize them." It would be tragic if we were to let a simple mistake on the part of the INS prevent such a promising young woman from becoming a U.S. citizen. I urge my fellow colleagues to support Regine by allowing her to make her dream of U.S. citizenship a reality.●

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 1020. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

MOTOR VEHICLE FRANCHISE CONTRACT
ARBITRATION FAIRNESS ACT

• Mr. GRASSLEY. Mr. President, today, along with my colleague from Wisconsin, Senator FEINGOLD, I am introducing the Motor Vehicle Franchise Contract Arbitration Fairness Act.

Over the years, I have been in the forefront of promoting alternative dispute resolution (ADR) mechanisms to encourage alternatives to litigation when disputes arise. Such legislation includes the permanent use of ADR by federal agencies. Last year we also passed legislation to authorize federal court-annexed arbitration. These statutes are based, in part, on the premise that arbitration should be voluntary rather than mandatory.

While arbitration often serves an important function as an efficient alternative to court some trade offs must be considered by both parties, such as limited judicial review and less formal procedures regarding discovery and rules of evidence. When mandatory binding arbitration is forced upon a party, for example when it is placed in a boiler-plate agreement, it deprives the weaker party the opportunity to elect any other forum. As a proponent of arbitration I believe it is critical to ensure that the selection of arbitration is voluntary and fair.

Unequal bargaining power exists in contracts between automobile and truck dealers and their manufacturers. The manufacturer drafts the contract and presents it to dealers with no opportunity to negotiate. Increasingly these manufacturers are including compulsory binding arbitration in their agreements, and dealers are finding themselves with no choice but to accept it. If they refuse to sign the contract they have no franchise. This clause then binds the dealer to arbitration as the exclusive procedure for resolving any dispute. The purpose of arbitration is to reduce costly, time-consuming litigation, not to force a party to an adhesion contract to waive access to judicial or administrative forums for the pursuit of rights under state law.

I am extremely concerned with this industry practice that conditions the granting or keeping of motor vehicle franchises on the acceptance of mandatory and binding arbitration. While several states have enacted statutes to protect weaker parties in "take it or leave it" contracts and attempted to prevent this type of inequitable practice, these state laws have been held to conflict with the Federal Arbitration Act (FAA).

In 1925, when the FAA was enacted to make arbitration agreements enforceable in federal courts, it did not expressly provide for preemption of state law. Nor is there any legislative history to indicate Congress intended to occupy the entire field of arbitration. However, in 1984 the Supreme Court interpreted the FAA to preempt state law in *Southland Corporation versus Keating*. Thus, state laws that protect

weaker parties from being forced to accept arbitration and to waive state rights (such as Iowa's law prohibiting manufacturers from requiring dealers to submit to mandatory binding arbitration) are preempted by the FAA.

With mandatory binding arbitration agreements becoming increasingly common in motor vehicle franchise agreements, now is the time to eliminate the ambiguity in the FAA statute. The purpose of the legislation Senator FEINGOLD and I are introducing is to ensure that in disputes between manufacturers and dealers, both parties must voluntarily elect binding arbitration. This approach would continue to recognize arbitration as a valuable alternative to court—but would provide an option to pursue other forums such as administrative bodies that have been established in a majority of states, including Iowa, to handle dealer/manufacturer disputes.

This legislation will go a long way toward ensuring that parties will not be forced into binding arbitration and thereby lose important statutory rights. I am confident that given its many advantages arbitration will often be elected. But it is essential for public policy reasons and basic fairness that both parties to this type of contract have the freedom to make their own decisions based on the circumstances of the case.

I urge my colleagues to join Senator FEINGOLD and myself in supporting this legislation to address this unfair franchise practice.●

• Mr. FEINGOLD. Mr. President, I rise today to introduce, with my distinguished colleague from Iowa, Senator GRASSLEY, the "Motor Vehicle Franchise Contract Arbitration Fairness Act of 1999."

While alternative methods of dispute resolution such as arbitration can serve a useful purpose in resolving disputes between parties, I am extremely concerned by the increasing trend of stronger parties to a contract forcing weaker parties to waive their rights and agree to arbitrate any future disputes that may arise. Earlier this Congress, I introduced S. 121, the Civil Rights Procedures Protection Act, to amend certain civil rights statutes to prevent the involuntary imposition of arbitration to claims that arise from unlawful employment discrimination and sexual harassment.

It has come to my attention that the automobile and truck manufacturers, which often present dealers with "take it or leave it" contracts, are increasingly including mandatory and binding arbitration clauses as a condition of entering into or maintaining an auto or truck franchise. This practice forces dealers to submit their disputes with manufacturers to arbitration. As a result, dealers are required to waive access to judicial or administrative forums, substantive contract rights, and statutorily provided protection. In short, this practice clearly violates the dealers' fundamental due process rights

and runs directly counter to basic principles of fairness.

Franchise agreements for auto and truck dealerships are typically not negotiable between the manufacturer and the dealer. The dealer accepts the terms offered by the manufacturer, or it loses the dealership. Plain and simple. Dealers, therefore, have been forced to rely on the states to pass laws designed to balance the manufacturers' far greater bargaining power and to safeguard the rights of dealers. The first state automobile statute was enacted in my home state of Wisconsin in 1937 to protect citizens from injury caused when a manufacturer or distributor induced a Wisconsin citizen to invest considerable sums of money in dealership facilities, and then canceled the dealership without cause. Since then, all states except Alaska have enacted substantive law to balance the enormous bargaining power enjoyed by manufacturers over dealers and to safeguard small business dealers from unfair automobile and truck manufacturer practices.

A little known fact is that under the Federal Arbitration Act (FAA), arbitrators are not required to apply the particular federal or state law that would be applied by a court. That enables the stronger party—in this case the auto or truck manufacturer—to use arbitration to circumvent laws specifically enacted to regulate the dealer/manufacturer relationship. Not only is the circumvention of these laws inequitable, it also eliminates the deterrent to prohibited acts that state law provides.

The majority of states have created their own alternative dispute resolution mechanisms and forums with access to auto industry expertise that provide inexpensive, efficient, and non-judicial resolution of disputes. For example, in Wisconsin mandatory mediation is required before the start of an administrative hearing or court action. Arbitration is also an option if both parties agree. These state dispute resolution forums, with years of experience and precedent, are greatly responsible for the small number of manufacturer-dealer lawsuits. When mandatory binding arbitration is included in dealer agreements, these specific state laws and forums established to resolve auto dealer and manufacturer disputes are effectively rendered null and void with respect to dealer agreements.

Besides losing the protection of federal and state law and the ability to use state forums, there are numerous reasons why a dealer may not want to agree to binding arbitration. Arbitration lacks some of the important safeguards and due process offered by administrative procedures and the judicial system: (1) arbitration lacks the formal court supervised discovery process often necessary to learn facts and gain documents; (2) an arbitrator need not follow the rules of evidence; (3) arbitrators generally have no obligation to provide factual or legal discussion of

the decision in a written opinion; and (4) arbitration often does not allow for judicial review.

The most troubling problem with this sort of mandatory binding arbitration is the absence of judicial review. Take for instance a dispute over a dealership termination. To that dealer—that small business person—this decision is of commercial life or death importance. Even under this scenario, the dealer would not have recourse to substantive judicial review of the arbitrators' ruling. Let me be very clear on this point; in most circumstances an arbitration award cannot be vacated, even if the arbitration panel disregarded state law that likely would have produced a different result.

The use of mandatory binding arbitration is increasing in many industries, but nowhere is it growing more steadily than the auto/truck industry. Currently, at least 11 auto and truck manufacturers require some form of such arbitration in their dealer contracts.

In recognition of this problem, many states have enacted laws to prohibit the inclusion of mandatory binding arbitration clauses in certain agreements. The Supreme Court, however, held in *Southland Corp. v. Keating*, 104 S. Ct. 852 (1984), that the FAA by implication preempts these state laws. This has the effect of nullifying many state arbitration laws that were designed to protect weaker parties in unequal bargaining positions from involuntarily signing away their rights.

The legislative history of the FAA indicates that Congress never intended to have the Act used by a stronger party to force a weaker party into binding arbitration. Congress certainly did not intend the FAA to be used as a tool to coerce parties to relinquish important protections and rights that would have been afforded them by the judicial system. Unfortunately, this is precisely the current situation.

Although contract law is generally the province of the states, the Supreme Court's decision in *Southland Corp.* has in effect made any state action on this issue moot. Therefore, along with Senator GRASSLEY, I am introducing this bill today to ensure that dealers are not coerced into waiving their rights. Our bill, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1999 would simply provide that each party to an auto or truck franchise contract would have the choice to select arbitration. The bill would not prohibit arbitration. On the contrary, the bill would encourage arbitration by making it a fair choice that both parties to a franchise contract may willingly and knowingly select. In short, this bill would ensure that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

In effect, if small business owners today want to obtain or keep their auto or truck franchise, they may be

able to do so only by relinquishing their statutory rights and foreclosing the opportunity to use the courts or administrative forums. Mr. President, I cannot say this more strongly—this is unacceptable; this is wrong. It is at great odds with our tradition of fair play. I therefore urge my colleagues to join in this bipartisan effort to put an end to this invidious practice.●

By Mr. KOHL:

S. 1021. A bill to provide for the settlement of claims of the Menominee Indian Tribe of Wisconsin; to the Committee on the Judiciary.

MEMOINÉE TRIBAL FAIRNESS ACT OF 1999

Mr. KOHL. Mr. President, today I am introducing bipartisan legislation that would give a Congressional "stamp of approval" to a settlement for which the Menominee Indian Tribe of Wisconsin has long awaited—a settlement that, in my opinion and in the opinion of the Federal Court that approved it last year, is long overdue.

Specifically, this bill—the "Menominee Tribal Fairness Act of 1999"—would enforce a settlement owed to the Menominee Tribe by the Federal government, whose termination of the Tribe's federal trust status resulted in enormous damage to the Menominee from 1954 to 1973. Six years ago, Congress passed a congressional reference that ordered the U.S. Claims Court to report back regarding what damages, if any, were owed the Tribe. Last year, the Court approved a \$32 million settlement, and now that we have settled the merits of the case, we simply need congressional approval to conclude this 45-year-old matter once and for all. Let me tell you why this legislation is crucially needed.

When Congress passed the Menominee Termination Act of June 13, 1954, it ended the Tribe's federal trust status, effective in 1961. As a result of termination, the Menominee Tribe plunged into years of severe impoverishment and community turmoil. Indeed, according to a 1965 BIA study of conditions on the former reservation, the economic and social effects were disastrous. Unemployment was 26 percent, compared to Wisconsin's 5 percent rate. The school dropout rate was 75 percent, and the per capita income was less than one-third of the state average. The local hospital, which was built with tribal funds, was shut down because it could not meet state standards, effectively eliminating local health care services which in turn increased mortality rates.

Twelve years after termination, Congress recognized the economic and social devastation this Act had caused for the Tribe by passing the Menominee Restoration Act of 1973, which reinstated the Tribe's federal trust status. Clearly, though, BIA mismanagement and termination threatened to devastate the Tribe for generations to

come, and the Tribe subsequently sought relief for its recuperation.

The Menominee Tribe took this matter to the courts, and though it obtained favorable trial court judgments on the merits of its claims, the Tribe encountered a series of technical roadblocks that prevented it from ever really having its case heard.

The Tribe then came to Congress for help. But it was not until 1993 that Congress passed my proposal to settle this matter by sending it to the Court of Claims and ordering the court to report back what damages the Tribe was owed.

After extensive negotiation, the Federal government and the Menominee Tribe agreed upon a settlement of the Tribe's claims for a sum of \$32,052,547. The Claims Court, on August 12, 1998, reported back to Congress, concluding that the Tribe has stated legitimate claims and endorsing this settlement.

Now, to compensate the Tribe for damages and implement the decision of the Court of Claims, we must pass this legislation that authorizes the payment of this agreed-to settlement. And the money does not have to be appropriated—it will simply be taken from a Treasury Department "judgment fund" account.

Mr. President, the congressional reference procedure is designed so that the court may examine claims against the United States based on negligence or fault, or based on less than fair and honorable dealings, regardless of "technical" defenses that the United States may otherwise assert, especially the statute of limitations.

In other words, it is to be used for precisely the types of circumstances surrounding the Menominee Tribe. The tribe and its members suffered grievous economic loss through legislative termination of its rights and from BIA mismanagement of its resources. Indeed, the Federal governments' actions brought the Menominee Tribe to the brink of economic, social, and cultural disaster. In 1973, the tribe was restored to Federal recognition and tribal status by action of the Congress. But the Tribe has yet to be compensated for the damages it suffered.

Mr. President, I urge my colleagues to approve the Court's ruling, support this bill, and settle this case once and for all. And don't take my word for it—this measure has been endorsed by the Chairman of the Indian Affairs Committee, BEN NIGHTHORSE CAMPBELL, and Representative MARK GREEN, who represents the district where the Menominee reservation is located.

I ask unanimous consent that the full texts of my bill, the U.S. Court of Federal Claims Report of the Review Panel, Court Order, and Stipulation for Recommendation of Settlement, along with Chairman CAMPBELL's letter of support for this measure, be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT.

The Secretary of the Treasury shall pay to the Menominee Indian Tribe of Wisconsin, out of any funds in the Treasury of the United States not otherwise appropriated, \$32,052,547 for damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(1) the enactment and implementation of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954 (68 Stat. 250 et seq., chapter 303); and

(2) the mismanagement by the United States of assets of the Menominee Indian Tribe held in trust by the United States before April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

SEC. 2. EFFECT OF PAYMENT.

Payment of the amount referred to in section 1 shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in that section.

SEC. 3. REQUIREMENTS FOR PAYMENT.

The payment to the Menominee Indian Tribe of Wisconsin under section 1 shall—

(1) have the status of a judgment of the United States Court of Federal Claims for the purposes of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) be made in accordance with the requirements of that Act on the condition that after payment of attorneys fees and expenses of litigation, of the remaining amount—

(A) not less than 30 percent shall be distributed on a per capita basis; and

(B) not more than 70 percent shall be set aside and programmed to serve tribal needs, including—

(i) educational, economic development, and health care programs; and

(ii) such other programs as the circumstances of the Menominee Indian Tribe of Wisconsin may justify.

[In the United States Court of Federal Claims, No. 93-649X (Filed: August 12, 1998)]

MENOMINEE INDIAN TRIBE OF WISCONSIN,
PLAINTIFF, v. THE UNITED STATES, DEFENDANT
REPORT OF THE REVIEW PANEL

Pending before the review panel in this congressional reference is the order of the hearing officer of August 11, 1998, adopting the stipulated settlement of the parties. The parties have agreed to resolve this matter without further litigation. The hearing officer carefully reviewed the basis of the settlement and satisfied himself that it was well grounded in fact and law. The parties have waived by stipulation the normal period for filing exceptions to the report.

This panel hereby affirms and adopts the order of the hearing officer in its entirety. After reviewing the order of August 11, 1998, it is the judgment of this panel that the stipulated agreement between the parties is a just and equitable resolution of the lengthy dispute that it resolves. It is the view of the panel that there is a basis in law and in equity to support the payment to the Tribe of the settlement amount and that such payment would not constitute a gratuity.

Accordingly, the review panel recommends that Congress adopt legislation paying to the Menominee Tribe of Wisconsin \$32,052,547 in settlement of the claims embraced in this congressional reference.

Because the parties have waived the normal period for requesting reconsideration, the Clerk is directed promptly to forward this order and supporting materials to Congress.

Done this twelfth day of August, 1998.

ROBERT H. HODGES, Jr.,
Presiding Officer.
MOODY R. TIDWELL,
Panel Member.
BOHDAN A. FUTEY,
Panel Member.

[In the United States Court of Federal Claims, No. 93-649X (Filed: August 11, 1998)]

MENOMINEE INDIAN TRIBE OF WISCONSIN,
PLAINTIFF, v. THE UNITED STATES, DEFENDANT

Charles A. Hobbs, with whom were Jerry C. Straus, Frances L. Horn, Marsha Kostura Schmidt, and Joseph H. Webster, all of Washington, D.C. for plaintiff.

James Brookshire, with whom was Glen R. Goodsell, U.S. Department of Justice, General Litigation Section, Environment & Natural Resources Division, Washington, D.C., for defendant.

ORDER

On August 6, 1993, Senate Resolution 137 referred to the Court of Federal Claims a proposed bill, S. 1335, for the relief of the Menominee Indian Tribe of Wisconsin, and requested the Chief Judge to proceed in accordance with the provisions of 28 U.S.C. §§1492 and 2509 regarding congressional references. The Resolution requested that the court "report back to the Senate . . . providing such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the damages referred to in such bill as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the Menominee Indian Tribe of Wisconsin by reason of such damages."

The proposed bill if enacted would authorize the payment, "out of any money in the Treasury of the United States not otherwise appropriated," of "a sum equal to the damages sustained by the Menominee Tribe of Wisconsin by reason of "(a) the enactment and implementation of the Act of June 17, 1954 (68 Stat. 250), as amended, and (b) the mismanagement by the United States of the Menominee assets held in trust by the United States prior to April 30, 1961, the effective date of Termination of Federal supervision of the Menominee Indian Tribe of Wisconsin."

The Menominee Tribe filed with this court a complaint alleging injury and damages that arose from the enactment and implementation of the Menominee Termination Act, as well as for various acts of mismanagement by the Bureau of Indian Affairs (BIA) during the period to Termination, 1951-1961. Specific claims alleged were: Count (I) Congressional Breach of Trust ("Basic" claim); (II) Forest Mismanagement; (III) Mill Mismanagement; (IV) Loss of Tax Exemption; (V) Loss of Hospital; (VI) Highway Rights-of-Way; (VII) Power Lines; (VIII) Public Water and Sewage Systems; (IX) Mismanagement of Tribal Funds (Accounting); (X) Loss of Government Programs; (XI) Imposition of Bond Debt; and (XII) Loss of Tribal Property.

This case has a long history before this court. Many of the claims at issue in this congressional reference were litigated previously before the U.S. Court of Claims in the case of *Menominee Tribe of Indians v. United States*, Nos. 134-67-A through -I, originally filed in April 1967. The case concerned breach of trust and taking claims related to the Termination of the Menominee Tribe and certain claims for mismanagement of tribal

assets during the period prior to Termination (1951-1961). It has been the subject of seven trial court decisions and four decisions before the appellate court. *Menominee Tribe v. United States*, 607 F.2d 1335 (Ct. CL. 1979) (congressional breach of trust or "Basic" claim); *Menominee Tribe v. United States*, 223 Ct. Cl. 632 (1980) (tax exemption statute of limitations); *Menominee Tribe v. United States*, 726 F.2d 712 (Fed. Cir. 1983) (deed restrictions); *Menominee Tribe v. United States*, 726 F.2d 718 (Fed. Cir. 1984) (forest mismanagement). All of the dockets were ultimately dismissed in 1984, seventeen years after they were filed, on statute-of-limitations and jurisdictional grounds.

Relying on the substantial record developed in that earlier case as well as on substantial supplemental evidence in the current case, the parties in the present congressional reference filed briefs with the court on the issue of liability as to the first three counts of the Tribe's complaint, as well as on the issue of whether there was good cause for removing the bar of the statute of limitations. In an opinion dated October 30, 1997, this hearing officer held that the claims for Congressional Breach of Trust and forest Mismanagement were not equitable claims for which damages could be recommended; rather, payment of damages for these claims would constitute a gratuity. See *Menominee Indian Tribe v. United States*, 39 Fed. Cl. 441, 460-62 (1997). This hearing officer held as to the Mill Mismanagement claim that the issues presented were grounded in equity, but reserved to a later time a decision on the merits and damages, if any, as to each of the particular acts of mill mismanagement alleged by the Tribe. See *id.* at 471. Finally, the hearing officer held that there was good cause to remove the bar of the statute of limitations, which had barred some of the claims in the earlier case. See *id.* The Tribe has stated in the stipulation filed by the parties its disagreement with the hearing officer's holdings on the merits of Count I and II and its intention, if the case were not settled, to appeal the ruling to the review panel. The United States has reserved the right to challenge the hearing officer's good-cause ruling.

After those decisions were rendered, the parties entered into settlement discussions and on August 11, 1998, the parties filed with the hearing officer for approval a stipulated settlement agreement, attached hereto, asking the hearing officer to report to Congress that it has approved the stipulation and recommends that Congress adopt it.

The parties have stipulated that the reference overall includes proper equitable claims appropriate for settlement, and though each side contests certain aspects of the case and aspects of the decisions rendered by this hearing officer, the parties have agreed that the case overall is appropriate for compromise and settlement.

The stipulation of the parties, attached hereto, details the claims and the damage award sought by the Tribe in this reference for the twelve claims. The Tribe claims a total value of \$141 million on all of its claims. Although the government does not concur in the Tribe's assessment of the individual claims, it has negotiated terms of a settlement with the Tribe that the parties believe to be fair, just, and equitable. Although the parties did not agree on a settlement value to each claim in the case, the parties have stipulated, in compromise and settlement of the reference overall, that the Menominee Tribe should be compensated in the amount of \$32,052,547 in total for its claims as a whole.

In issuing its opinion in 1997 with respect to the first three counts, this hearing officer read all the findings and conclusions of the

prior litigation, as well as the appellate opinions. In addition the hearing officer read all the expert reports, irrespective of whether they were directed solely to issues raised in the first three counts, and reviewed virtually all the remaining documentary and testimonial evidence. Because the settlement agreement encompasses not only the three claims that were the subject of the prior opinion, however, but also the remaining claims that have not yet been heard on the merits in the present case, as well as other claims that could have been alleged in the reference, the hearing officer considered additional documentary evidence and citations to the record as well as other information to satisfy himself that the reference overall includes claims equitable in nature. This evidence includes documentary exhibits and an expert report bearing on the Tribe's claim for mismanagement of funds. The government reviewed this evidence as well and provided to the hearing officer its position as to the claims.

Upon careful review of the evidence and consideration of the legal issues, and without withdrawing my 1997 opinion, I am satisfied that the reference overall includes substantial equitable claims appropriate for settlement. I have reviewed the evidence in support of the remaining nine counts, as well as the evidence supporting the damages assertions, and believe that there is ample basis in the record to support a settlement on the grounds that these counts embrace equitable claims that could be the subject of an affirmative recommendation by the hearing officer. I also am satisfied that the amount of the settlement proposed is in line with my assessment of a potential recovery, particularly when recognizing that the tribe does not concede the correctness of the 1997 opinion with respect to counts I and II. Further, while recognizing that the United States disagrees, I conclude that, based on my prior good-cause ruling in this matter, there is a proper basis to find that the bar of the statute of limitations, to the extent applicable, should be removed.

Based on the facts presented in the stipulation, and the evidence that the hearing officer has independently reviewed after consideration of the legal issues, the hearing officer hereby reports that:

a. The reference overall states equitable claims against the United States as set forth in the bill referred to this court.

b. The amount agreed by the parties to be equitably due the Menominee Indian Tribe in full settlement of the aforesaid equitable claims, namely \$32,052,547, appears fair and reasonable to the hearing officer, and the hearing officer recommends that Congress appropriate this amount to the Tribe.

c. there is good cause to remove the bar of the statute of limitations to the extent it applies to any of the claims.

d. The parties have stipulated that they waive the right they would otherwise have under RCFC appendix D, paragraph nine, to a thirty-day period in which to accept or reject this recommendation. They have stipulated to its acceptability. They have also stipulated, in the event that the review panel accepts this recommendation, to waive the right to reconsideration under RCFC appendix D, paragraph eleven.

ERIC G. BRUGGINK,
Hearing Officer.

[Congressional Reference to the United States Court of Federal Claims, Congressional Reference No. 93-649X (Judge Bruggink)]

MEMOINNEE INDIAN TRIBE OF WISCONSIN,
PLAINTIFF, v. UNITED STATES OF AMERICA,
DEFENDANT

STIPULATION FOR RECOMMENDATION OF
SETTLEMENT

1. On August 6, 1993, the Senate enacted Resolution 137 which referred to this court a proposed bill, S. 1335, for the relief of the Menominee Indian Tribe of Wisconsin, and requested the Chief Judge to proceed in accordance with the provisions of 28 U.S.C. §§1492 and 2509 regarding Congressional References. The Resolution requested that the court "report back to the Senate . . . providing such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the damages referred to in such bill as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the Menominee Indian Tribe of Wisconsin by reason of such damages."

2. The proposed bill, S. 1335, sets forth the claims Congress requested the court to consider as follows:

"Section 1. The Secretary of the Treasury is authorized and directed to pay to the Menominee Indian Tribe of Wisconsin, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

"(a) the enactment and implementation of the Act of June 17, 1954 (68 Stat. 250), as amended, and

"(b) the mismanagement by the United States of the Menominee assets held in trust by the United States prior to April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

"Section 2. Payment of the sum referred to in section 1 shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in such section."

3. Many of the claims at issue in this Congressional Reference were litigated previously before the United States Court of Claims in the case of *Menominee Tribe of Indians v. United States*, Dkt. Nos. 134-67 A through I, originally filed in 1967. That case concerned breach of trust and taking claims related to the Termination of the Menominee Tribe and certain claims for mismanagement of tribal assets prior to Termination. It was the subject of seven trial court decisions and four decisions before the appellate court. All of the dockets were ultimately dismissed in 1984, seventeen years after they were filed, on statute of limitations and jurisdictional grounds; none were dismissed on the merits. The Congressional Reference asks this court to make a recommendation under the principles applicable in Congressional Reference cases as to whether the claims are legal or equitable or a gratuity.

4. The Tribe has alleged twelve claims in this Congressional Reference as follows:

(I) *Congressional Breach of Trust*.—The Tribe claims that the United States breached its trust duty to the Tribe by enacting and implementing the Termination Act of June 17 1954, which terminated federal supervision over the Menominee Tribe. The nature of the alleged wrong was that the Tribe was not prepared for Termination and that, though Congress has the power to terminate a Tribe, it cannot without breaching its trust responsibilities terminate the Tribe prematurely or

in a manner that would result in unreasonable harm to the Tribe. The Tribe claims this was the circumstance in 1954 when the Termination Act was enacted and later in 1961 when the Termination Act was implemented. It is alleged that after the Termination Act was implemented, the economy on the reservation collapsed, and tribal members suffered from poverty, serious lack of health care and education, disruption of tribal institutions and customary ways of making a living, causing severe economic and psychological hardship, so that the once thriving Menominee reservation became a pocket of poverty and despair. In the Tribe's view, the loss of tribal status left tribal members disenfranchised and shorn of their tribal identity and culture.

The Tribe's federal trust status was later restored in 1973. In enacting the Restoration Act, 25 U.S.C. §903, members of the enacting Congress repudiated the policy of Termination as applied to the Menominee as a "mistake", a "failure" and "an experiment that has had tragic and disheartening results." 119 Cong. Rec. 34308 (Oct. 16, 1973) (statements of Rep. Froehlich, Nelson and Kastenmeier). President Nixon also stated that "This policy of forced Termination is wrong . . ." 6 Pres. Doc. 894 (1970), reprinted in, 116 Cong. Rec. S23258-23262 (July 8, 1970).

In the original "Basic" proceeding the trial court held that the United States had breached its trust duties to the Tribe by terminating it. However, on appeal, the Court of Claims held that the court had no jurisdiction to determine if an act of Congress was a wrong subject to judicial remedy. *Menominee Tribe v. United States*, 607 F.2d 1335 (Ct. Cl. 1979). Following the reasoning of the Court of Claims, the hearing officer in this Congressional Reference has also held that even though "the decision to end the Government's relationship with the Tribe when it did was a serious mistake of judgment," acts of Congress cannot serve as a source of a wrong even as an equitable claim in a Congressional Reference context.

Whether this conclusion has been, and remains, correct is a subject of contention between the parties. In any event, the Tribe has the right to seek review of this decision by the Review Panel when it becomes final. The Government agrees with the hearing officer's ruling. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is \$60 million.

(II) *Forest Mismanagement*.—This is a claim for breach of trust in the mismanagement of the Menominee Tribe's valuable forest between 1951 and 1961, prior to Termination. The claim springs from the alleged failure of the BIA to seek an amendment to the congressionally imposed but (according to the Tribe) outdated statutory cutting limit which seriously impaired the ability of the agency to properly manage the forest. In the original case the trial court found the BIA had breached its trust duty and awarded damages in the amount of \$7.2 million. The decision was overturned when the Federal Circuit ruled the claim was barred by the statute of limitations. *Menominee Tribe v. United States*, 726 F.2d 718 (Fed. Cir. 1984).

In the Congressional Reference action, this claim was briefed before the hearing officer, who held that the claim could not be an equitable one because the Tribe was actually challenging an act of Congress. As such the claim was dismissed for reasons similar to those set forth under Count I—i.e., an act of Congress may not constitute a wrong, even for an "equitable" claim. The Tribe strenuously disagrees with that assessment be-

cause it believes the wrongdoer was the BIA for not warning Congress of the damage being done by the outmoded cutting limit. The Tribe has the right to review of this decision by the Review Panel when it becomes final. The Government disagrees with the Tribes's legal and factual basis for this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of the Forest claim is \$6.6 million.

(III) *Mill Mismanagement*.—This claim is for breach of trust in the mismanagement of the Menominee Mill between 1951 and 1961. In the Tribe's view, the Mill and Forest were the heart of the economy on the Reservation. The claim focuses on the BIA's alleged failure to make repairs and to maintain the Mill, as well as update the equipment to make it efficient and safe. The claim is made up of 13 subclaims which deal with specific acts of mill mismanagement. In the original case, the trial court awarded \$5.5 million in damages, but the claim was later dismissed by stipulation based on the Federal Circuit's ruling on statute of limitations in the forest mismanagement case.

In this Congressional Reference, the hearing officer ruled that the claim is an equitable claim but has reserved judgment as to liability and damages on each of the 13 subclaims to a later proceeding. The hearing officer also ruled that there is reason to remove the statute of limitations bar. The Government disputes this and has the right to seek review of both rulings. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is \$5.9 million.

(IV) *Tax Exemption Taking*.—This claim alleges the taking of the Tribe's tax exemption with the passage of the Termination Act. The Tribe claims that, at the time of Termination, it held a valuable property right in its tax immunity. According to the Tribe, this immunity from taxes was based on (a) the Tribe's political status as a sovereign entity; (b) the related doctrine that a state has no jurisdiction over a tribe; and (c) the Tribe's treaty-guaranteed right that its land would "be held as Indian lands are held," and hence implied tax exemption. Treaty of 1854, 10 Stat. 1065, Art. 2. The Tribe alleges that this immunity from taxation is a property right protected by the Fifth Amendment. See *Choate v. Trappe*, 224 U.S. 665 (1912).

When the Termination Act was passed, it envisioned specifically subjecting the assets and income of the Tribe's successor corporation (Menominee Enterprise, Inc. or MEI) to federal and state taxation. 25 U.S.C. §§898, 899. While Congress has the power to take away the Tribe's immunity from tax, the Tribe contends that immunity is a valuable property right and that the Tribe is constitutionally entitled to just compensation for its taking (*Choate v. Trappe*, supra).

In the original case the taking claim was subject to trial and briefing but was ultimately dismissed on statute of limitations grounds. *Menominee Tribe v. United States*, 223 Ct. Cl. 632 (1980). The Tribe maintains that, as a taking claim, the claim is an equitable one and that there is a substantial argument that the statute of limitations should be removed. The United States does not concur in the Tribe's assessment of this claim. The hearing officer has not heard this claim. The Tribe's valuation of this claim is \$12,675,910 including principal and interest.

(v) *Hospital Breach of Trust*.—The Tribe claims that the BIA breached its trust duty in managing tribal funds which were negligently spent by the BIA in remodeling the

Tribe's hospital. The Tribe alleges that the BIA was required to ensure that any renovations to the hospital be in the best interest of the Tribe. In the Tribe's view, this necessarily included bringing the hospital up to state standards when the BIA knew that the hospital would become subject to state laws upon Termination. The Tribe alleges that the BIA failed in this duty by spending hundreds of thousands of dollars of tribal money on major renovations to the Tribe's hospital, though it knew that the renovations would be inadequate under State codes to allow the hospital to continue operating after Termination. Further, according to the Tribe, the BIA failed to remedy these problems in the months before Termination despite the BIA's actual knowledge that the hospital could not be licensed due to numerous violations of State codes. Allegedly as a result, the hospital was forced to close and the tribal money spent on renovations was wasted.

The Tribe alleges that such conduct is a clear violation of the BIA's trust duty to manage tribal funds prudently and is a proper basis for an equitable claim. The original court proceeding did not address this claim directly and it was dismissed by stipulation along with the other unadjudicated claims, in the wake of the unfavorable rulings on the Basic and Forest claims in 1979 and 1984. The Tribe contends that the Court of Claims did however recognize, in dicta, this claim as a potential breach of trust claim. 607 F.2d 1335, 1346-47. The hearing officer has not heard this claim. The United States does not concur in the Tribe's assessment of the facts or law underlying this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is \$3,952,307 including principal and lost interest.

(VI) *Road Right-of-Way Taking*.—Under the Treaty of 1854, the United States held, in trust for the Menominee Tribe, fee title to all land within the Menominee Reservation. The State of Wisconsin built two highways and smaller roads throughout the reservation in the early 1920's. As the 1961 Termination date approached, the State requested and the BIA agreed that the roads on the reservation be brought up to State standards and transferred to the State, and to the future Menominee Town and County. On April 26, 1961, the United States transferred by quitclaim deed for \$1.00, a right-of-way over the existing road system on the Reservation as well as additional acreage for the widening of the roads as requested by the State. The Secretary allegedly obtained no compensation for the transfer of the easement or the timber located on the additional right-of-way, nor did the Secretary reserve to the Tribe the right to log that timber.

The Tribe claims that this transfer was a taking under the Fifth Amendment. In the original claim, the trial judge found the transfers were a taking but reserved damages to a later date. The claim was subsequently dismissed by stipulation. As a taking claim, the Tribe maintains that the claim constitutes an equitable claim within the context of the Congressional Reference. The United States does not concur in the Tribe's assessment of this claim. Despite their different positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The hearing officer has not heard this claim. The Tribe's valuation of this claim is \$1,664,996 including principal and interest.

(VII) *Power Contract and Right-of-Way Breach of Trust*.—This claim is properly considered included as one of the subclaims in the Mill Mismanagement (count III) count

and damages are included in that total figure.

(VIII) *Water and Sewer Breach of Trust*.—This is a claim that BIA failed to ensure that adequate water and sewer facilities were in place on the Reservation between the period 1951 and 1961. In the original claim, the trial judge found the BIA had breached its fiduciary duty to maintain properly and to upgrade these facilities but reserved damages to a later time. The government disagrees with that ruling. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The hearing officer has not yet heard this claim. The Tribe examined the claim in the context of the current case and decided to drop the claim.

(IX) *Mismanagement of Funds Breach of Trust*.—This is a breach of trust claim for the improper expenditure of tribal trust funds by the BIA between 1951 and 1961 and the loss of interest on the money removed from the trust funds. The Tribe claims there were four types of improper expenditure, and asserts the following arguments in support of its position:

(1) The BIA used tribal funds to pay for the BIA's own agency administrative expenses. Since administrative expenses are considered to be for the benefit of and therefore the responsibility of the Government, use of tribal funds for these expenses was a breach of the Secretary's trust duty to manage the Tribe's funds as a trustee would. *Sioux Tribe v. United States*, 105 Ct.Cl. 725 (1946). Moreover, by expending these funds, the Tribe lost interest it would otherwise have earned.

(2) Tribal funds were also used to pay for law and order expenses on the reservation. These expenses are also the responsibility of the Government and not the tribe, and are also not allowed. *Blackfeet Tribe v. United States*, 32 Ind. Cl. Comm. 65 (1973); *Red Lake Band v. United States*, 17 Ct.Cl. 362 (1989).

(3) Tribal funds were used for the expenses of the tribal council in administering Termination. Since Termination was for the benefit of the Government, the Government should have borne the expense based on the same principles stated in (1) and (2) above;

(4) Tribal funds were used to pay for tribal health, education, and welfare expenses while the Government routinely paid for these services for other tribes with Government funds. The Tribe alleges that it was a breach of trust to spend the Tribe's money on such expenses particularly when the Tribe's funds were depleted far below the amount necessary for the Tribe to operate its mill and forest profitably before Termination, and to have the necessary capital on hand to make repairs and rehabilitation after Termination.

The total amount of funds the Tribe alleges were imprudently spent in these four claims is \$2,553,180. Had those funds remained in the Tribe's trust fund, and had the Secretary invested those funds as required by 15 U.S.C. 162a, the Tribe alleges that it would have received additional interest. In the Tribe's view, the lost interest is a valid claim. *Cheyenne-Arapahoe Tribes v. United States*, 206 Ct.Cl. 340 (1975). The Tribe's valuation of lost interest to date is \$27,388,973. Its total valuation on the accounting claim is therefore \$29,942,153. The Tribe maintains that the claim for improper expenditures would be an equitable claim within the context of a reference. The government disagrees with the Tribe's assessment of this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The hearing officer has not heard this claim.

(X) *Loss of Government Programs*.—The Tribe considers that the damages of this claim are properly included within the damages of Count I. No separate claim is stated herein.

(XI) *Imposition of Bond Debt*.—As part of the Termination Plan approved by the Secretary of the Interior, each tribal member received an income bond at \$3,000 face value bearing four percent interest. The Tribe argues that, while normally bonds are issued in return for financial capital, in MEI's case a debt was incurred but it received no corresponding funds or assets. Furthermore, the Tribe argues that there was no practical way for MEI to avoid paying the interest on the bonds even when it did not have the funds to do so. The Tribe argues that, although tribal revenues had been sufficient to make stumpage payments to tribal members before Termination, the Secretary knew that MEI would become subject to a massive tax burden, as well as other new expenses after Termination, and that the Secretary also knew, or should have known, that the imposition of such a massive debt burden in addition to these other expenses would undermine the viability of MEI and cause great hardship to the Menominee.

The Tribe argues that the Secretary was required to ensure that the provisions of the Termination Plan which he approved were in the best interest of the Tribe and its members. See *Cheyenne Arapaho Tribes v. United States*, 512 F.2d 1390, 1396 (1975) (BIA required to make "an independent judgment that the tribe's request was in its own best interest"); *Oglala Sioux Tribe v. United States*, 21 Cl. Ct. 176, 193 (Cl. Ct. 1990) (BIA not permitted to place responsibility for poor decisions on Tribe, since tribal decisions subject to final BIA approval).

For these reasons, the Tribe argues, the Secretary breached his duty to the Menominee Tribe by approving the bond provisions of the Termination Plan. If the Secretary breached his trust duty to the Tribe as alleged, it would, in the Tribe's view, be the proper basis for an equitable claim. The hearing officer has not heard this claim. The United States disputes the legal and factual bases for this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is \$20,574,000.

(XII) *Taking of Tribal Property*.—Upon Termination, the tribal office building was transferred to Menominee County by the Secretary of the Interior. The Tribe alleges that The Termination Act, which required the Secretary to approve and put into effect a plan for the management of tribal assets after Termination, contemplated that such transfers of property from control of the Tribe to other entities would take place. The Secretary issued a deed transferring title to the tribal office building to the County. Despite restoration of the Tribe to federal status in 1973, this property was never returned to the Tribe. Further, according to the Tribe, at no time has the Tribe received any compensation for this property taken by the United States, despite the fact that recognized tribal title, including land and buildings, is protected by the Fifth Amendment, and cannot be taken by the Government without just compensation. The United States does not concur in the Tribe's assessment of this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims.

This claim, then an undefined part of the accounting claim, was not heard in the original case and it has not been heard by the

hearing officer in this Congressional Reference. The Tribe's valuation of this claim is \$87,688 including principal and interest.

In summary, the Tribe values its 12 claims at \$141 million. The United States does not concur in the Tribe's assessment of the claims. However, as mentioned above, both parties agree that the Reference overall is appropriate for settlement.

5. There has been a full and extensive development of the record in the prior adjudication before the Court of Claims as to many of these claims. Further extensive development of the facts occurred before the hearing officer in the present proceeding including the filing of supplemental evidence in the record of additional plaintiff expert reports, affidavits, and depositions. The parties agree that, after over thirty years of dispute, including seventeen years of litigation in the first case and some thirteen more years of seeking and litigating this Congressional Reference, there has been a sufficient development of all of the claims to support a compromise and settlement. Further, while the parties are each confident in their positions, they each recognize that the outcome with respect to each claim, if fully litigated, is not certain.

6. The hearing officer issued a detailed opinion on the first three claims as well as on the issue of whether the statute of limitations should be removed. This opinion prompted the parties to enter into extensive settlement negotiations.

7. The stipulations herein are based upon an exhaustive review of the evidence by the parties and these stipulations are justified and supported by competent evidence.

Now therefore the parties stipulate and agree,

(a) That the Congress directed the Court through this Reference to determine whether the Menominee Tribe has legal or equitable claims against the United States as a result of "(a) the enactment and implementation by the United States of the Menominee assets held in trust by the United States prior to April 30, 1961 . . .";

(b) That this Reference overall is a proper one for compromise and settlement, given the extensive development of the legal and factual record that has already occurred in this and prior litigation between the parties, and given the parties' careful consideration and negotiation of the legal and factual issues in this matter;

(c) That, recognizing that the parties reserve their positions on these matters, the legal and factual record developed with respect to the Menominee in this and prior litigation establishes a basis for equitable claims against the United States within the scope of this Reference, including a potential basis for removal of the bar of the statute of limitations;

(d) That it would be fair, just, and equitable, under the terms of the Reference, to pay the Menominee Tribe of Wisconsin the sum of \$32,052,547 as a final settlement of all claims that the Tribe has stated in this action, and that that amount is supported by the record in this and prior litigation;

(e) That, as demonstrated by the record in this and prior litigation, and as acknowledged by President Richard Nixon and members of Congress, the policy of forced termination as applied to the Menominee Tribe, was "wrong";

(f) That the hearing officer in this matter, the Review Panel, and the Chief Judge should approve this Stipulation and recommend to Congress the above-stated sum as the appropriate amount to be paid to the Menominee Tribe;

(g) That the compromise and settlement of these claims include any and all claims which were, or could have been, alleged—either directly or indirectly—pursuant to S.

1355, including, but not limited to, claims for attorney's fees and other expenses;

(h) That any and all claims encompassed by S. 1335 will, consistent with Paragraph (i), below, be fully and finally resolved upon a recommendation of payment of \$32,052,547 as consistent with the overall merit of the claims;

(i) That, upon the tendering of a recommendation by the hearing officer in approving the compromise and settlement of any and all claims encompassed by S. 1335 for the amount agreed to by the parties, and the transmission to Congress by the Chief Judge of the Court's Report to the same effect, the Reference under S. 1335 to the Court of Federal Claims shall be fully and finally resolved; and

(j) That this compromise and settlement derives from the unique circumstances of the Menominee Tribe with respect to the Act of June 17, 1954, and the Tribe's continuous effort since 1967 to obtain relief, and that this compromise and settlement shall not be cited for, and does not constitute, precedent in any fashion with respect to any other dispute.

(k) That, if this stipulation is accepted by the hearing officer, the parties waive their right under RCFC Appendix D ¶9 to file within 30 days a notice of acceptance or exception to the hearing officer's report. They herewith accept such a report.

(l) That, if the hearing officer accepts this stipulation and so reports to the review panel, and if the review panel adopts the report of the hearing officer, the parties waive the right under Appendix D ¶11 to seek rehearing within ten days, and instead request that the matter be promptly filed with the Clerk for transmission by the Chief Judge to Congress.

Stipulated and signed this 11th day of August, 1998.

CHARLES A. HOBBS,
Attorney for the plaintiff.

JAMES BROOKSHIRE,
Attorney for the United States.

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC, April 22, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Committee on Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH AND SENATOR LEAHY: This letter concerns a Congressional reference made by the United States Senate during the 103rd Congress concerning the Menominee Tribe of Wisconsin. Through Senate Resolution 137, the Senate directed the United States Court of Federal Claims to hear a series of claims of the Menominee Tribe and, based on its findings, make recommendations to Congress.

Senator Kohl has indicated that he will soon introduce legislation based upon the findings, recommendations, and conclusions reached by the Court of Federal Claims on August 11, 1998. I understand that the proposed legislation would authorize the settlement of all of the claims referred by Congress in return for a payment of approximately \$32 million. This settlement amount is based on an agreement reached between the Menominee Indian Tribe of Wisconsin and the United States Department of Justice.

On August 12, 1998, the U.S. Court of Federal Claims reported to the Senate that it "recommends that Congress adopted legislation paying to the Menominee Tribe of Wisconsin \$32,052,547 in settlement of the claims

embraced in this congressional reference." It is significant that the hearing officer independently concluded that the settlement was "fair and reasonable" and that the Court's Review Panel concluded that "the stipulated agreement between the parties is a just and equitable resolution of the lengthy dispute that it resolves.

Accepting the recommendations of the Court of Claims provides a means for bringing closure to this painful chapter in our Nation's treatment of the Menominee Tribe. The legislative and judicial path to restitution has been a long road for this Tribe. This journey can and should be brought to an appropriate conclusion during the 106th Congress.

After reviewing this matter, it is clear that the settlement proposal is consistent with past practices and precedents.

Sincerely,

BEN NIGHTHORSE CAMPBELL.

By Mr. DORGAN (for himself, Mr. CONRAD, and Mr. WELLSTONE):

S. 1022. A bill to authorize the appropriation of an additional \$1,700,000,000 for fiscal year 2000 for health care for veterans; to the Committee on Veterans' Affairs.

VETERANS EMERGENCY HEALTH CARE ACT OF
1999

Mr. DORGAN. Mr. President, this country made a promise years ago to the men and women who risked their lives in defense of this nation. They were promised that their health care needs would be provided for by a grateful nation. That promise is not being kept, and it is time to stop paying lip service to those who served this country so well.

The current state of veterans' health care funding is shameful. Spending on veterans' health care has seen no significant increase for three consecutive years, at the very time that more and more of our World War II and Korean war veterans are relying on the VA health care system.

In a memo to VA Secretary Togo West, Under Secretary for Health Dr. Kenneth Kizer expressed concern that a fourth year with a stagnant health care budget "poses very serious financial challenges which can only be met if decisive and timely actions are taken." If increased funding is not secured even deeper cuts will be required such as "mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures."

Today, veterans' health care facilities are laying off care-givers and other critical staff.

It is unlikely that the Senate will increase normal appropriations for veterans health care funding enough to correct three years of neglect. That is why Senator CONRAD and I are proposing an additional \$1.7 billion in emergency spending to address the health care needs of our country's veterans. We need to keep our promises to those who have served our country and risked their lives to preserve our freedoms. This bill is a step in the right direction.

This legislation will help the Veterans' Administration keep up with

medical inflation, provide cost of living adjustments for VA employees, allow new medical initiatives that the VA wants to begin (Hepatitis C screenings and emergency care services), address long-term health care costs, provide funding for homeless veterans, and aid compliance with the Patients Bill of Rights.

In light of other emergency measures this Congress is considering, it is our opinion that preventing a health care catastrophe for our veterans is of equal, if not greater, importance than funding items like the NATO infrastructure fund and overseas military construction projects. Congress is debating right now, many new emergencies, new programs, and new initiatives. I'm not passing judgment on those decisions.

What I am saying, is that because of insufficient funding, and unforeseen health care needs, we have an emergency right now, in our ability to honor our commitment to this nation's veterans. We must not break our promise.

Mr. President, I urge my colleagues to swiftly approve this legislation. The veterans who proudly served their country deserve no less.

Mr. CONRAD. Mr. President, I am very pleased to join my distinguished colleague from North Dakota, in introducing legislation to authorize \$1.7 billion in emergency funding for FY 2000 Veterans Health Administration programs. Since the release of the Administration's FY 2000 budget for the Department of Veterans Affairs, I have been deeply concerned by the level of funding—\$17.3 billion—for the Veterans Health Administration.

This concern was heightened by comments in an internal memo by Dr. Kenneth Kizer, VA Undersecretary for Health, in February, regarding the FY 2000 veterans health care budget. In that memo, Dr. Kizer warned VA Secretary Togo West that the Administration budget for FY 2000 "poses very serious challenges which can only be met if decisive and timely actions are taken."

Dr. Kizer went on to say that unless the VA acts soon, "we face the very real prospect of far more problematic decisions, e.g. mandatory employee furloughs, severe curtailment of services or elimination of programs and possible unnecessary facility closures."

Indeed, Mr. President, I can confirm, that concern over VA health care funding in FY 2000, and the possibility of severe curtailment of services, and the furlough VA employees is a very real concern for North Dakota veterans and DVA officials at the Fargo VA Medical Center in North Dakota. Veterans health care funding in FY 2000, and the hope that funding can be authorized this year to under take critical environmental improvements at the Fargo DVA Medical Center are high priorities for North Dakota veterans. These key priorities were discussed during a visit

to the Fargo DVA Medical Center earlier this year, at my request, by Deputy Secretary Hershel Gober. In fact, so concerned are members of the Disabled American Veterans nationwide, including North Dakota members, about funding for VA medical programs, that a rally has been scheduled on May 30th at the Fargo DVA Medical Center to heighten public awareness of the FY 2000 budget for veterans medical care and to press for additional funds.

Mr. President, over the past few months, Members of the Senate Committee on Veterans' Affairs and many of my colleagues have been working hard to increase funding for veterans medical care in FY 2000. I have strongly supported these efforts. During consideration of the FY 2000 budget resolution in committee, and when the resolution was reported to the Senate for consideration, I voted to increase funding for VA medical care by \$3 billion, the figure recommended in the FY 2000 Independent Budget supported by the AMVETS, Disabled American Veterans, the Veterans of Foreign Wars, and the Paralyzed Veterans of America. House and Senate conferees eventually agreed to increase veterans health care funding by \$1.66 billion in FY 2000. Most recently, I cosigned a letter to Members of the Senate Appropriations Committee urging the committee to provide \$1.7 billion above the administration's request for the Veterans Health Administration. Although Senate appropriators have not made a decision on how much to increase funding for veterans medical care, initial reports for a significant increase are not encouraging.

Because of concerns that the FY 2000 appropriations for veterans health are not expected to be adequate, and may result in unnecessary furloughs and disruptions of health care services for veterans, Senator DORGAN and I are introducing legislation to provide an emergency authorization of \$1.7 billion in funding above the administration's request for \$17.3 billion for the Veterans Health Administration. This figure also represents the level of additional health care funding recommended for the VA to Senate appropriators by Senate Veterans' Committee Chairman ARLEN SPECTER and Ranking Member JOHN D. ROCKEFELLER. We must make every effort to find these emergency FY 2000 funds for veterans medical care, and to include them in appropriate legislation to avoid disruptions in critical health care. We can do no less for our veterans.

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:

DEPARTMENT OF VETERANS AFFAIRS,
Date: Feb. 8, 1999
From: Under Secretary for Health (10)
Subj: FY 99/2000 VHA Budget

To: Secretary (00)

1. As you know, current VHA program projections indicate that the FY 99 budget is adequate to meet demands. However, the President's FY 2000 requested budget, and especially the 1.4 billion of management efficiencies, pose very serious financial challenges which can be met only if decisive and timely actions are taken.

2. Strategic planning initiatives undertaken by VHA networks over the past year are culminating in recommendations for a variety of program adjustments, including facility integrations, bed reductions, program consolidations and mission changes, which reflect necessary shifts in patient care service delivery and practices.

3. In most cases, these changes are, or will be, accompanied by requests for reductions-in-force and staffing adjustments which will better configure our workforce to meet the changing needs of our patients and programs. While difficult, these changes are absolutely essential if we are to prepare ourselves for the limitations inherent in the proposed FY 2000 budget.

4. Please know that I believe we are in a serious and precarious situation and that if we do not institute these difficult changes in a timely manner, then we face the very real prospect of far more problematic decisions, e.g., mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures.

5. In short, the earlier we act in this fiscal year to take the necessary steps to position ourselves for next year's budget, the less likely we will be to face far more drastic and untenable actions in FY 2000.

6. I therefore request that we quickly establish a protocol for rapidly processing requests for actions to right-size the VHA healthcare system. Such a process should identify specific steps and associated timelines for assessing such requests, ensuring proper Congressional notification and issuing approval so that implementation actions can begin.

7. Again, I cannot overstate the need for timely action so as to avoid far more severe actions in the next fiscal year. I am prepared to discuss this with you at your convenience.

KENNETH W. KIZER, MD., M.P.H.

ADMINISTRATORS WARN OF VA HOSPITAL
CLOSINGS

(By Katherine Rizzo, Associated Press,
February 25, 1999)

Washington (AP)—Veterans' hospitals may have to reduce staff and services next year unless Congress comes up with more money than the president has proposed, say administrators and interest groups.

"When your drug costs go up 15 percent a year and employee salaries go up 4 percent a year and our employees are 70 percent of our budget, at some point there are choices that have to be made," said Laura Miller, who oversees hospitals in Ohio and northern Kentucky.

"Administering this budget would be like trying to build a house of cards in an Oklahoma tornado," added recently retired Veterans Health Administration official Tom Trujillo.

Trujillo, Miller and other administrators appeared before the House Veterans' Affairs subcommittee on health Wednesday to answer lawmakers' questions about a spending request that all present deemed was insufficient.

Miller said the no-growth budget proposal has her bracing for a cut of 200 positions next year, most likely achieved by closing hospital wards and suspending plans for new outpatient clinics.

Other administrators said they either expected to reduce staff in 2000 or had requests pending to start reducing staff this year.

James Farsetta, director of the VA region that operates seven medical centers in New Jersey and southern New York, said he has already submitted a request to eliminate 400 jobs.

William Galey, who oversees services in Alaska, Washington, Oregon and Idaho, told the subcommittee he's considering staff reductions of anywhere from 300 to 800.

Veterans groups offered their own denunciations.

"It is unfair that in the presence of the largest budget surplus in recent history, while other federal agencies will have double-digit increases, veterans are being asked to once again sacrifice," said the Veterans of Foreign Wars.

The Paralyzed Veterans of America accused the Clinton administration of crafting a budget that kills the VA health system "through intentional budget strangulation."

"Nobody on either side of the aisle likes this budget," said Rep. Mike Doyle, D-Pa. "I don't know how we can flat-line a budget from 1997 to 2002 and not expect the system to collapse."

Deputy Under Secretary for Health Thomas Garthwaite said the administration was aware of "significant financial challenges ahead" but that plans still was being made to prepare for the possibility that Congress might not add money to the administration's spending request.

The veterans' organizations made public an internal Department of Veterans Affairs memo written by Under Secretary Kenneth Kizer, who heads the hospital system.

"I believe we are in a serious and precarious situation and that if we do not institute these difficult changes in a timely manner, then we face the very real prospect of far more problematic decisions, e.g. mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures," Kizer wrote.

The veterans' groups did not say how they obtained the memo, but Garthwaite did not dispute its authenticity. He said he believed it was intended to outline the importance of moving quickly because "it will cost more later if we don't take the administrative actions early."

By Mr. MOYNIHAN (for himself,
Mr. KENNEDY, Mr. SCHUMER,
Mr. HELMS, Mr. KERRY, Mr.
TORRICELLI, Mr. DURBIN, Mr.
SANTORUM, Mr. LIEBERMAN, Mr.
KERREY, Mr. LEVIN, Mrs. MURRAY,
Mr. SPECTER, Mr.
CLELAND, and Mr. EDWARDS):

S. 1023. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

GRADUATE MEDICAL EDUCATION PAYMENT
RESTORATION ACT OF 1999

By Mr. MOYNIHAN (for himself,
Mr. SCHUMER, Mr. SPECTER, Mr.
KERRY, Mr. KERREY, Mr.
SANTORUM, Mr. DURBIN, Mr.
CLELAND, and Mr. CHAFFEE):

S. 1024. A bill amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care; to the Committee on Finance.

MANAGED CARE FAIR PAYMENT ACT OF 1999

By Mr. MOYNIHAN (for himself, Mr. BREAUX, Mr. DASCHLE, Mr. SANTORUM, Mr. DURBIN, Mr. SCHUMER, Mr. KERRY, Mr. SPECTER, Mr. CONRAD, Mr. BAUCUS, Mr. CHAFEE, Mr. KERREY, and Mr. CLELAND):

S. 1025. A bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program; to the Committee on Finance.

NURSING AND ALLIED HEALTH PAYMENT IMPROVEMENT ACT OF 1999

• Mr. MOYNIHAN. Mr. President, today I am introducing three bills that will provide much needed financial support for America's 144 accredited medical schools and 1,250 graduate medical education (GME) teaching institutions. These institutions are national treasures; they are the very best in the world. Yet today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States.

The growth of managed for-profit care combined with GME payment reductions under the Balanced Budget Act of 1997 (BBA) have put these hospitals in dire financial straits. Hospitals are losing money—millions of dollars every year. And these losses are projected to increase, as additional scheduled Medicare payment reductions are phased in. Many of the teaching hospitals that we know and depend on today may not survive—including those in my state of New York—if these additional GME payment reductions are not repealed.

To ensure that this precious public resource is maintained and the United States continues to lead the world in the quality of its health care system, the three bills I am introducing today—the Graduate Medical Education Payment Restoration Act of 1999, the Managed Care Fair Payment Act of 1999, and the Nursing and Allied Health Payment Improvement Act of 1999—will provide critically required funding for teaching hospitals.

Everyone in America benefits from the research and medical education conducted in our medical schools and affiliated teaching hospitals. They are what economists call public goods—something that benefits everyone but which is not provided for by market forces alone. Think of an army. Or a dam.

The Medicare program is the nation's largest explicit financier of GME, with annual payments of about \$7 billion. In the past, other payers of health care have also contributed to the costs of GME. However, in an increasingly competitive managed care health care system, these payments are being squeezed out.

Earlier this year, I reintroduced the Medical Education Trust Fund Act of 1999. This legislation requires the public sector, through the Medicare and

Medicaid programs, and the private sector, through an assessment on health insurance premiums, to contribute broad-based and equitable financial support for graduate medical education. I hope that one day Congress will see the wisdom of enacting such a measure. However, our teaching hospitals need help now.

We are in the midst of a great era of discovery in medical science. It is certainly no time to close medical schools. This great era of medical discovery is occurring right here in the United States, not in Europe like past ages of scientific discovery. And it is centered in New York City.

It started in the late 1930s. Before then, the average patient was probably as well off, perhaps better, out of a hospital as in one. Progress since that point sixty years ago has been remarkable. The last few decades have brought us images of the inside of the human body based on the magnetic resonance of bodily tissues; laser surgery; micro surgery for reattaching limbs; and organ transplantation, among other wonders. Physicians are now working on a gene therapy that might eventually replace bypass surgery. One can hardly imagine what might be next—but we do know that much of it will be discovered in the course of ongoing research activities in our teaching hospitals and medical schools. That is a process which is of necessity unplanned, even random—but which regularly produces medical breakthroughs. To cite just a few examples:

At Memorial Sloan-Kettering Cancer Center, the world renowned teaching hospital in New York City, researchers in 1998 discovered among many other things a surgical biopsy technique that can predict whether breast cancer has spread to surrounding lymph node tissue. This technique will spare 60,000 to 80,000 patients each year from having to undergo surgical removal of their lymph nodes.

In 1997, at Mount Sinai-NYU Medical Center, it was discovered that malignant brain tumors in young children can be eradicated through the use of high-dose chemotherapy and stem-cell transplants.

And in May of last year, a doctor at Children's Hospital in Boston created a global media sensation with his discovery that a combination of the drugs endostatin and angiostatin appeared to cure cancer in mice by cutting off the supply of blood to tumors. Although the efficacy of this therapy in humans is not yet known, the research holds great promise that a cure for cancer may actually be within reach. And it was discovered in a teaching hospital.

The Graduate Medical Education Payment Restoration Act, with a total of 15 cosponsors, will freeze the current schedule of BBA reductions to the indirect portion of GME funding. Congressman RANGEL today is introducing a similar bill in the House. Under the BBA, the indirect payment adjuster is scheduled to be reduced from 7.7 per-

cent to 5.5 percent by FY 2001. This bill will maintain the current payment adjuster at its current level of 6.5 percent, thereby rolling back about half of the indirect GME funding cuts in the BBA. In total, this provision restores about \$3 billion over 5 years and \$8 billion over 10 years in indirect GME funding for teaching hospitals.

The Managed Care Fair Payment Act, with nine cosponsors, will redirect more than \$2.5 billion over 5 years of Medicare Disproportionate Share Hospital (DSH) funds from the Medicare managed care payment rates to the more than 1,900 hospitals that qualify for DSH funding. Congressman RANGEL introduced a similar bill in the House this past March. More than two-thirds of teaching hospitals also qualify for DSH funds. Under the current payment method, payments to managed care plans include these DSH funds, but unfortunately, these funds are not necessarily passed-on to DSH hospitals. Managed care plans often do not contract with DSH hospitals, and when they do the negotiated payment rates often do not include these DSH payments. Like GME funding under current law, this bill would carve out DSH funds from the managed care rates and require the Health Care Financing Administration to pass them on directly to qualifying hospitals.

The third bill I am introducing today, which has 13 cosponsors, is the Nursing and Allied Health Payment Improvement Act. This bill was introduced by Congressmen CRANE and BENTSEN on April 20 of this year. While Congress in the BBA of 1997 recognized the need to carve-out GME funding from managed care rates, it unintentionally did not carve out the funding for the training of nurses and allied health professionals. Like DSH funds, without the carve-out, funding for these education programs is unlikely to reach the more than 700 hospitals that provide training to these vitally important health professionals. This bill seeks to correct this problem by carving out the funding for the training of nurses and other allied health professionals and directing them to the hospitals that provide these training programs.

Combined, these three bills will strengthen our nation's teaching hospitals and ensure that the United States will continue to be in the forefront of developing new cures, new medical technology, and training of the world's finest medical professionals. Without these bills, the state of our nation's teaching hospitals and the delivery of health care will remain in jeopardy.

I ask that the text of the bills, along with two articles from the New York Times, be included in the RECORD.

The material follows:

S. 1023

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 "Graduate Medical Education Payment Restoration Act of 1999".

SEC. 2. TERMINATION OF MULTIYEAR REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) by adding "and" at the end of subclause (II); and

(2) by striking subclauses (III), (IV), and (V) and inserting the following:

"(III) on or after October 1, 1998, 'c' is equal to 1.6."

S. 1024

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 "Managed Care Fair Payment Act of 1999".

SEC. 2. CARVING OUT DSH PAYMENTS FROM PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS AND PAYING THE AMOUNTS DIRECTLY TO DSH HOSPITALS ENROLLING MEDICARE+CHOICE ENROLLEES.

(a) IN GENERAL.—Section 1853(c)(3) of the Social Security Act (42 U.S.C. 1395w-23(c)(3)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)";

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) REMOVAL OF PAYMENTS ATTRIBUTABLE TO DISPROPORTIONATE SHARE PAYMENTS FROM CALCULATION OF ADJUSTED AVERAGE PER CAPITA COST.—

"(i) IN GENERAL.—In determining the area-specific Medicare+Choice capitation rate under subparagraph (A) for a year (beginning with 2001), the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) shall be adjusted, subject to clause (ii), to exclude from the rate the additional payments that the Secretary estimates were made during 1997 for additional payments described in section 1886(d)(5)(F).

"(ii) TREATMENT OF PAYMENTS COVERED UNDER STATE HOSPITAL REIMBURSEMENT SYSTEM.—To the extent that the Secretary estimates that an annual per capita rate of payment for 1997 described in clause (i) reflects payments to hospitals reimbursed under section 1814(b)(3), the Secretary shall estimate a payment adjustment that is comparable to the payment adjustment that would have been made under clause (i) if the hospitals had not been reimbursed under such section."

(b) ADDITIONAL PAYMENTS FOR MANAGED CARE ENROLLEES.—Section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(1) in clause (ii), by striking "clause (ix)" and inserting "clauses (ix) and (x)"; and

(2) by adding at the end the following:

"(x)(I) For portions of cost reporting periods occurring on or after January 1, 2001, the Secretary shall provide for an additional payment amount for each applicable discharge of any subsection (d) hospital that is a disproportionate share hospital (as described in clause (i)).

"(II) For purposes of this clause, the term 'applicable discharge' means the discharge of any individual who is enrolled with a Medicare+Choice organization under part C.

"(III) The amount of the payment under this clause with respect to any applicable discharge shall be equal to the estimated average per discharge amount (as determined

by the Secretary) that would otherwise have been paid under this subparagraph if the individual had not been enrolled as described in subclause (II).

"(IV) The Secretary shall establish rules for an additional payment amount for any hospital reimbursed under a reimbursement system authorized under section 1814(b)(3) if such hospital would qualify as a disproportionate share hospital under clause (i) were it not so reimbursed. Such payment shall be determined in the same manner as the amount of payment is determined under this clause for disproportionate share hospitals."

S. 1025

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 "Nursing and Allied Health Payment Improvement Act of 1999".

SEC. 2. EXCLUSION OF NURSING AND ALLIED HEALTH EDUCATION COSTS IN CALCULATING MEDICARE+CHOICE PAYMENT RATE.

(a) EXCLUDING COSTS IN CALCULATING PAYMENT RATE.—

(1) IN GENERAL.—Section 1853(c)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395w-23(c)(3)(C)(i)) is amended—

(A) by striking "and" at the end of subclause (I);

(B) by striking the period at the end of subclause (II) and inserting ", and"; and

(C) by adding at the end the following new subclause:

"(III) for costs attributable to approved nursing and allied health education programs under section 1861(v)."

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply in determining the annual per capita rate of payment for years beginning with 2001.

(b) PAYMENT TO HOSPITALS OF NURSING AND ALLIED HEALTH EDUCATION PROGRAM COSTS FOR MEDICARE+CHOICE ENROLLEES.—Section 1861(v)(1) of such Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

"(V) In determining the amount of payment to a hospital for portions of cost reporting periods occurring on or after January 1, 2001, with respect to the reasonable costs for approved nursing and allied health education programs, individuals who are enrolled with a Medicare+Choice organization under part C shall be treated as if they were not so enrolled."

[From the New York Times, May 6, 1999]

TEACHING HOSPITALS BATTLING CUTBACKS IN MEDICARE MONEY

(By Carey Goldberg)

BOSTON, May 5—Normally, the great teaching hospitals of this medical Mecca carry an air of whitecoated, best-in-the-world arrogance, the kind of arrogance that comes of collecting Nobels, of snaring more Federal money for medical research than hospitals anywhere else, of attracting patients from the four corners of the earth.

But not lately. Lately, their chief executives carry an air of pleading and alarm. They tend to cross the edges of their palms in an X that symbolizes the crossing of rising costs and dropping payments, especially Medicare payments. And to say they simply cannot go on losing money this way and remain the academic cream of American medicine.

Dr. Mitchell T. Rabkin, chief executive emeritus of Beth Israel Hospital, says, "Everyone's in deep yogurt."

The teaching hospitals here and elsewhere have never been immune from the turbulent

change sweeping American health care—from the expansion of managed care to spiraling drug prices to the fierce fights for survival and shotgun marriages between hospitals with empty beds and flabby management.

But they are contending that suddenly, in recent weeks, a Federal cutback in Medicare spending has begun putting such a financial squeeze on them that it threatens their ability to fulfill their special missions: to handle the sickest patients, to act as incubators for new cures, to treat poor people and to train budding doctors.

The budget hemorrhaging has hit at scattered teaching hospitals across the country, from San Francisco to Philadelphia. New York's clusters of teaching hospitals are among the biggest and hardest hit, the Greater New York Hospital Association says. It predicts that Medicare cuts will cost the state's hospitals \$5 billion through 2002 and force the closing of money-losing departments and whole hospitals.

Dr. Samuel O. Thier, president of the group that owns Massachusetts General Hospital, says, "We've got a problem, and you've got to nip it in the bud, or else you're going to kill off some of the premier institutions in the country."

Here in Boston, with its unusual concentration of academic medicine and its teaching hospitals affiliated with the medical schools of Harvard, Tufts and Boston Universities, the cuts are already taking a toll in hundreds of eliminated jobs and pockets of miserable morale.

Five of Boston's top eight private employers are teaching hospitals, Mayor Thomas M. Menino notes. And if five-year Medicare cuts totaling an estimated \$1.7 billion for Massachusetts hospitals continue, Mayor Menino says, "We'll have to lay off thousands of people, and that's a big hit on the city of Boston."

Often, analysts say, hospital cut-backs, closings and mergers make good economic sense, and some dislocation and pain are only to be expected, for all the hospitals' tendency to moan about them. Some critics say the hospitals are partly to fault, that for all their glittery research and credentials, they have not always been efficiently managed.

"A lot of teaching hospitals have engaged in what might be called self-sanctification—'We're the greatest hospitals in the world and no one can do it better or for less'—and that may or may not be true," said Alan Sager, a health-care finance expert at the Boston University School of Public Health.

But the hospital chiefs argue that they have virtually no fat left to cut, and warn that their financial problems may mean that the smartest edge of American medicine will get dumbed down.

With that message, they have been lobbying Congress in recent weeks to reconsider the cuts that they say have turned their financial straits from tough to intolerable.

"Five years from now, the American people will wake up and find their clinical research is second rate because the big teaching hospitals are reeling financially," said Dr. David G. Nathan, president of the Dana-Farber Cancer Institute here.

In a half-dozen interviews, around the Boston medical-industrial complex known as the Longwood Medical Center and Academic Area and elsewhere, hospital executives who normally compete and squabble all espoused one central idea: teaching hospitals are special, and that specialness costs money.

Take the example of treating heart-disease patients, said Dr. Michael F. Collins, president and chief executive of Caritas Christi Health Care System, a seven-hospital group affiliated with Tufts.

In 1988, Dr. Collins said, it was still experimental for doctors to open blocked arteries by passing tiny balloons through them; now, they have a bouquet of expensive new options for those patients, including springlike devices called stents that cost \$900 to \$1,850 each; tiny rotobladders that can cost up to \$1,500, and costly drugs to supplement the reaming that cost nearly \$1,400 a patient.

"A lot of our scientists are doing research on which are the best catheters and which are the best stents," Dr. Collins said. "And because they're giving the papers on the drug, they're using the drug the day it's approved to be used. Right now it's costing us about \$50,000 a month and we're not getting a nickel for it, because our case rates are fixed."

Hospital chiefs and doctors also argue that a teaching hospital and its affiliated university are a delicate ecosystem whose production of critical research is at risk.

"The grand institutions in Boston that are venerated are characterized by a wildflower approach to invention and the generation of new knowledge," said Dr. James Reinertsen, the chief executive of Caregroup, which owns Beth Israel Deaconess Medical Center. "We don't run our institutions like agribusiness, a massively efficient operation where we direct research and harvest it. It's unplanned to a great extent, and that chaotic fermenting environment is part of what makes the academic health centers what they are."

"There wouldn't have been a plan to do what Judah Folkman has done over the last 20 years," Dr. Reinertsen said of the doctor-scientist at Children's Hospital in Boston who has developed a promising approach to curing cancer.

Federal financing for research is plentiful of late, hospital heads acknowledge. But they point out that the Government expects hospitals to subsidize 10 percent or 15 percent of that research, and that they must also provide important support for researchers still too junior to win grants.

A similar argument for slack in the system comes in connection with teaching. Teaching hospitals are pressing their faculties to take on more patients to bring in more money, said Dr. Daniel D. Federman, dean for medical education of Harvard Medical School. A doctor under pressure to spend time in a billable way, Dr. Federman said, has less time to spend teaching.

The Boston teaching hospitals generally deny that the money squeeze is affecting patients' care (a denial some patients would question), or students' quality of medical education (a denial some students would question), or research—yet.

The Boston hospitals' plight may be partly their fault for competing so hard with each other, driving down prices, some analysts say. Though some hospitals have merged in recent years, Boston is still seen as having too many beds, and virtually all hospitals are teaching hospitals here.

Whatever the causes, said Dr. Stuart Altman, professor of national health policy at Brandeis University and past chairman for 12 years of the committee that advised the Government on Medicare prices, "the concern is very real."

"What's happened to them is that all of the cards have fallen the wrong way at the same time," Dr. Altman said, "I believe their screams of woe are legitimate."

Among the cards that fell wrong, begin with managed care. Massachusetts has an unusually large quotient of patients in managed-care plans. Managed-care companies, themselves strapped, have gotten increasingly tough about how much they will pay.

Boston had already gone through a spate of fat-trimming hospital mergers, closings and cost cutting in recent years. Add to the trou-

blesome complaints that affect all hospitals: expenses to prepare their computers for 2000, problems getting insurance companies and the Government to pay up, new efforts to defend against accusations of billing fraud.

But the back-breaking straw, hospital chiefs say, came with Medicare cuts, enacted under the 1997 balanced-budget law, that will cut more each year through 2002. The Association of American Medical Colleges estimates that by then the losses for teaching hospitals could reach \$14.7 billion, and that major teaching hospitals will lose about \$150 million each. Nearly 100 teaching hospitals are expected to be running in the red by then, the association said last month.

For years, teaching hospitals have been more dependent than any others on Medicare. Unlike some other payers, Medicare has compensated them for their special missions—training, sicker patients, indigent care—by paying them extra.

For reasons yet to be determined, Dr. Altman and others say the Medicare cuts seem to be taking an even greater toll on the teaching hospitals than had been expected. Much has changed since the 1996 numbers on which the cuts are based, hospital chiefs say; and the cuts particularly singled out teaching hospitals, whose profit margins used to look fat.

Frightening the hospitals still further, President Clinton's next budget proposes even more Medicare cuts.

Not everyone sympathizes, though. Complaints from hospitals that financial pinching hurts have become familiar refrains over recent years, gaining them a reputation for crying wolf. Critics say the Boston hospitals are whining for more money when the only real fix is broad health-care reform.

Some propose that the rational solution is to analyze which aspects of the teaching hospitals' work society is willing to pay for, and then abandon the Byzantine Medicare cross-subsidies and pay for them straight out, perhaps through a new tax.

Others question the numbers.

Whenever hospitals face cuts, Alan Sager of Boston University said, "they claim it will be teaching and research and free care of the uninsured that are cut first."

If the hospitals want more money, Mr. Sager argued, they should allow in independent auditors to check their books rather than asking Congress to rely on a "scream test."

For many doctors at the teaching hospitals, however, the screaming is preventive medicine, meant to save their institutions from becoming ordinary.

Medical care is an applied science, said Dr. Allan Ropper, chief of neurology at St. Elizabeth's Hospital, and strong teaching hospitals, with their cadres of doctors willing to spend often-unreimbursed time on teaching and research, are essential to helping move it forward.

"There's no getting away from a patient and their illness," Dr. Ropper said, "but if all you do is fix the watch, nobody ever builds a better watch. It's a very subtle thing, but precisely because it's so subtle, it's very easy to disrupt."

[From the New York Times, May 6, 1999]

NEW YORK HOSPITALS BRACED FOR CUTS

(By Randy Kennedy)

The fiscal knife that has begun to cut into teaching hospitals in Boston and other cities has not yet had the same dire effects—lay-offs or widespread operating deficits—in hospitals around New York State.

But hospital executives and health-care experts alike say that if the Federal cuts to Medicare are not softened, the state will lose much more than any other—\$5 billion and

23,000 medical jobs—by 2002. And they warn that those cuts, a result of the Balanced Budget Act, pose a huge economic threat to New York, which has the nation's greatest concentration of medical schools and teaching hospitals and trains about 15 percent of the nation's medical residents.

"The carnage which is created by the Balanced Budget Act," said Kenneth Raske, president of the Greater New York Hospital Association, a trade group of 175 hospitals and nursing homes, "will totally disrupt the health care system in New York when it's fully implemented. It goes at the heart of the infrastructure."

The cuts, now in their second year, come at the same time as sharp increases in uninsured patients and the growing dominance of managed care, which have prompted all hospitals in the New York region to brace for what they say will be one of the most difficult fiscal years ever.

But with critics complaining that New York still has too many hospital beds and administrative fat that should be trimmed, those who run the prestigious teaching hospitals in the city find it hard to make their case that the Medicare cuts put them in real peril.

"I know this sounds like wolf, wolf, wolf because of the successes generally in the health care industry," said Dr. Spencer Foreman, president of Montefiore Hospital in the Bronx, which lost \$24 million in Medicare money in fiscal 1999. "But New York teaching hospitals are in trouble."

His own hospital did \$750 million in business in 1993 and ended that year with a \$3 million profit margin. This year, it will do \$1 billion in business and end with a \$6 million margin.

"Those are supermarket margins," Dr. Foreman said, adding that the hospital has "managed to keep a razor-thin margin every year by every year cutting costs and cutting again."

"But you can only cut so far before things begin to happen," he said. "The industry is touching bottom in a lot of areas, and the difference between profit and loss in this atmosphere is an eyelash. This is not the way normal billion-dollar enterprises are conducted."

Because the teaching hospitals have traditionally served a high percentage of poor patients, the threat to their future is even more important, Dr. Foreman and others said.

While he and other teaching hospital administrators avoid talking about it, the only way to keep from going into the red is to cut jobs and either shrink or close money-losing departments—which usually means emergency rooms, outpatients clinics, psychiatric and rehabilitation departments and maternity wards, among others.

"The so-called low-hanging fruit has all been picked," said Dr. David B. Skinner, the chief executive of New York Presbyterian Hospital, where every department has been asked to cut spending by 5 percent. The Greater New York Hospital Association projects that New York Presbyterian will lose more money over the courts of the Balanced Budget Act than any other American hospital—about \$320 million.

Dr. Skinner said that as the Hospital plans its year 2000 budget "we're going to have to look very closely at staffing ratios."

"Something's got to give here," he said. "You then look at where can you downsize departments that are losing money. And we're looking at that now. I don't want to say which ones because I don't want to unnecessarily panic the troops."

While the refrain in health-care politics in New York is usually for hospitals to cry poverty and many experts and budget analysts

to cry hyperbole, experts said yesterday that the teaching hospitals were probably not exaggerating their problems much.

"This certainly appears to be putting real strains on teaching hospitals throughout the country and especially in New York," said Edward Salsberg, director of the Center for Health Workforce Studies at the State University in Albany. "They seem to be building a case that this year it is more real than other years."•

• Mr. LEVIN. Mr. President, I am proud to be an original cosponsor of the bill introduced today by Senator MOYNIHAN which will help to reduce some of the financial strain that teaching hospitals are currently experiencing due to Graduate Medical Education (GME) cuts put in place under the Balanced Budget Act of 1997 (BBA).

The teaching hospitals in this nation are the very best in the world. There are over 1,200 teaching hospitals in the United States, 57 of which are in my own state of Michigan. Although these hospitals are providing excellent care while training residents, they are currently facing dire financial circumstances brought about by the growth of managed care combined with GME payment reductions. Additional Medicare payment reductions are currently scheduled to be phased in as per the BBA.

A major teaching hospital in my own state, the Detroit Medical Center (DMC), trains over 1,100 residents each year. The DMC stands to lose a total of \$53.8 million from IME reductions for Fiscal Years 1998–2002. It is important that we continue to support the DMC and other teaching hospitals, not turn our back on them.

I believe that the survival of our valuable teaching hospitals is at stake if we do not act now which is why I have cosponsored this legislation. This bill will freeze the Indirect Medical Education (IME) adjustment factor (the IME is the part of the GME payment that reflects the higher costs, such as more intensive treatments, of caring for patients at teaching hospitals) at the FY 1999 level of 6.5 percent, thereby rolling back about half of the IME funding cuts in the BBA. In total, this provision restores about \$3 billion over 5 years and \$8 billion over 10 years in IME funding for teaching hospitals.

Our medical schools and affiliated teaching hospitals conduct a great deal of the research and medical education which benefits everyone in America. The University of Michigan is one of the most prominent teaching institutions in the country. The UM is currently doing important prostate cancer research while providing health care to citizens from every county in the state. It is imperative that we allow this research to continue while we are on the verge of new discoveries in medical science.

Mr. President, I hope the Senate will pass this important legislation.•

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1027. A bill to reauthorize the participation of the Bureau of Reclama-

tion in the Deschutes Resources Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

DESCHUTES RESOURCES CONSERVANCY
REAUTHORIZATION ACT OF 1999

• Mr. SMITH. Mr. President, today I am introducing legislation, cosponsored by my colleague from Oregon, to reauthorize participation by the Bureau of Reclamation in the Deschutes Resources Conservancy for an additional five years.

The Deschutes Resources Conservancy, also known as the Deschutes Basin Working Group, was authorized in 1996 as a five-year pilot project designed to achieve local consensus around on-the-ground projects to improve ecosystem health in the Deschutes River basin. This river is truly one of Oregon's greatest resources. It drains Oregon's high desert along the eastern front of the Cascades, eventually flowing into the Columbia River. It is the state's most intensively used recreational river. It provides water to both irrigation projects and to the city of Bend, which is one of Oregon's fastest growing cities. The Deschutes Basin also contains hundreds of thousands of acres of productive forest and rangelands, serves the treaty fishing and water rights of the Confederated Tribes of Warm Springs, and has Oregon's largest non-federal hydroelectric project.

By all accounts, the Deschutes Basin Working Group has been a huge success. It has brought together diverse interests within the basin, including irrigators, tribes, ranchers, environmentalists, an investor-owned utility, local businesses, as well as local elected officials and representatives of state and federal agencies. Together, the Working Group was able to develop project criteria and identified a number of water quality, water quantity, fish passage and habitat improvement projects that could be funded. Projects are selected by consensus, and there must be a fifty-fifty cost share from non-federal sources.

From October 1998 to March 1999, the Deschutes Resources Conservancy has leveraged 272,180 dollars of its funds to complete 777,680 dollars in on-the-ground restoration projects. These projects include: piping irrigation district delivery systems to prevent loss; securing water rights to be left instream to restore flows to Squaw Creek; providing riparian fences to protect riverbanks; working with private timberland owners to restore riparian and wetlands areas; and seeking donated water rights to enhance instream flows in the Deschutes River Basin. They have been very successful at finding cooperative, market-based solutions to enhance the ecosystem in the basin.

The existing authorization provides for up to one million dollars each year for projects. Funding is provided through the Bureau of Reclamation, the group's lead federal agency. The

group did not actually receive federal funding until this fiscal year, but it has already successfully allocated these funds. The Deschutes Resources Conservancy enjoys widespread support in Oregon. It has very committed board members who represent diverse interests in the basin. The high caliber of their work, and their pragmatic approach to ecosystem restoration have been recognized by others outside the region.

I am convinced this pilot project needs to continue. That is why the legislation I am introducing today would extend the authorization for federal funds through fiscal year 2006, and increases the authorization for fiscal years 2002 through 2006 to two million dollars each year. I urge my colleagues to support this project. Not only is it important to central Oregon, but the Deschutes Resources Conservancy can serve as a national model for cooperative watershed restoration at the local level.•

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 387

At the request of Mr. MCCONNELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 409

At the request of Mr. DOMENICI, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 424, a bill to preserve and protect the free choice of individuals and

employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) 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 Kansas (Mr. ROBERTS), the Senator from Nebraska (Mr. KERREY), and the Senator from Minnesota (Mr. GRAMS) 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. 573

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 577

At the request of Mr. ROBB, his name was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 637

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor 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. 659

At the request of Mr. MOYNIHAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide

adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 679

At the request of Mr. GRAMS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 679, a bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes.

S. 757

At the request of Mr. LUGAR, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 781

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 781, a bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications that is applicable to telephone communications.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr.

WARNER) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 866

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 926

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. FEINSTEIN), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 931

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 955

At the request of Mr. WARNER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 955, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefied in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. MACK), the Senator from Alabama (Mr. SHELBY), the Senator from Nebraska (Mr. KERREY), the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Connecticut

(Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Texas (Mrs. HUTCHISON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. ASHCROFT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Concurrent Resolution 26, a concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 96

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

AMENDMENT NO. 319

At the request of Mrs. BOXER the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 319 intended to be proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

SENATE RESOLUTION 100—RE-AFFIRMING THE PRINCIPLES OF THE PROGRAMME OF ACTION OF THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT WITH RESPECT TO THE SOVEREIGN RIGHTS OF COUNTRIES AND THE RIGHT OF VOLUNTARY AND INFORMED CONSENT IN FAMILY PLANNING PROGRAMS

Mr. BROWNBACK (for himself, Mr. HELMS, Mr. INHOFE, Mr. SANTORUM, Mr. ASHCROFT, Mr. ENZI, Mr. MCCAIN, Mr. SMITH of New Hampshire, and Mr. NICKLES) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 100

Whereas the United Nations General Assembly has decided to convene a special session from June 30 to July 2, 1999, in order to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development;

Whereas chapter II of the Programme of Action, which sets forth the principles of that document, begins: "The implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights.;"

Whereas section 7.12 of the Programme of Action states: "The principle of informed [consent] is essential to the long-term success of family-planning programmes. Any form of coercion has no part to play.;"

Whereas section 7.12 of the Programme of Action further states: "Government goals for family planning should be defined in terms of unmet needs for information and services. Demographic goals . . . should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients.;" and

Whereas section 7.17 of the Programme of Action states: "[g]overnments should secure conformity to human rights and to ethical and professional standards in the delivery of family planning and related reproductive health services aimed at ensuring responsible, voluntary and informed consent and also regarding service provision"; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) no bilateral or multilateral assistance or benefit to any country should be conditioned upon or linked to that country's adoption or failure to adopt population programs, or to the relinquishment of that country's sovereign right to implement the Programme of Action of the International Conference on Population and Development consistent with its own national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights;

(2)(A) family planning service providers or referral agents should not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(B) subparagraph (A) should not be construed to preclude the use of quantitative estimates or indicators for budgeting and planning purposes;

(3) no family planning project should include payment of incentives, bribes, gratuities, or financial reward to any person in exchange for becoming a family planning acceptor or to program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(4) no project should deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any person's decision not to accept family planning services;

(5) every family planning project should provide family planning acceptors with comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method;

(6) every family planning project should ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits;

(7) the United States should reaffirm the principles described in paragraphs (1) through (6) in the special session of the United Nations General Assembly to be held between June 30 and July 2, 1999, and in all preparatory meetings for the special session; and

(8) the United States should support vigorously with its voice and vote the principle that meetings under the auspices of the United Nations Economic and Social Council, including all meetings relating to the Operational Review and Appraisal of the Implementation of the Programme of Action of the International Conference on Population and Development, be open to the public and should oppose vigorously with its voice and vote attempts by the United Nations or any member country to exclude from meetings legitimate nongovernment organizations and private citizens.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

BROWNBACK (AND OTHERS)
AMENDMENT NO. 329

Mr. BROWNBACK (for himself, Mr. HATCH, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. MCCAIN, Mr. KOHL, and Mr. DEWINE) proposed an amendment 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:

On page 151, between lines 13 and 14, insert the following:

"SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

"(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of violent video games, and music on child development and youth violence.

"(b) ELEMENTS.—The study under subsection (a) shall address—

"(1) whether, and to what extent, violence in video games, and music adversely affects the emotional and psychological development of juveniles; and

“(2) whether violence in video games, and music contributes to juvenile delinquency and youth violence.

On page 176, beginning on line 8, strike “this title,” and all that follows through line 11 and insert “this title—

“(A) of which \$20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and
“(B) \$2,000,000 shall be for the study required by section 248;

TITLE V—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION
SEC. 501. SHORT TITLE.

This title may be cited as the “Children's Protection Act of 1999”.

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) “In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.”.

(B) “Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced develop-

ment of children to help them achieve a sense of the world at large and informed adjustments to their society.”.

(C) “Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.”.

(D) “The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.”.

(E) “Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.”.

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to “proscribe gratuitous or excessive portrayals of violence”. Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that “such activities

may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant pro-competitive benefits... Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.”.

(18) The Children's Television Act of 1990 (Public Law 101-437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often cast in the role of shooter, with points scored for each “kill”. Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) As the popularity and graphic nature of such video games grows, so do their potential to negatively influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

SEC. 503. PURPOSES; CONSTRUCTION.

(a) PURPOSES.—The purposes of this title are to permit the entertainment industry—

(1) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and

broadcast of educational and informational programming for such children.

(b) CONSTRUCTION.—This title may not be construed as—

(1) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(2) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 504. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTI-TRUST LAWS.

(a) EXEMPTION.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) LIMITATION.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

SEC. 505. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTI-TRUST LAWS.

(a) EXEMPTION FROM ANTI-TRUST LAWS.—

(1) IN GENERAL.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, and mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) PERSONS AND ENTITIES DESCRIBED.—A person or entity described in this paragraph is a person or entity that is—

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public for compensation.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in conjunction with the Federal Trade Commission, shall submit to Congress a report on—

(1) the extent to which the motion picture, recording, and video game industry have de-

veloped or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings or labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

SEC. 506. DEFINITIONS.

In this subtitle:

(1) ANTI-TRUST LAWS.—The term “antitrust laws” has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) INTERNET.—The term “Internet” means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) MOVIES.—The term “movies” means motion pictures.

(4) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term “person in the entertainment industry” means a television network, any entity which produces or distributes television programming (including motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) TELECAST.—The term “telecast” means any program broadcast by a television broadcast station or transmitted by a cable television system.

Subtitle B—Other Matters

SEC. 511. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) STUDY.—

(1) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) ISSUES EXAMINED.—In conducting the study under paragraph (1), the Commission and the Attorney General shall examine—

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion picture, recording, and video/personal computer industries—

(i) have policies to restrict the sale, rental, or viewing to minors of music, movies, or video/personal computer games that are deemed inappropriate for minors under the applicable voluntary industry rating or labeling systems; and

(ii) have procedures compliant with such policies;

(C) whether and to what extent the motion picture, recording, and video/personal computer industries require, monitor, or encourage the enforcement of their respective voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(D) whether any of the marketing practices examined may violate Federal law; and

(E) whether and to what extent the motion picture, recording, and video/personal computer industries engage in actions to educate the public on the existence, use, or efficacy of their voluntary rating or labeling systems.

(3) FACTORS FOR DETERMINATION.—In determining whether the products of the motion picture, recording, or video/personal computer industries are violent, sexually explicit, or otherwise unsuitable for minors for the purposes of paragraph (2)(A), the Commission and the Attorney General shall consider the voluntary industry rating or labeling systems of the industry concerned as in effect on the date of the enactment of this Act.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(c) AUTHORITY.—For the purposes of the study conducted under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

**BOXER (AND OTHERS)
AMENDMENT NO. 330**

Mrs. BOXER (for herself, Mr. KENNEDY, Mr. DURBIN, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 254, supra; as follows:

At the end, add the following:

SEC. . STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—

The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

**LAUTENBERG (AND OTHERS)
AMENDMENT NO. 331**

Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. BOXER, Mr. KOHL, Mrs. FEINSTEIN, and Mr. LEVIN) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States,

attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) GUN SHOW.—The term ‘gun show’ means any event—

“(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

“(B) at which 2 or more persons are offering or exhibiting 1 or more firearms for sale, transfer, or exchange.

“(36) GUN SHOW PROMOTER.—The term ‘gun show promoter’ means any person who organizes, plans, promotes, or operates a gun show.

“(37) GUN SHOW VENDOR.—The term ‘gun show vendor’ means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§931. Regulation of firearms transfers at gun shows

“(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

“(2) pays a registration fee, in an amount determined by the Secretary.

“(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) not later than 30 days before commencement of the gun show, notifies the Secretary of the date, time, duration, and location of the gun show and any other information concerning the gun show as the Secretary may require by regulation;

“(2) not later than 72 hours before commencement of the gun show, submits to the Secretary an updated list of all gun show vendors planning to participate in the gun show and any other information concerning such vendors as the Secretary may require by regulation;

“(3) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

“(4) before commencement of the gun show, requires each gun show vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

“(5) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

“(6) not later than 5 days after the last day of the gun show, submits to the Secretary a copy of the ledger and notice described in paragraph (4); and

“(7) maintains a copy of the records described in paragraphs (2) through (4) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

“(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

“(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

“(2) record the transfer on a form specified by the Secretary;

“(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of such compliance; and

“(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

“(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(A) shall be on a form specified by the Secretary by regulation; and

“(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

“(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

“(A) prepared on a form specified by the Secretary; and

“(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

“(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(1) shall be in a form specified by the Secretary by regulation;

“(2) shall not include the name of or other identifying information relating to the transferee; and

“(3) shall not duplicate information provided in any report required under subsection (e)(4).

“(g) FIREARM TRANSACTION DEFINED.—In this section, the term ‘firearm transaction’ includes the exhibition, sale, offer for sale, transfer, or exchange of a firearm.”.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(C) Whoever willfully violates section 931(d), shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

“(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

“(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

“(ii) impose a civil fine in an amount equal to not more than \$10,000.”.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

“931. Regulation of firearms transfers at gun shows.”; and

(B) in the first sentence of section 923(j), by striking “a gun show or event” and inserting “an event”; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

“(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees con-

ducting business at the gun show and shall not require a showing of reasonable cause or a warrant.”.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) If the violation described in subparagraph (A) is in relation to an offense—

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.”.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”; and

(B) by adding at the end the following:

“(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.”.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking “and, at the time” and all that follows through “State law”.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

CRAIG AMENDMENT NO. 332

Mr. CRAIG proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, after line 20, add the following: At the end, add the following:

TITLE —GENERAL FIREARM PROVISIONS

SEC. 01. SPECIAL LICENSEES; SPECIAL REGISTRATIONS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) GUN SHOW.—The term ‘gun show’ means a gun show or event described in section 923(j).

“(36) SPECIAL LICENSE.—The term ‘special license’ means a license issued under section 923(m).

“(37) SPECIAL LICENSEE.—The term ‘special licensee’ means a person to whom a special license has been issued.

“(38) SPECIAL REGISTRANT.—The term ‘special registrant’ means a person to whom a special registration has been issued.

“(39) SPECIAL REGISTRATION.—The term ‘special registration’ means a registration issued under section 923(m).”.

(b) SPECIAL LICENSES; SPECIAL REGISTRATION.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

“(m) SPECIAL LICENSES; SPECIAL REGISTRATIONS.—

“(1) SPECIAL LICENSES.—

“(A) APPLICATION.—A person who—

“(i) is engaged in the business of dealing in firearms by—

“(I) buying or selling firearms solely or primarily at gun shows; or

“(II) buying or selling firearms as part of a gunsmith or firearm repair business or the conduct of other activity that, absent this subsection, would require a license under this chapter; and

“(ii) desires to have access to the National Instant Check System; may submit to the Secretary an application for a special license.

“(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

“(i) requires a license for conduct that did not require a license before the date of enactment of this subsection; or

“(ii) diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, make repairs, or engage in any other conduct or activity, that was otherwise lawful to engage in without a license before the date of enactment of this subsection.

“(C) CONTENTS.—An application under subparagraph (A) shall—

“(i) contain a certification by the applicant that—

“(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1);

“(II)(aa) the applicant conducts the firearm business primarily or solely at gun shows, and the applicant has premises (or a designated portion of premises) that may be inspected under this chapter from which the applicant conducts business (or intends to establish such premises) within a reasonable period of time; or

“(bb) the applicant conducts the firearm business from a premises (or a designated portion of premises) of a gunsmith or firearms repair business (or intends to establish such premises within a reasonable period of time); and

“(III) the firearm business to be conducted under the license—

“(aa) is not engaged in business for regularly buying and selling firearms from the applicant's premises;

“(bb) will be engaged in the buying or selling of firearms only—

“(AA) primarily or solely for a firearm business at gun shows; or

“(BB) as part of a gunsmith or firearm repair business;

“(cc) shall be conducted in accordance with all dealer recordkeeping required under this chapter for a dealer; and

“(dd) shall be subject to inspection under this chapter, including the special licensee's (or a designated portion of the premises), pursuant to the provisions in this chapter applicable to dealers;

“(ii) include a photograph and fingerprints of the applicant; and

“(iii) be in such form as the Secretary shall by regulation promulgate.

“(D) COMPLIANCE WITH STATE OR LOCAL LAW.—

“(i) IN GENERAL.—An applicant under subparagraph (A) shall not be required to certify or demonstrate that any firearm business to be conducted from the premises or elsewhere, to the extent permitted under this subsection, is or will be done in accordance with State or local law regarding the carrying on of a general business or commercial activity, including compliance with zoning restrictions.

“(ii) DUTY TO COMPLY.—The issuance of a special license does not relieve an applicant or licensee, as a matter of State or local law, from complying with State or local law described in clause (i).

“(E) APPROVAL.—

“(i) IN GENERAL.—The Secretary shall approve an application under subparagraph (A)

if the application meets the requirements of subparagraph (D).

“(ii) **ISSUANCE OF LICENSE.**—On approval of the application and payment by the applicant of a fee prescribed for dealers under this section, the Secretary shall issue to the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

“(iii) **TIMING.**—

“(I) **IN GENERAL.**—The Secretary shall approve or disapprove an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

“(II) **FAILURE TO ACT.**—If the Secretary fails to approve or disapprove an application within the time specified by subclause (I), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

“(2) **SPECIAL REGISTRANTS.**—

“(A) **IN GENERAL.**—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

“(B) **CONTENTS.**—An application under subparagraph (A) shall—

“(i) contain a certification by the applicant that—

“(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

“(II)(aa) any gun show at which the applicant will conduct instant checks under the special registration will be a show that is not prohibited by State or local law; and

“(bb) instant checks will be conducted only at gun shows that are conducted in accordance with Federal, State, and local law;

“(ii) include a photograph and fingerprints of the applicant; and

“(iii) be in such form as the Secretary shall by regulation promulgate.

“(C) **APPROVAL.**—

“(i) **IN GENERAL.**—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (B).

“(ii) **ISSUANCE OF REGISTRATION.**—On approval of the application and payment by the applicant of a fee of \$100 for 3 years, and upon renewal of valid registration a fee of \$50 for 3 years, the Secretary shall issue to the applicant a special registration, and notify the Attorney General of the United States of the issuance of the special registration.

“(iii) **PERMITTED ACTIVITY.**—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

“(D) **TIMING.**—

“(i) **IN GENERAL.**—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

“(ii) **FAILURE TO ACT.**—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

“(E) **USE OF SPECIAL REGISTRANTS.**—

“(i) **IN GENERAL.**—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person's State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the

special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

“(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

“(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

“(ii) **ACTION BY THE SPECIAL REGISTRANT.**—The special registrant shall—

“(I) make inquiry of the national instant background check system (or as the Attorney General shall arrange, with the appropriate State point of contact agency for each jurisdiction in which the special registrant intends to offer services) concerning the prospective transferee in accordance with the established procedures for making such inquiries;

“(II) receive the response from the system;

“(III) indicate the response on both a portion of the inquiry form for the records of the special registrant and on a separate form to be provided to the prospective transferee;

“(IV) provide the response to the transferor; and

“(V) follow the procedures established by the Secretary and the Attorney General for advising a person undergoing an instant background check on the meaning of a response, and any appeal rights, if applicable.

“(iii) **RECORDKEEPING.**—A special registrant shall—

“(I) keep all records or documents that the special registrant collected pursuant to clause (ii) during the gun show; and

“(II) transmit the records to the Secretary when the special registration is no longer valid, expires, or is revoked.

“(iv) **NO OTHER REQUIREMENTS.**—Except for the requirements stated in this section, a special registrant is not subject to any of the requirements imposed on licensees by this chapter, including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

“(3) **NO CAUSE OF ACTION OR STANDARD OF CONDUCT.**—

“(A) **IN GENERAL.**—Nothing in this subsection—

“(i) creates a cause of action against any special registrant or any other person, including the transferor, for any civil liability; or

“(ii) establishes any standard of care.

“(B) **EVIDENCE.**—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferor of the services of a special registrant under this paragraph shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

“(4) **IMMUNITY.**—

“(A) **DEFINITION.**—In this paragraph:

“(i) **IN GENERAL.**—The term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

“(ii) **EXCLUSIONS.**—The term ‘qualified civil liability action’ shall not include an action—

“(B) **IMMUNITY.**—Notwithstanding any other provision of law, a person who is—

“(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

“(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

“(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii); shall be entitled to immunity from civil liability action as described in subparagraph (B).

“(C) **PROSPECTIVE ACTIONS.**—A qualified civil liability action may not be brought in any Federal or State court—

“(i) brought against a transferor convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 922(h); or

“(ii) brought against a transferor for negligent entrustment or negligence per se.

“(D) **DISMISSAL OF PENDING ACTIONS.**—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

“(5) **REVOCACTION.**—A special license or special registration shall be subject to revocation under procedures provided for revocation of licensees in this chapter.”

(b) **PENALTIES.**—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7) **SPECIAL LICENSEES; SPECIAL REGISTRANTS.**—Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.”

SEC. 3. CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.

Section 923 of title 18, United States Code, is amended by striking subsection (j) and inserting the following:

“(j) **GUN SHOWS.**—

“(1) **IN GENERAL.**—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (2).

“(2) **TEMPORARY LOCATION.**—

“(A) **IN GENERAL.**—A temporary location referred to in paragraph (1) is a location for a gun show, or for an event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

“(B) **LOCATIONS OUT OF STATE.**—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

“(C) **QUALIFIED GUN SHOWS OR EVENTS.**—A gun show or an event shall qualify as a temporary location if—

“(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

“(ii) the gun show or event has 20 percent or more firearm exhibitors out of all exhibitors.

“(D) **FIREARM EXHIBITOR.**—The term ‘firearm exhibitor’ means an exhibitor who displays 1 or more firearms (as defined by section 921(a)(3)) and offers such firearms for sale or trade at the gun show or event.

“(3) **RECORDS.**—Records of receipt and disposition of firearms transactions conducted at a temporary location—

“(A) shall include the location of the sale or other disposition;

“(B) shall be entered in the permanent records of the licensee; and

“(C) shall be retained at the location premises specified on the license.

“(4) VEHICLES.—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

“(5) NO SEPARATE FEE.—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

“(6) INSPECTIONS AND EXAMINATIONS.—

“(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

“(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

“(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.”.

SEC. 4. “INSTANT CHECK” GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following

“§ 540B. Prohibition of background check fee

“(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

“(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

“540B. Prohibition of background check fee.”.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§ 931. Gun owner privacy and ownership rights

“(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

“(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the “system”) if the system does not require

and result in the immediate destruction of all information, in any form whatsoever or through any medium, concerning the person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

“(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

“(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

“(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

“(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

“(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

“(2) the date on which that number is provided.

“(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“931. Gun owner privacy and ownership rights.”.

(c) PROVISION RELATING TO PAWN AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasury and General Governmental Appropriations Act, 1999 (112 Stat. 2681–530) is repealed.

(2) RETURN OF FIREARM.—Section 922(t)(1) of title 18, United States Code, is amended by inserting “(other than the return of a firearm to the person from whom it was received)” before “to any other person”.

SEC. 5. EFFECTIVE DATE.

(a) SECTIONS 2 AND 3.—The amendments made by sections 2 and 3 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) SECTION 4.—The amendments made by section 4 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 1, 1999.

MCCAIN AMENDMENT NO. 333

Mr. MCCAIN proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . FIREARMS PENALTIES.

(a) STRAW PURCHASE PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

“(i) fined under this title, imprisoned not more than 15 years, or both; or

“(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

“(B) In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ means conduct described in subsection (e)(2)(B).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) JUVENILE WEAPONS PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18 United States Code, is amended—

(A) in paragraph (4), by striking “Whoever” and inserting “Except as provided in paragraph (6), whoever”; and

(B) in paragraph (6), by striking subparagraph (B) and inserting the following:

“(B) 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 imprisoned not less than 10 and not more than 20 years and fined under this title.

“(C) In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ means conduct described in subsection (e)(2)(B).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

FRIST AMENDMENT NO. 334

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENT TO INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting “(other than a firearm)” after “weapon”;

(2) by redesignating paragraph (10) as paragraph (11);

(3) by inserting after paragraph (9) the following:

“(10) AUTHORITY OF SCHOOL PERSONNEL REGARDING FIREARMS.—Notwithstanding any other provision of this Act, school personnel with the authority to discipline students may discipline a child with a disability who intentionally possesses a firearm at a school, on school premises, or at a school function, in the same manner that such personnel may discipline a child without a disability, including ceasing educational services. For purposes of this paragraph, a determination concerning whether possession of a firearm is intentional shall not be the subject of a review under paragraph (4).”; and

(4) in paragraph (11), as redesignated in paragraph (2), by adding at the end the following:

“(E) FIREARM.—The term ‘firearm’ has the meaning given the term in section 921 of title 18, United States Code.”.

HATCH (AND LEAHY AMENDMENT
NO. 335)

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, below line 20, add the following:

SEC. 402. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) **REQUIREMENT TO PROVIDE.**—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or another filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) **SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.**—

(1) **SURVEYS.**—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) **FREQUENCY.**—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) **FEES.**—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) **APPLICABILITY.**—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) **INTERNET SERVICE PROVIDER DEFINED.**—In this section, the term "Internet service provider" means a "service provider" as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

REED AMENDMENT NO. 336

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . . GUN DEALER RESPONSIBILITY.

(a) **DEFINITIONS.**—In this section:

(1) **DEALER.**—The term "dealer" has the meaning given such term in section 921(a)(11) of title 18, United States Code.

(2) **FIREARM.**—The term "firearm" has the meaning given such term in section 921(a)(3) of title 18, United States Code.

(3) **LAW ENFORCEMENT OFFICER.**—The term "law enforcement officer" means any officer, agent, or employee of the United States, or of a State or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law.

(b) **CAUSE OF ACTION; FEDERAL JURISDICTION.**—Any person suffering bodily injury as a result of the discharge of a firearm (or, in the case of a person who is incapacitated or deceased, any person entitled to bring an action on behalf of that person or the estate of that person) may bring an action in any United States district court against any dealer who transferred the firearm to any person in violation of chapter 44 of title 18, United States Code, for damages and such other relief as the court deems appropriate. In any action under this subsection, the court shall allow a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(c) **LIABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the defendant in an action brought under subsection (b) shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages that arise from bodily injury or death proximately resulting from the illegal sale of a firearm if it is established by a preponderance of the evidence that the defendant transferred the firearm to any person in violation of chapter 44 of title 18, United States Code.

(2) **DEFENSES.**—

(A) **INJURY WHILE COMMITTING A FELONY.**—There shall be no liability under paragraph (1) if it is established by a preponderance of the evidence that the plaintiff suffered the injury while committing a crime punishable by imprisonment for a term exceeding 1 year.

(B) **INJURY BY LAW ENFORCEMENT OFFICER.**—There shall be no liability under paragraph (1) if it is established by a preponderance of the evidence that the injury was suffered as a result of the discharge, by a law enforcement officer in the performance of official duties, of a firearm issued by the United States (or any department or agency thereof) or any State (or department, agency, or political subdivision thereof).

(e) **NO EFFECT ON OTHER CAUSES OF ACTION.**—This section may not be construed to limit the scope of any other cause of action available to a person injured as a result of the discharge of a firearm.

(f) **APPLICABILITY.**—This section applies to any—

(1) firearm transferred before, on, or after the date of enactment of this Act; and

(2) bodily injury or death occurring after such date of enactment.

NOXIOUS WEED COORDINATION
AND PLANT PROTECTION ACT

AKAKA AMENDMENT NO. 337

(Ordered referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill (S. 910) to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; as follows:

On page 55, between lines 17 and 18, insert the following:

SEC. 405. FEDERAL AGENCY ACTION AFFECTING INVASIVE SPECIES.

(a) **IN GENERAL.**—Each Federal agency, an action of which may affect the status of invasive species, shall, to the maximum extent practicable—

(1) identify the action;

(2) use relevant programs and authorities to—

(A) prevent the introduction of invasive species;

(B) detect, respond rapidly to, and control populations of invasive species in a cost-effective and environmentally sound manner;

(C) monitor invasive species populations accurately and reliably;

(D) provide for restoration of native species and habitat conditions of ecosystems that have been invaded;

(E) conduct research on invasive species;

(F) develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and

(G) promote public education on invasive species; and

(3) not authorize, fund, or carry out an action that the agency determines is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, under guidelines prescribed by the agency, the agency has determined and made public the determination that—

(A) the benefits of the action clearly outweigh the potential harm caused by the invasive species; and

(B) all feasible and prudent measures to minimize the risk of harm shall be taken in conjunction with the action.

(b) **DUTIES.**—Each Federal agency shall pursue the duties under this section—

(1) in consultation with the Invasive Species Council established under section 402;

(2) in accordance with the National Invasive Species Action Plan established under section 404;

(3) in cooperation with stakeholders, as appropriate; and

(4) with the approval of the Department of State, in cases in which the Federal agency is working with international organizations or foreign nations.

VIOLENT AND REPEAT JUVENILE
OFFENDER ACCOUNTABILITY
AND REHABILITATION ACT OF
1999BIDEN (AND OTHERS) AMENDMENT
NO. 338

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. SCHUMER, Mr. KOHL, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 254, supra; as follows:

At the end of the bill, insert the following:

TITLE V—21ST CENTURY COMMUNITY POLICING INITIATIVE

SEC. 501. 21ST CENTURY COMMUNITY POLICING INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting “and prosecutor” after “increase police”; and

(2) inserting “to enhance law enforcement access to new technologies, and” after “presence.”

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following:

“(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.”; and

(2) in paragraph (2) by striking all that follows SUPPORT SYSTEMS.—” and inserting “Grants pursuant to paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.”

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting “integrity and ethics” after “specialized”; and

(B) by inserting “and” after “enforcement officers”;

(2) in paragraph (7) by inserting “school officials, religiously-affiliated organizations,” after “enforcement officers”;

(3) by striking paragraph (8) and inserting the following:

“(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs.”;

(4) in paragraph (10) by striking “and” at the end;

(5) in paragraph (11) by striking the period that appears at the end and inserting “; and”; and

(6) by adding at the end the following:

“(12) develop and implement innovative programs that bring together a community’s sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.”

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting “use up to 5 percent of the funds appropriated under subsection (a) to” after “The Attorney General may”;

(B) by inserting at the end the following: “In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal govern-

ments, and to other public and private entities for those respective purposes.”;

(2) in paragraph (2) by inserting “under subsection (a)” after “the Attorney General”; and

(3) in paragraph (3)—

(A) by striking “the Attorney General may” and inserting “the Attorney General shall”;

(B) by inserting “regional community policing institutes” after “operation of”; and

(C) by inserting “representatives of police labor and management organizations, community residents,” after “supervisors.”

(e) MATCHING FUNDS.—Section 1701(i) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding after 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.”

(f) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

“(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

“(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

“(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

“(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

“(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors’ offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

“(1) hire additional prosecutors who will be assigned to community prosecution programs, including (but not limited to) programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

“(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

“(3) establish programs to assist local prosecutors’ offices in the implementation of

programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.”

(g) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:

“(d) RETENTION GRANTS.—The Attorney General may use up to 5 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).”

(h) HIRING COSTS.—Section 1704(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-3(c)) is amended by striking “\$75,000” and inserting “\$125,000”.

(i) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after “criminal laws” the following: “including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.”

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(B) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools.”; and

(C) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

“(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

“(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.”.

(J) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

“(i) \$1,300,000,000 for fiscal year 2000;
“(ii) \$1,300,000,000 for fiscal year 2001;
“(iii) \$1,300,000,000 for fiscal year 2002;
“(iv) \$1,300,000,000 for fiscal year 2003;
“(v) \$1,300,000,000 for fiscal year 2004; and
“(vi) \$1,300,000,000 for fiscal year 2005.”; and
(2) in subparagraph (B)—

(A) by striking “3 percent” and inserting “5 percent”;

(B) by striking “85 percent” and inserting “\$600,000,000”; and

(C) by striking “1701(b),” and all that follows through “of part Q” and inserting the following: “1701(b) and (c), \$150,000,000 to grants for the purposes specified in section 1701(d), \$350,000,000 to grants for the purposes specified in section 1701(e), and \$200,000,000 to grants for the purposes specified in section 1701(f).”.

BYRD (AND KOHL) AMENDMENT NO. 339

(Ordered to lie on the table.)

Mr. BYRD (for himself and Mr. KOHL) submitted an amendment intended to be proposed by them to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled “An Act divesting intoxicating liquors of their interstate character in certain cases”, approved March 1, 1913 (commonly known as the “Webb-Kenyon Act”) (27 U.S.C. 122) is amended by adding at the end the following:

“SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘attorney general’ means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

“(2) the term ‘intoxicating liquor’ means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

“(3) the term ‘person’ means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

“(4) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a pre-

liminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

“(1) restrain the person from engaging, or continuing to engage, in the violation; and

“(2) enforce compliance with the State law.

“(c) FEDERAL JURISDICTION.—

“(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

“(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

“(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

“(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

“(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

“(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

“(A) set forth the reasons for the issuance of the order;

“(B) be specific in terms;

“(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

“(D) be binding only upon—

“(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

“(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

“(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

“(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

“(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

“(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

“(g) ADDITIONAL REMEDIES.—

“(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

“(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.”.

STEVENS AMENDMENT NO. 340

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place insert the following new section:

“SEC. . LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing state and federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclement weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with judicial standards of due process required under the state and federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next five years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.

(1) The Attorney General is authorized to provide to the State of Alaska funds for state law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to state local option statutes.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e) (1998)) from federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section

(A) \$15,000,000 for fiscal year 2000;

(B) \$17,000,000 for fiscal year 2001; and

(C) \$18,000,000 for fiscal year 2002.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, May 12, 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 ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2:00 p.m. on

Wednesday, May 12, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 12, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on damage to the national security from Chinese espionage at DOE nuclear weapons laboratories.

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

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, May 12, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Title I: Evaluation and Reform" during the session of the Senate on Wednesday, May 12, 1999, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday May 12, 1999 at 9:30 a.m. to conduct an Oversight Hearing on HUBZones Implementation in Indian Country. The Hearing will be held in room 485 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 12, 1999 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

COMMUNICATIONS SUBCOMMITTEE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, May 12, 1999, at 9:30 a.m. on S. 800—Wireless Communication and Public Safety Act of 1999.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Sub-

committee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 12, 1999, to conduct a hearing on "The Low-Income Housing Tax Credit."

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

SUBCOMMITTEE ON IMMIGRATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 12, 1999 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "Meeting the Workforce Needs of American Agriculture, Farm Workers, and the U.S. Economy".

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

SUBCOMMITTEE ON SCIENCE TECHNOLOGY AND SPACE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, May 12, 1999 at 2:30 p.m. on emerging technologies.

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism and Government Information of the Committee on the Judiciary be authorized to hold an Executive Business Meeting during the session of the Senate on Wednesday, May 12, 1999 at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism be authorized to meet during the session of the Senate on Wednesday, May 12, 1999 at 3:00 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

ON THE CITADEL'S GRADUATION

• Mr. HOLLINGS. Mr. President, early on in this decade The Citadel in Charleston, South Carolina was challenged and lost the fight for the admission of women to the Corps of Cadets. It was a stormy event, but on Saturday last with dignity and prestige the first woman cadet, Nancy Mace, a gold star honor student, was graduated. The commentator, Pat Buchanan, rendered the graduation address. It was a challenge not only to the graduating class, but for the Nation as well. I ask that

the Buchanan address be printed now in the RECORD.

The address follows:

A REPUBLIC, NOT AN EMPIRE

(By Patrick J. Buchanan)

General Grinalds, distinguished guests, and friends of the Citadel. It is truly an honor to address this last graduating class of the 20th century—and a truly unique class it is, of an institution whose name is synonymous with patriotism, courage, and a code of honor.

I must tell you, I was profoundly moved by yesterday's parade, and the Scottish bagpipes playing "Auld Lang Zyne" to the Class of '99. I was moved, in part, because we Buchanans are of Scotch ancestry. Indeed, an historian once told me the Buchanans were a Highland warrior clan that had fought at Agincourt, where England's Henry V achieved immortality.

And as I was basking in the reflected glory of my ancestors, however, the historian added, "Unfortunately, Pat, the Buchanans all fought on the side of the French."

Now, as my two great grandfathers on the Buchanan side were from Mississippi, and fought with the Confederacy, we Buchanans have an established tradition of Lost Causes. Unfortunately, in 1992 and 1996, I made my own contributions to that family tradition.

My wife Shelley tells me that if I don't win this time, she is going to pack it in—and run for the Senate from New York.

This is not my first trip to the Citadel; in 1995, I was invited to address the student body in its lecture series on the great issues of the day. On the bookshelf in my living room, if you come to visit, you will find in a place of honor what is known as the Brick—a miniature replica of the original Citadel.

Friends of the Citadel, we live in an age of self-indulgence where the values embodied in your code of honor—"A cadet does not lie, cheat, or steal, or tolerate those who do," are considered by some to be out of fashion.

But all over this troubled country of ours, people hunger for a restoration of the values which I believe will soon be both relevant and respected again. For this country is not only about to cross over into a new century, we are entering upon a new and potentially dangerous decade.

Indeed, as this era that the historians have already designated "the American Century," approaches an end, it may be instructive to look back to the close of the 19th century, when the British empire was the world's pre-eminent power.

For the Diamond Jubilee of Queen Victoria, Rudyard Kipling was asked to pen some verses to the greatness and glory of his nation. As he wrote of Britannia's "(d)ominion over palm and pine," Kipling struck a note of unease, of apprehension, that the mighty empire on which the sun never set might itself also pass away. Let me recite a few lines from his poem "Recessional":

"Far-called our navies melt away—
On dune and headland sinks the fire—
Lo, all our pomp of yesterday
Is one with Nineveh and Tyre!
Judge of the Nations, spare us yet,
Lest we forget, lest we forget."

Kipling proved prophetic. In two decades, the British empire was fighting for its life on the fields of France. In half a century, that empire had vanished from the earth.

And so it was with all the great nations that had strode so confidently onto the world's stage at the start of this bloodiest of centuries—all except America. The Austro-Hungarian, German, Russian, and Ottoman empires perished in World War I. Japan's was

destroyed in World War II; the British and French expired soon after.

When the Berlin Wall came down in 1989, in that triumph of human freedom and American perseverance, the empire of Lenin and Stalin collapsed, leaving the United States as the world's sole superpower. In the phrase of our foreign policy elite, we have become the world's "indispensable nation."

But it is just such hubristic rhetoric that calls forth apprehension, for it reflects a pride that all too often precedes a great fall.

Long ago, Teddy Roosevelt admonished us: "Speak softly and carry a big stick." Today, we have whittled down the stick, even as we raised the decibel count.

My apprehension is traceable, too, to a belief that our republic has begun to retrace, step by step, the march of folly that led to the fall of the British and every other great empire.

Today, America has become ensnared in a civil war in a Balkan peninsula where no U.S. army ever fought before, and no president ever asserted a vital interest. Daily, we plunge more deeply in.

Our motives were noble—to protect an abused people—but most now concede that we failed to weigh the risks of launching this war.

Among the lessons America should have learned from Vietnam, said General Colin Powell, is that before you commit the army, you must first commit the nation. We did not do that.

Now, it is said that as the credibility of NATO cannot survive defiance by tiny Serbia, we must do whatever needs to be done to win, even if it means ordering 100,000 U.S. ground troops into the Balkans. This sentiment was expressed by a columnist at the *New York Times*:

"It should be lights out in Belgrade; every power grid, water pipe, bridge, road . . . has to be targeted. Like it or not, we are at war with the Serbian nation . . . and the stakes have to be very clear: Every week you ravage Kosovo is another decade we will set you back by pulverizing you. You want 1950. We can do 1950. You want 1389. We can do 1389 too."

One cannot read that passage without recalling to mind the phrase, "the arrogance of power."

Now, Milosevic is a tyrant and a war criminal. But does America have the right to "pulverize" a nation that never attacked the United States? Did the Founding Fathers dedicate their lives, fortunes and sacred honor to the cause of liberty, so that the republic they would create could emulate the empire they overthrew? Is it America's destiny to be the policemen of the world?

In his Farewell Address, our greatest president implored us to stay out of Europe's endless quarrels: "Why quit our own to stand upon foreign ground?" Washington asked. "Why . . . entangle our peace and prosperity in the toils of European Ambition, Rivalship, Interest, Humour, or Caprice?"

When the Greeks rose in rebellion against the Ottoman Turks in a Balkan war, John Quincy Adams, our greatest Secretary of State advocated America's non-intervention.

"Wherever the standard of freedom and independence has been or shall be unfurled," said Adams, "there will [America's] heart, her benedictions, and her prayers be. But she goes not abroad in search of monsters to destroy."

Now that America is at war, all of us pray for the success and safe return of the men and women we have sent into battle. They are some of the best and bravest of our young. And no matter our disagreements, those are our sons and our daughters out there. But all of us, as citizens of a republic, must debate the decisions as to when, where, and whether to put their lives at risk.

This Balkan war is not the first time America has heard the siren's call to empire. A century ago, we heeded it, and annexed the Philippines. In the fall of 1898, leaders from Grover Cleveland to Sam Gompers implored us to resist the temptation.

"The fruits of imperialism, be they bitter or sweet," said William Jennings Bryan, "must be left to the subjects of monarchy. This is one tree of which citizens of a republic may not partake. It is the voice of the serpent, not the voice of God, that bids us eat."

America did not listen. And hard upon the annexation of the Philippines came the declaration of an Open Door policy in China, that plunged us into the politics of Asia, out of which would come war with Japan, war in Korea, and war in Vietnam.

Today, this generation is facing the same question. Quo vadis, America? Whither goest thou, America?

Will we conscript America's wealth and power to launch utopian crusades to reshape the world in America's image? Or shall we again follow the counsel of Washington and Adams, and keep our lamp burning bright on the Western shore?

Every citizen needs to take part in deciding the destiny of this republic, for we have now undertaken foreign commitments that no empire in history has ever sustained. We have assumed the role of German empire in keeping Russia out of Europe, of the Austrian empire in policing the Balkans, of the Ottoman empire in keeping peace in the Middle East, of the Japanese empire in containing China, of the British empire in patrolling the Gulf and maintaining freedom of the seas.

How long can America continue to defend scores of countries around the world on a defense budget that has fallen to the smallest share of the U.S. economy since before Pearl Harbor?

As we see a limited air war in the Balkans stretch U.S. power to where F-16s are cannibalized for spare parts, our Air Force runs low on laser-guided munitions, our Apache helicopters take weeks to be deployed, and our Pacific fleet is stripped of carriers, it is clear: The long neglect of America's military must come to an end.

We must restore this nation's military power, or we are headed for humiliations such as have marked the fall of every great nation that has ever embarked on the imperial course we now pursue.

America must retrench; and America must rearm. To make up for this lost decade, let us restore America's defenses to what they were when the decade began. Let us make our country, again, invincible on land, sea, and air, and build the missile defense that a great president, Ronald Reagan, sought as his legacy to America.

To be prepared for war, Washington reminded us, is the best guarantee of preserving peace.

But if there is cause for apprehension over what lies ahead, there is also cause for confidence and hope. That confidence, that hope, rests not only on the boundless resources of this providential land, but on the almost infinite capacity of the American people to rise and overcome any challenge with which history confronts them.

We, after all, are the heirs of the heroes who launched the world's first revolution for liberty. We are the sons and daughters of the great generation that brought us through the Depression and crushed fascism in Europe and Asia. We are the men and women who persevered and triumphed in a half century of Cold War against the most monstrous tyranny mankind has ever known.

Now the time of testing is coming for you. The America that this Class of '99 shall in-

herit is rich and prosperous and powerful, but also envied and resented.

And whether America retains into this new century what she carries out of this old one, depends now on your generation. Fifty years from now, at the end of your lives, you will look back, and say one of two things: Yes, we, too, made our contribution to the preservation of the greatest republic the world has ever seen. Or you will say that it was during your custodianship that the lamp began to flicker, that we began to follow inexorably in the footsteps of all the other great nations, down the staircase of history.

All, then, will come to depend on the character, and courage of this generation, for, as Churchill said, courage is the greatest of all virtues, because it alone makes all the others possible.

Last night at dinner, General Grinald's wife told me that when members of the graduating classes are asked what they will take away from the Citadel, almost invariably they say, "After going through the Citadel, I believe that I can do anything."

That is the spirit the Citadel instills, and that is the spirit America needs. Because you have gone through this Citadel that has always cherished duty, honor and country, you are more prepared than most of your generation for what lies ahead.

And the debt you owe the Citadel, the debt you owe your parents, the debt you owe your teachers, and all those who have gone before, is to be able to say, at the end of your lives: We, too, were faithful to the Citadel; we, too, did our duty; we, too, gave over to our children and their children the greatest country the world has ever known.

God bless the Citadel, and God bless the Class of '99. ●

A MILESTONE FOR NEW MEXICO ACEQUIAS

● Mr. DOMENICI. Mr. President, since my early days as a Senator, I have worked with Northern New Mexicans who have irrigated apple orchards, chile crops, beans, and other subsistence commodities by using a unique system of irrigation that is native to New Mexico's high desert plateaus of the Rocky Mountains. For hundreds of years, Hispanics have channeled Rio Grande River water for their crops through a complex system of ditches. I first started working with these "acequia" associations in 1976, when we first brought their needs to the attention of the Bureau of Reclamation.

Water from the Rio Grande River has been carefully syphoned off to provide a basis for Hispanic life and culture for centuries. The annual rituals of cleaning, operating, and sharing this precious water have become an integral part of northern New Mexico's cultural life. Irrigators have formed alliances and cooperative agreements to meet the many water needs of the area. "Acequias," as they are known in Spanish, are the irrigation ditches that have given rise to centuries of critical life support systems.

Much of the beauty of cottonwood trees and apple orchards between Espanola and Taos was created by these man-made acequias. In addition to watering the orchards and fields, the acequias are a vital source of precious water for the old trees that also live off this water system.

The historic value of this system of cooperative watering is well known in northern New Mexico. In fact, when the acequia associations and I agreed to improve this system, our suggestions were resisted by State of New Mexico agencies on the grounds that concrete lining, for example, would alter the historic value of these acequias.

Of course, the state agency did not want to help with the expensive and frequent repairs and annual maintenance. They wanted the subsistence farmers to do this themselves, at their own expense.

Working with Las Nueve Acequias Steering Committee, and their excellent Chairman Wilfred Gutierrez, we are now celebrating a quarter century of overcoming bureaucratic barriers and making real improvements to this vast system of acequias. In the past twenty five years, I have been able to convince my colleagues in the Senate of the value of acequias to the economy and culture of northern New Mexico.

The Congress has been accepting of my proposals. At my urging, the Congress authorized a special program to make the needed physical improvements to acequias, while maintaining the traditional cooperative relationships. The traditional leader of an acequia is the "mayordomo." Mike Martinez, the current mayordomo of the Chicos ditch in Velarde was on hand to christen the latest section of improvements in late April. This event was a milestone that marks a quarter century of a vital partnership with the federal government to keep these acequias operable for the next century.

We are still a couple of years away from completing \$30 million worth of improvements in the Velarde area of New Mexico. Miles of acequias have been greatly improved in the past quarter century. I have been fortunate to have the support of my colleagues for many appropriations over all these years. In gratitude for the consistent support of my colleagues for funding these acequia projects, I would like them to see the attached newspaper article from the Rio Grande Sun, May 6, 1999, by Cynthia Miller, entitled, "After 25 Years, Acequia Project Finally Finished". This article gives us important insights into the value of the acequias to thousands of northern New Mexicans. After a quarter century of improvements, the acequia users and associations can continue to rely on this essential source of water for their lifestyles, and their livelihood.

I ask that this article be printed in the RECORD.

The article follows:

[From the Rio Grande Sun, May 6, 1999]

AFTER 25 YEARS, ACEQUIA PROJECT FINALLY FINISHED

(By Cynthia Miller)

When the Chicos ditch in Velarde was opened April 28 during a ceremony to celebrate the completion of 3000 feet of improvement work, Las Nueve Acequias Steering Committee Chairman Wilfred Gutierrez said he witnessed not only the one ditch's

progress that day, but also the past 25 years of progress on a \$20 million federal project covering nine ditches in the area.

The 3000 feet of concrete piping from a Rio Grande dam up the Chicos marks one of the last stages of the project, Gutierrez said, estimating \$15 million in federal funds has been spent on the project so far.

He said the ditch was christened by acequia mayordomo Mike Martinez and several federal Bureau of Reclamation officials who gathered April 28 to watch as water was released from the newly lined dam for the first time this spring.

The pricey nine-ditch project was initiated in the 1970s, Gutierrez said, when residents of Velarde and surrounding communities rebelled against a \$28 million federal plan to build a canal from the Rio Grande to the Santa Cruz River.

The group successfully stopped the canal from going in and the community's irrigation water supply from going out, he said, and then members got some ideas of their own. "People started asking me why couldn't we use some of that money to rehabilitate our acequias?"

Gutierrez said the farmers in the area were always putting time, money and labor into rebuilding dams and ditches which were washed away by heavy river flows, and fixing spots where muskrats, crawfish and other wildlife dug holes.

Rather than constantly rebuild the acequias just to see them destroyed again, the community members wanted to improve the ditches in a way that would be more permanent and would require less strenuous maintenance efforts, he said.

In 1976 officers from the nine acequias organized into the Las Nueve Acequias Steering Committee and asked Gutierrez to serve as chairman, he said. The group then sought U.S. Sen. Pete Domenici's help in securing Bureau of Reclamation funds for their ditch improvement projects.

Following a Bureau of Reclamation feasibility study around 1980, he said, it was determined that the work would cost about \$20 million. Funds began to come in and plans were made to get started.

The first and most crucial phase was to build new dams, Gutierrez said. "Before that, it was just the old ones that the Spanish and the Indians built. Literally, we were just washing money down the river."

With each heavy rain, he said, the dams just washed away and had to be rebuilt.

Seven new permanent dams were built by Las Nueve Acequias and the Bureau of Reclamation to replace the nine previous dams, he said, and then work was started on lining ditches and creating other structures.

He explained the group is set up so that each ditch has its own officers to make decisions on what work it wants done.

"What's nice about this project is that it's up to the people in the acequias to determine what they want. They have to make the request," he said, adding he has served from the start as an at-large representative of the steering committee.

He represents no individual acequia, he said, and works instead for the good of all nine.

Part of his work has included overcoming obstacles standing in the way of ditch improvements, such as the state Environment Department and the state Game and Fish Department's objections to ditch work, Gutierrez said.

The departments wanted the ditches to remain in their more natural states.

"They wanted the acequias to exist like before, but they didn't realize how expensive it was. And they didn't want to help fix them," he said. "They wanted the acequia groups to be burdened with the expense of keeping the acequias as they had existed."

Gutierrez said he was glad to see the project is nearing its completion.

"When we started it, we thought we could finish it in eight years," he said, "and it's taken 25. . . . We'd like to finish this project in the next two years."

Gutierrez said Las Nueve Acequias has plans to do more work on its ditches this fall.●

AMERICAN HOSPITAL ASSOCIATION AWARD WINNER

● Mrs. FEINSTEIN. Mr. President, the week of May 9, 1999 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 Sexual Assault Response of Antelope Valley Hospital in Lancaster, California. The program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence for 1999, which highlights special contributions of hospital volunteers.

The Sexual Assault Response Service is a team of hospital volunteers that offers 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 to 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. President, I want to congratulate Antelope Valley Hospital for this award-winning effort and for their generous contributions to their community.●

IN RECOGNITION OF CFIDS AWARENESS DAY

● Mr. SANTORUM. Mr. President, I rise today to recognize the efforts of the Chronic Fatigue Syndrome Association of Lehigh Valley in fighting Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS), or Chronic Fatigue Syndrome (CFS).

Through a tireless effort, the CFS Association of Lehigh Valley is committed to finding a cure for CFIDS, increasing public awareness and providing support for victims of this disease. Public education is an integral part of the association's mission, and the Lehigh Valley organization works to raise awareness through the International CFIDS Awareness Day, which

is held on May 12 each year. In addition, the Lehigh Valley organization is actively involved in CFS-related research and regularly participates in seminars to train health care professionals. It is also important to note that the CFS Association of Lehigh Valley received the CFIDS Support Network Action Award in 1995 and 1996 for their public advocacy initiatives.

Although some progress has been made in the study of CFIDS, this condition is largely still a mystery. With no known cause or cure for the disease, victims experience a variety of symptoms including extreme fatigue, fever, muscle and joint pain, cognitive and neurological problems, tender lymph nodes, nausea and vertigo. The Centers for Disease Control has given CFIDS "Priority 1" status in the new infectious disease category which also includes cholera, malaria, hepatitis C and tuberculosis. The Lehigh Valley organization will persistently continue its research and education campaigns until this disease is obliterated.

Mr. President, I urge my colleagues to join me in commending the Lehigh Valley organization and in supporting the following proclamation:

PROCLAMATION

Whereas, on May 12, 1999 the Chronic Fatigue Syndrome (CFS) Association of Lehigh Valley joined the Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) Association of America, the largest organization dedicated to conquering CFIDS, in observing International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, CFIDS is a complicated disease which is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue, as well as a number of other symptoms that can persist for months or years and can be severely debilitating; and

Whereas, estimates suggest that hundreds of thousands of American adults already have CFIDS; and

Whereas, the medical community, as well as the public should receive more information and develop a greater awareness of the effects of CFIDS. While much has been done at the national, state and local level, more must be done to support patients and their families; and

Whereas, research has been enhanced by the efforts of the Centers for Disease Control, the National Institutes of Health and other private institutions, the CFS Association of Lehigh Valley recognizes that there is still much more to be done to encourage further research so that the mission of conquering CFIDS and related disorders can be achieved;

Therefore, the United States Senate commends the efforts of the CFS Association of Lehigh Valley, as well as those battling the disease and applauds the designation of May 12, 1999 as CFIDS Awareness Day.●

COLORADO BOYS RANCH

● Mr. ALLARD. Mr. President, I would like to take a moment to draw attention to an anniversary. Forty years ago yesterday, the Colorado Boys Ranch Foundation was incorporated. Yesterday they celebrated forty years as a leader in the field of youth work.

The Colorado Boys Ranch places emphasis upon youth, especially those

who are vulnerable to or troubled by the negative influences and pressures of our society. Their motto is "It's easier to build a boy than mend a man."

Thirty eight years ago, my predecessor, Senator John Carroll of Colorado, spoke on this floor on the merits of the then still new Ranch, and I am here to echo the spirit of his comments.

Colorado Boys Ranch was created through volunteer labor and public and private contributions. This ranch is located just north of La Junta, Colorado. In 1959 the La Junta Chamber of Commerce and the Colorado County Judge's Association had a vision to build a treatment center for wayward youth coming from broken and unloving homes. The City of La Junta had received from the United States Government an abandoned WWII air field, and they gave the Foundation the civilian housing area from that field. Businesses and volunteers immediately came forth with offers to help remodel this facility to accommodate plans for the Ranch.

Of the committee of ten that started the ball rolling, two are still alive. Of the four judges that were involved personally, only one remains. Their volunteerism inspired others over the past forty years, and the overall efforts have been great and still continue strong to help the Ranch in its great efforts.

Over the past forty years, 4,000 plus youth have been treated at Colorado Boys Ranch and over 85% have continued on to be productive citizens. The Ranch is accredited with commendation by the Joint Commission on Accreditation of Healthcare Organizations, and is certified and licensed by the Colorado Department of Human Services, Mental Health and Education.

The Colorado Boys Ranch program is based upon the following beliefs: That preserving families and family ties takes continual effort and a spirit of renewal. That youth require essential life experiences and skills to maximize their growth and development. That something special happens when the lives of youth and animals connect. And, that CARING BRINGS RESULTS.

Recently, the Ranch received the Samaritan Institute Award for Ethics. This prestigious award is presented annually to a non-profit organization that best illustrates the importance of ethical values through its chartered work and its partnership with the business community.

I commend the goals of the ranch, and its purpose as a leader in the field of working with vulnerable youth and helping them find their role in modern society. I invite you to visit the Colorado Boys Ranch should you ever be in the state—over its forty year history, it has served youth from over twenty states across our nation.

Mr. President, the fortieth anniversary of the Colorado Boys Ranch Found-

ation would be special any day that it happened to fall upon, but today it is especially notable. We debate today on youth violence and youth crime, and ways to curb that horrible scourge. The Ranch has found a solution, a solution that will not perhaps work across the whole nation, but is certainly working for those it serves.

Following also in the path of Senator Carroll, I ask that an article from the Denver Post on the Ranch and its good works be printed in the RECORD.

The article follows.

[From the Denver Post, Jan. 23, 1999]

BOYS RANCH HELPS TROUBLED YOUTH

(By Keith Coffman)

Those seeking testimonials about how the horsemanship program helps troubled youth at the Colorado Boys Ranch don't need to look far. Current ranch residents will gladly oblige, thank you very much.

"Before I came here, I was living on the street, taking drugs and didn't care about anything, even myself," said George, a 17-year-old who's been at the ranch for six months. "Now I've learned responsibility by taking care of my horse and focusing on one objective at a time."

George is one of 60 youth at the ranch, a residential treatment center for troubled boys ages 12 to 18. He was facing jail time for a variety of petty crimes in Nevada. But after six months in Colorado, he now thanks his probation officer for giving him a second chance by suggesting the ranch.

"I still show a little stubbornness, but I've gotten better at listening to people," he said.

Located on 320 acres near La Junta in southeastern Colorado, the private, non-profit Colorado Boys Ranch offers therapy, education and pre-vocational training to its residents, many of whom are referred by courts and social service agencies nationwide.

A handful of residents and staff participated in several activities at this year's National Western Stock Show and Rodeo as part of the ranch's animal-assisted therapy program.

Boys in the program trained three roping, or heading, horses for entries by Colorado Boys Ranch ranch hands in the pre-circuit team roping event earlier in the show. They also showed a 4-year-old donated quarter horse in the halter competition.

Although insurance regulations prohibit residents from competing in rodeo and other events, the boys took pride in seeing their contributions to a major event like the National Western, said Jim Kerr, director of the horsemanship program for the Boys Ranch.

"They also get a chance to see our staff and other professionals as positive role models, which I think is very important," Kerr said.

But the horsemanship program isn't just about playing cowboy, Kerr said. The ranch teaches its charges all facets of horsemanship, from riding to the less-glamorous task of cleaning corrals. Classroom instruction also is incorporated into real world experience on the ranch.

For instance, Kerr said, students apply their math skills to calculate correct feed amounts for the animals they tend, or watch a mare give birth to a foal to get a valuable biology lesson. He said therapists also have found that many boys are more forthcoming in counseling sessions done during a leisurely horseback ride at the ranch, than those held in more formal office settings.

For many of the youth, relating to animals often helps them relate to people and prepare them for mainstream society, Kerr said.

That's the case for Thurman, 17, who was skipping school and getting into fights in his native Detroit before coming to the ranch 18 months ago.

Raising and halter breaking an orphaned filly named Sweet Pea, he said, has taught him to become disciplined enough to get on track for his high school equivalency diploma, with a goal of one day becoming an animal trainer.

"When my mom comes to visit me, she sees how I've changed," he said. "I used to be very angry and aggressive, and couldn't sit still."

But none of the ranch's success stories surprise Kerr, a former public school teacher.

"I witness a miracle a day here," he said.●

TRIBUTE TO ARLENE SIDELL

● Mr. McCAIN. Mr. President, I would like to pay tribute to Ms. Arlene Sidell, who will soon be retiring from a long and distinguished career in the U.S. Senate.

Ms. Sidell is the Director of the Senate Commerce Committee Public Information Office. She first came to the Committee 36 years ago, in March of 1963. Ms. Sidell is an extraordinary public servant, who has consistently served all the Members and staff on the Committee with total dedication and commitment.

The Commerce Committee, at a recent Executive Session, expressed its gratitude to Ms. Sidell for all she has done for the Committee and the Senate with extended applause.

Mr. President, I ask that the text of my statement made on Ms. Sidell's behalf at the Commerce Committee Executive Session held on May 5, 1999, be printed in the RECORD.

The statement follows:

ACKNOWLEDGMENT OF ARLENE SIDELL

Before we begin to consider items on today's agenda for our Executive Session, I would like to take a moment to acknowledge and extend my heartfelt thanks to Arlene Sidell. Arlene, sitting before us, is the Director of the Commerce Committee Public Information Office, and our official clerk for Committee Executive Sessions. This will be the last time we will see Arlene at one of our mark-ups, as she will soon be retiring from an exemplary career in public service.

Arlene began her tenure with the Commerce Committee 36 years ago, in March of 1963. She has served the Senate and our Committee with distinction ever since, and will certainly be missed. Again, Arlene, please know how grateful I am for your dedication, commitment and tireless efforts on behalf of the Members, both past and present, of this Committee.●

TRIBUTE TO ERNIE AND MICHELLE LOPEZ, FATHER-DAUGHTER TEAM

● Mr. DOMENICI. Mr. President, I want to commend a most unique father-daughter team of New Mexicans for their excellent science and engineering accomplishments. Ernie Lopez, a teacher at Taos New Mexico Middle School and science coordinator for the Taos Municipal Schools, has consistently inspired Taos students to excel in science and engineering. That inspira-

tion is best characterized by his record of having at least one of his students at the Intel International Science and Engineering Fair for 23 of the past 25 years.

I know Mr. Lopez was especially proud this year when his own daughter, Michelle Lopez, won one of the top prizes in this year's fair for the project judged to be the best zoology project at this year's Fair.

I want to add my enthusiastic congratulations to Michelle for the dedication and hard work that she has invested in her winning project. That work should lay a solid foundation for a future career marked by major contributions in her chosen fields.

Ernie Lopez was also honored at the International Fair, for "outstanding accomplishment as a science educator," one of seven teaching awards handed out at this year's Fair.

It's with great pleasure that I salute this superb father-daughter team from New Mexico. They serve as great inspiration to students and teachers in my home State.●

IN MEMORY OF LT. WILFRID "BILL" DESILETS

● Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to Lt. Wilfrid Desilets, a U.S. Army Air Corps P-47 pilot from Worcester, Massachusetts who was lost over New Guinea on August 18, 1943. His remains were recently located and identified, and I was privileged and deeply honored to assist his family—including one of his sisters, Therese Auger of Portsmouth, New Hampshire—with efforts to bring this case to resolution. I was also proud to attend the military funeral for Lt. Desilets this past weekend and to present the Flag of the United States to the surviving family members. Lt. Desilets was an American hero and a patriot who loved his country, loved his family, and loved to fly. He made the ultimate sacrifice for the cause of freedom during the Second World War, and I am pleased to have this opportunity to recognize his unselfish service to his country.

But no words of mine can match the moving eulogy delivered by Therese's husband, Lt. Col. Elvin C. Auger, USAF-ret. Mr. President, I therefore ask that a copy of the eulogy, as delivered by Colonel Auger, appear in the RECORD.

The eulogy is as follows:

FLIGHT OFFICER WILFRID DESILETS: EULOGY BY LT. COL. RET. ELVIN C. AUGER, MAY 8, 1999

I would like to welcome all of you here today, a day this family has waited so long for.

I want to begin by thanking you, Senator Smith, for all the assistance you have given this family. Senator Bob Smith is from New Hampshire. He's my Senator. We thank you for being here today.

I have written this eulogy with the hope that all of you but especially our sons, daughters, and now our grand-children will get to know the Bill that we knew.

I would like to start by saying that I did know Bill and his family before he left for

the service and I am proud to say that I have been a member of this family for 55 years.

Now Bill grew up in this family with both loving and caring parents. He was the only boy with 7 sisters. To put it mildly these 7 sisters simply adored him, or as my wife would say today, "Bill was simply the best". Bill was a very handsome young man, very religious, started many a day in the service by going to early Mass. He was a good athlete, loved sports and played most all of them.

Now I'm not sure where Bill was on that Sunday, Pearl Harbor Day, but I can tell you for sure where he was very early the next morning. He, with a very good buddy called Kip would be at the Army Recruiting Office to volunteer and serve. Both men knew exactly what they wanted. Bill had to be a pilot and Kip wanted to be a gunner. Hopefully that day they thought Bill's gunner. Incidentally that young man Kip was not only Bill's good buddy, he was my big brother.

Now Bill was so good at writing letters home that to read them today is like reading a diary of his military career. In fact the first days in the service when he was issued his uniforms he would write, today I am a soldier.

Now Bill was off to basic training and as he completed it he would be devastated for the Army was sending him to radio operator school not pilot training. Though you know his heart was broken he would write, at least I'll be flying on a crew. Bill did go and complete radio school but then someone somewhere would decide that this young man should be given a chance for pilot training. Now you can imagine how high the morale would be and how his letters home would sound.

Now Bill was off for the pilot training program, preflight primary flying school, basic flying school, and then advance. Now advance being the final phase would terminate with Bill's graduation. We were all so proud of Bill for he was going to be an Army Air Corps pilot.

Two of Bill's very pretty younger sisters would go to Florida to be with him. They would be there the night before graduation to attend the squadron dance with Bill and his buddies and be there the following day with him for the ceremonies to pin the bars and coveted silver wings on Bill. I know for sure how very proud Bill felt that day, not only for completing his pilot training but also for having those two sisters there with him. I know for sure how he felt for in a couple of years later one of those sisters would be my wife and be there with me at my graduation to pin my wings on.

Now Bill must have finished high in his class for his first assignment would be to the 342 Fighter Squadron. Here he would be flying the P47 Thunderbolt. At that time it was one of our most modern and powerful fighter aircraft we had. Now what was even nicer, Bill would do his transition flying at the old Bedford Airport just 50 miles from home. This would be the happiest time for Bill and his family for when Bill had a little time off we could drive down and bring him home for visits. He was also close enough that on some of his local flights he might do just a little buzzing. What a thrill it was for me to see Bill and his fighter come screaming in low and pull up and away. At that time I would soon be old enough to join and I made up my mind that I had to be a pilot like Bill.

It was also at this time that Bill would marry his sweetheart Ann. Two short days after the wedding Bill and his squadron would have their orders and be on their way overseas. At the time it seemed like the cruelest, harshest thing that could happen. And it was, but now when I think back I would like to believe that at least Bill had some

days of great happiness and he left knowing that his bride Ann would be here waiting for him to come home. How these had to be wonderful thoughts and memories for Bill to take with him.

Now during the war the boys could not tell us where they were stationed overseas but Bill did write he had seen his first Kangaroo. Years later reading a book on Australian airfields during the war I would read where Bill and his squadron with their aircraft would come to Australia by ships. Here the aircraft would be offloaded, reassembled, test flown and on to New Guinea.

Now in New Guinea in about one month Bill would fly his last mission. It was a big one. 16 of those fighters were in that formation. They were flying a protective cover for some air transports. That flight would enter into a box canyon where the mountains went up to 10 and 12 thousand feet. The weather deteriorated so badly that the flight could not turn and exit that canyon. The pilots all had to break their formation and climb blindly up through the clouds. Bill never came up. In the days that followed, his good buddy then Capt. Roddy would fly search missions over that area but the jungle was not ready to give up its secret.

Now I was with the family that Sunday evening when the notice of a telegram came. You can imagine the thoughts, the fear, and the prayers that went through that family that long night for a war time telegram was most always bad news. Very early the next morning I drove Bill's dad to get that telegram. I will never forget the look on his face and what he said as he came back to the car.

He said, "It's Bill, it's Bill, he is missing in action. This will kill my wife." We had to take this news back home. I can still see Mom and all the sisters on the back porch as we drove in the yard. I guess they knew by his face that it was bad news. All that poor man could do was to keep trying to tell them that Bill was not dead, Bill was not dead, Bill was missing in action.

Two years later the second telegram came. Bill was presumed dead.

In the years that followed we lost Dad, Mom, and a sister, Jean. I can assure you that their thoughts, their hopes and their prayers were that someday Bill would be coming home.

Many, many years later while reading a book of the air wars in New Guinea, I would read in this book that Flight Officer Wilfrid Desilets was lost in the jungles of New Guinea forever. That's the way it remained for 53 long years. Then into our lives came the most amazing young man that I have ever had the opportunity to meet and call a friend. He is a successful businessman, a great writer, a fellow pilot but most of all he was an adventurer and a man with a quest. This man's quest was to find an aircraft that a great uncle had been lost in during this war. The uncle's body had been recovered some 14 years later. This man knows well what a family goes through. On his second trip to New Guinea high up in the mountains and deep in the jungle, he, with the natives, would find Bill and his aircraft. Now he notified the proper authorities and he knew that they could take years to make a recovery identification, and then notify a family. And he so rightfully thought that if Bill still had a family that they would be aging and should know. So upon his return he learned that Bill was probably from the Worcester area so he, with his secretary Arlean, started a massive telephone search for the surname Desilets. They were finally successful and notified Yvette, one of the sisters. Now when we first heard what this stranger said he had done it was unbelievable, but we learned he had done it.

Now as all of you might well expect there are not adequate words to express the feel-

ings that this family has for this man, the gratitude, the great respect, yes the love we feel for this man. so for today I am simply going to say thank you. Yes, thank you Fred Hagen, for without you we would never have had our day today. I guess Fred it is your day too for I have the feeling that you have adopted this family and I know we have adopted you.

We have met and made such wonderful new friends during this time. We have with us Colonel Roddy and a Colonel Benz, two men, fighter pilots who were in that flight with Bill on his last mission. You can imagine the honor it was for me to meet these men and talk and learn of Bill's last mission. We were recently invited to Bill's fighter squadron reunion. We went there as guests and came home honored members. We heard such wonderful stories and memories of Bill. One I would like to share with you today. It is from a letter that a Sergeant Iddings had written to Colonel Roddy when he learned Bill had been found. In his letter he expressed the great sorrow that the maintenance and ground support boys felt when Bill was missing. He also said that in his mind Bill's tombstone should be engraved with a blue ribbon and on it, it should say that Bill was a blue ribbon gentleman and a blue ribbon pilot. How I wish the Sergeant was with us today that we may thank him but he to passed away last year.

To you sisters if I may. We have lived with this tragedy most all of our lives. Now that we have what some may call closure I would hope that when you think of Bill or look at his pictures maybe your hearts may be just a little lighter and remember too Bill will always remain that handsome young man. He will never grow old as we have. I know too that each of you have your own special memories of growing up with Bill. Cherish them for they are yours forever.

I, for one, will always honor Bill for he was the type of young man who, as his country was going to war, would be among the first to volunteer and serve.

Bill was my hero for as a young man watching him fly his fighter made me want to be a pilot like him.

Now if we had to lose Bill during this war, then I am grateful that it would be while Bill was fulfilling his greatest dream, for Bill was a fighter pilot.

Today from here, Bill will be taken to rest with his Mom and Dad. Bill is no longer lost in that jungle. Bill is now home, home with his family truly forever.●

REFERRAL OF S. 28

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 28 be discharged from the Energy Committee and referred to the Committee on Indian Affairs.

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

REFERRAL OF S. 785

Mr. SESSIONS. Mr. President, I ask unanimous consent S. 785 be discharged from the Committee on Armed Services and referred to the Committee on the Judiciary.

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

AMENDING THE PEACE CORPS ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed

to the immediate consideration of Calendar No. 107, H.R. 669.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

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

Mr. SESSIONS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure appear in the RECORD.

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

The bill (H.R. 669) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101-509, the appointment of James B. Lloyd, of Tennessee, to the Advisory Committee on the Records of Congress.

ORDERS FOR THURSDAY, MAY 13, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, May 13. I further ask consent that on Thursday, 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 6 minutes of debate on the Hatch-Leahy amendment, equally divided in the usual form, with no amendments to the amendment in order prior to a vote at 9:40 a.m.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene on Thursday at 9:30 a.m. and immediately resume consideration of the Hatch-Leahy amendment, with a vote to take place at 9:40 a.m. Following that vote, the Senate will resume consideration of the Hollings amendment on TV violence for the remaining 2 hours of debate. Senators can therefore expect votes throughout the morning session of the Senate, with the first vote occurring tomorrow morning at 9:40.

I further ask that immediately following the 9:40 a.m. vote, Senator BRYAN be recognized for up to 12 minutes for a morning business statement.

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

ORDER FOR ADJOURNMENT

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order at the conclusion of the remarks of Senator DORGAN, which he will commence at this time.

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

PRIVILEGE OF THE FLOOR—S. 254

Mr. SESSIONS. Mr. President, if I could, before he begins his remarks, I ask unanimous consent that Kristi Lee, my staff member for the Judiciary Committee, be granted the privilege of the floor through the consideration of this legislation.

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

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 328

Mr. DORGAN. Mr. President, I rise as a cosponsor, along with my colleague from South Carolina, Senator HOLLINGS, of the amendment he has just introduced, the Children's Protection From Violent Programming Act amendment.

That is kind of a long title. What it means is Senator HOLLINGS and I would like to restore in television broadcasting a period of time during the evenings when children are likely to be watching television, where the television programming would not be containing excess violence.

The reason we feel that way is study after study, year after year—in fact, for decades—studies have shown the excessive violence in television programming hurts our children. Yet, if you evaluate television programming during what would normally be considered family viewing hours in this country, you will find the language has become more coarse, words are used that were previously not used, that are not suitable for children. You will also find substantial amounts of programming violence, gratuitous violence, during those shows.

Some would say, what about censorship? I think there are times when it is appropriate for the Federal Communications Commission to establish a family viewing period in the evening where the television broadcasting would be more appropriate, more suitable for our children, when children are watching those programs. We already have an instance dealing with obscenity, and the Supreme Court has upheld the opportunity and the responsibility

given the Federal Communications Commission to carve out a period in which certain kinds of words and obscenities cannot be used because it is inappropriate for them to be used at a time when we expect children to be watching television.

We believe the same ought to be true with respect to television violence. One might say, this is much ado about nothing; television violence is nothing new; it is really not very important. Yet that is in defiance of all the conclusions of virtually all the studies. By the time young children graduate from high school in our country, they will have gone to school in classrooms for about 12,500 hours of their lives. But they will have watched television for about 20,000 hours. They have sat in a classroom 12,500 hours and sat in front of a television set 20,000 hours. Regrettably, too many of them are more a product of what they have watched than what they have read.

What is it they are watching? Some years ago I sponsored a project with a college on the North Dakota-Minnesota border that created a television violence report card. Volunteers at that college watched television programs for an entire week and cataloged each and every program and produced a report card on what kind of violence on television was being portrayed to our children. If you simply condense what our children are watching on television—yes, even during what would be considered family viewing hours—it is quite remarkable.

Imagine if someone came to your door tomorrow and said: You know, you have two children. They are age 6 and 9. We would like to put on a dramatic play for them. We have a group of actors out here in our van and we have some stage props. We would like to come into your home, into your living room, and we would like to put on a little play for your children.

So they come in. In the living room they put on a play. In this dramatic play they shoot each other, stab each other, beat each other up. Blood runs freely. There is screaming, there is horror.

You would probably say to those actors: You are just committing child abuse in my living room, doing that in front of my children. What on Earth can you be thinking of? Yet that is exactly what happens in our living rooms with that electronic box, with programming coming to our children at times when children are watching television, programming that is not fit for children.

So the response they have is, turn the television set off. Easy to say. Of course, most homes have a good number of television sets, probably two or three in different parts of the homes. In many homes there are circumstances where the parents are attentive parents, good parents, who try very hard to supervise the children's viewing habits, but it is very, very hard to do.

In fact, if you were watching, one day recently, a television set that depicted the unspeakable horror that was visited upon those students in Littleton High School, in the middle of the live reports with SWAT teams and students running out of school, with the understanding that children had been murdered, in the middle of all that one television network took a break and on came a commercial—of course, louder than everything else because commercials are always louder—advertising that you really needed to pay attention to their next big program. The next program was "Mr. Murder." You really needed to watch "Mr. Murder" because this was going to be exciting.

All of this, coming at our children in television programming, study after study points out, hurts our children. This is not helpful to children. It is hurtful to children.

Newton Minow, many, many years ago—1961 in fact—said, "Television is a vast wasteland of blood, thunder, mayhem, violence, sadism and murder." He said, "In 1961 I worried that my children would not benefit much from television. But in 1991 I worry that my children will actually be harmed by it."

Television executives produce some wonderful programming as well. You can turn to certain programs on television and be struck by the beauty and the wonder and the information. I have sat with my children watching the History Channel, for example, or certain programs on the Discovery Channel. I should not begin naming them. There are some wonderful, beautiful things from time to time on television. But there are some ugly, grotesque things on television as well, some of which come through our television sets during times children are expected to be watching.

What the Senator from South Carolina proposes is very simple: to go back to a time when we had in this country a period described by the FCC as a "family viewing period" that would be relatively free of gratuitous violence being displayed in those programs.

Is that so extreme, so radical? Do we really believe that we have to hurt our children in order to entertain our adults? I do not think so. It does not make any sense to me. There is plenty of opportunity in a lot of areas to entertain adults in this country, but it seems to me perfectly reasonable that at certain times when you expect families to be watching with children in the household that we could try to reduce the amount of violence on television.

I understand that some will portray this as a terrible idea. They will say we now have some ratings systems, and the ratings will give parents the capability of better supervising their children's viewing habits. That is true. I commend the broadcasting industry for having ratings. Not all do. One of the major networks has declined. The ratings themselves have not been used very much.

We have a V-chip that is coming in all new television sets. I offered the first V-chip bill in the Senate some years ago. That is now law, and that will help parents sort out the programming with certain violent scenes.

The fact is, we need to do more. The Senator from South Carolina and I have offered an amendment that we think will be helpful. We do not believe it has constitutional problems. This is not about free speech. You can say pretty much what you want to say and you can depict violence, but we are saying during a certain period of time, you cannot do it in a way that injures children.

I thought it might be useful to go over a couple of the pieces of evidence that most all of us have become acquainted with in all of the studies and hearings that we have had. I guess I have been involved in this issue for 7, 8 years. We have had hearings in the Commerce Committee and elsewhere.

I have a couple of young children who are now age 12 and age 10. We try very hard to make certain that we monitor their viewing habits. Our 12-year-old said to us: Well, friends of ours are able to go to movies that are PG-13 movies.

We say: That might be something their parents let them do, but we don't. We don't want you to see material that is inappropriate.

Movies have ratings, and so you make affirmative decisions whether you are going to go out or allow your child to go out with someone else and see a movie. But television is different. Television is in our family rooms, in our homes. When we turn that dial on the television, the programming that is shown on that television set is programming that is offered for entertainment and for profit.

The first amendment allows people to produce all kinds of programming. As I mentioned before, there are some wonderful, wonderful things on television. There is also some trash on television. It seems to me it would be helpful for parents to have the assistance of the Federal Communications Commission and broadcasters in complying with an amendment of this sort adopted by the Congress that will give parents the feeling that during certain periods, they will not have to worry about what kind of violent scenes are going to be displayed to their children on that television set.

I have a fair amount of things I want to say about the amendment in addition to this, but we have a conference committee meeting. The appropriations conference committee is ongoing in the basement of this building, and I am a conferee, so I must return. I know Senator HOLLINGS and I will be back on the floor tomorrow morning and will be speaking on behalf of this amendment.

My hope is between now and then we will be able to encourage other Members of the Senate to be supportive of this amendment. I know others have come out. I have been in the conference committee, and I have not been here

for much debate on the juvenile justice bill.

Also tomorrow, I want to take a moment to describe a visit I just made to the Oakhill Detention Center in Laurel, MD. I went out there because I wanted to sit down and talk with juvenile offenders. I wanted to try to understand from judges who were there, from prosecutors and from public defenders themselves: What is going on?

I sat with a young boy who had been in a gang and shot three times and sold drugs at age 12.

I sat with a girl who was 15 years old. She had a baby 2 years previous to that. She was abused by her mother. She sold drugs at age 13.

I sat with another young boy who was selling drugs at age 12 who had been involved with guns and very serious offenses.

These are kids who shot people, kids who committed armed robbery, kids who were in a lot of trouble.

One of the boys said something that was quite remarkable—most all of them came from circumstances of really difficult conditions, no parental supervision. In fact, the young girl said her mother was a drug addict and told her, from the moment she was able to understand what her mother was saying, that she would never amount to anything. She told this girl: You will never amount to anything and I never wanted you in the first place. That was from a drug-addict mother. This young girl is now locked up and has been convicted of selling drugs and other criminal acts. She has a baby and is only 15 years old.

We talked about supervision, how do you get your life straight? Who cares about you? Somebody said: But you need to have a parent check up on you once in a while, don't you?

This young boy said: No, you don't need a parent to check up on you once in a while. That's the problem.

If you have maybe a grandparent or uncle and aunt and someone checks in once in a while, once in a while is not enough for children. Children need help, need parental supervision, not once in a while.

I spent a half day out at the Oakhill Detention Center just talking with kids to try to understand. I should also say—I will talk a bit about it tomorrow—there is another part of that Oakhill Detention Center that left me feeling a little buoyant and hopeful.

There were some young men—in this case it was older young boys, some young boys who had committed horrible crimes, who had been drug addicts from age 12 on to about 17, 18, young boys in a program to shed themselves of their drug addiction and to turn their lives around. One young boy was going to be released the Friday I was there. This is a couple weeks ago, and he had a job. He had gone out for an interview and had gotten himself a job.

This young guy had gone through the drug program. He has become straight.

It is fascinating to listen to him describe his background, where he wants to go, and what he now knows he needs to do to get his life back in order.

The reason I want to talk about it is part of this issue of juvenile justice is, yes, detention and protection and law enforcement, and another part of it is to say there is something else here that we need to do to help. I know that is a debate that has occurred on this floor now for many, many hours. But mentoring programs, afterschool programs—there are a lot of programs that can make a difference in young people's lives, especially programs dealing with drugs. Drugs were at the root of a lot of the troubled lives of the young children whom I saw at this detention center.

I hope we can come back tomorrow and talk a little bit about the Juvenile Justice Act.

Mr. SESSIONS. Will the Senator yield?

Mr. DORGAN. I will be pleased to yield.

Mr. SESSIONS. Mr. President, it is wonderful that the Senator has done that. I feel as if we are two trains passing in the night on this bill. I hope the Senator will understand something that is extremely, extremely important: that the juvenile accountability block grant—which has been referred to as nothing but a "lock them up" program and that what we need is prevention money—is to encourage just the kind of situation the Senator is talking about because had those children just been released again, and not been sent to a well-run, well-organized drug treatment school, detention facility, in which they were removed from their community, they probably would be on the streets now, maybe committing a more serious crime or a victim themselves of a serious crime.

So I think there is a false contrast between what is prevention and what is not. I would say that a child who is already running into trouble with the law—as these children are—has to be confronted. There has to be an effective intervention in a life going wrong. And these kinds of facilities are going on around the country.

I visited one in Illinois. Judge Grossman gave us a tour. The county and the State, and some Federal moneys, have helped create a panoply of options when a young person comes before him for sentencing. He has a number of options. Instead of the juvenile going to where there are a few bed spaces in the State pen or released with nothing, the judge has a series of things right there in the community he can do. The accountability block grant, with graduated sanctions, provides that opportunity.

So I would hope the Senator, as he studies this, would realize that the prevention money that we put in would not go to support that, but the block grant accountability money would support the judiciary as it seeks to intervene. Sometimes you have to be

tough—some of these kids have really been on a bad road a long time—to intervene effectively.

Thank you for taking the time to personally visit and study one of those centers.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:42 p.m., adjourned until Thursday, May 13, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 12, 1999:

DEPARTMENT OF STATE

JOSEPH LIMPRECHT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JAMES W. SEEMAN, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be major

DONNA R. SHAY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be major

JOSEPH B. HINES, 0000
*JOYCE J. JACOBS, 0000
*PETER J. MOLIK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

TIMOTHY P. EDINGER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

CHRIS A. PHILLIPS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

ROBERT B. HEATHCOCK, 0000
JAMES B. MILLS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628 AND 3064:

To be colonel

PAUL B. LITTLE, JR., 0000

To be lieutenant colonel

*THEODORE A. DORSAY, 0000
JOHN M. SHEPHERD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C. SECTIONS 624 AND 3064:

To be lieutenant colonel

BRYAN D. BAUGH, 0000
DAVID J. COLWELL, 0000

THOMAS C. CONDRY, 0000
THOMAS E. DRAKE, 0000
PATRICK O. EASLEY, 0000
GORDON G. GROSECLOSE, 0000
JEFFERY S. HARTMAN, 0000
HARDIE M. HIGGINS, 0000
CHARLES E. JACKSON, 0000
RICHARD C. JACKSON, 0000
KENNETH L. KERR, 0000
RICHARD D. KING, 0000
LARRY R. LAWRENCE, 0000
THOMAS A. MACGREGOR, 0000
MARC A. MINTEGUI, 0000
DAVID C. MORAN, 0000
MARKKU J. NURMESVIITA, 0000
STEPHEN R. PAINE, 0000
DANIEL M. PARKER, 0000
JAMES J. PUCHY, 0000
KENNETH B. RATLIFF, 0000
JOHN D. READ, 0000
GARY K. SEXTON, 0000
CHARLES E. SMITH, 0000
JAMES R. STEPHEN, 0000
THOMAS C. VAIL, 0000
CHARLES R. WALKER, 0000
JACK A. WOODFORD, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DALE A. CRABTREE, JR., 0000
JOHN C. HOLT, JR., 0000
ALLEN M. JACOBS, 0000
WILLIAM E. JENNINGS, 0000
LAWRENCE KOCIAN, 0000
JAMES J. KRAUS, 0000
THOMAS R. LASHBROOK, 0000
JAY H. LIETZOW, 0000
MATTHEW J. O'DONNELL, 0000
CARLOS L. SANDERS, 0000
JAMES B. SCRUGGS, JR., 0000
ROGER STEPHENS, 0000
KEVIN P. TOOMEY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES C. ADDINGTON, 0000
THOMAS E. BECKER, JR., 0000
MITCHELL D. BLACK, 0000
TONY W. BRILL, 0000
MICHAEL E. BROWN, 0000
WILLIAM J. BUDDS, 0000
LEO E. CAMPBELL, 0000
ROBERT L. CAMPBELL, 0000
RICHARD A. CLARK, 0000
RONALD W. COCHRAN, 0000
DONALD E. DAVIS, 0000
BRIAN R. DUVAL, 0000
DONALD A. DYKSTRA, 0000
DONALD E. EVANS, JR., 0000
JAY E. FERRISS, 0000
DARYLL E. FULFORD, 0000
JAMES A. GAVITT, 0000
GARY P. GONTHIER, 0000
CYNTHIA A. GREENLEE, 0000
GERALD J. GRIFFIN, 0000
WILLIAM E. HIDDLE, 0000
DANNY A. HURD, 0000
JOHN F. IRVING, 0000
LARRY D. JOHNSON, 0000
JOEL F. JONES, 0000
MICHAEL J. KOEHLER, 0000
LYLE G. LAYHER, 0000
DAN M. MIELKE, 0000
TERRANCE W. MORROW, 0000
JOHN C. MOTT, 0000
MICHAEL S. NISLEY, 0000
DARRYL S. PHILLIPS, 0000
WALTON S. PITCHFORD, 0000
RONALD K. POSEY, 0000
CHRISTOPHER A. PROSSER, 0000
EDWARD R. RANES, 0000
BRENDA L. ROBERTS, 0000
CHARLES A. ROTONDA, 0000
JOHN J. SCHWARZEL, 0000
JOHN F. SISSON, JR., 0000
MICHAEL P. SMITH, 0000
KENNETH O. SPITTLER, 0000
DAVID M. TIFFT, 0000
ROBERT J. TURPIN, 0000
EARNEST R. WALLS, 0000
JAMES A. WALTER, JR., 0000
DAVID J. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES C. ANDRUS, 0000
FRANK A. BALESKIE, 0000
GARY L. BEAVER, 0000
JOHN W. BERKLEY, 0000
BARRY L. BOULTON, 0000
WILLIAM H. BUCKLEY, 0000
ANITA E. BURGESS, 0000
STEPHEN W. CLAYTON, 0000

THOMAS V. COLELLA, 0000
JEFFREY A. CORY, 0000
MICHAEL N. DAILY, 0000
MARY A. DEVLIN, 0000
TERESA L. DILLON, 0000
WILLIAM V. GALLO, 0000
RODNEY J. GERDES, 0000
BRUCE A. GIRON, 0000
LEON J. HASKINS, 0000
ROBERT N. HERING, JR., 0000
KEVIN P. HUGHES, 0000
ROBERT A. JAKUCS, 0000
TIMOTHY J. KAMINSKI, 0000
JOHN F. KAYSER, JR., 0000
KENNETH R. KNAPP, 0000
GEORGE S. KOVACK, 0000
JOHN T. LARSON, 0000
PAUL S. LOSCHIAVO, 0000
PATRICK W. MCDONOUGH, 0000
PAUL F. MCHALE, JR., 0000
CHARLES R. MIZE, JR., 0000
STEVEN W. MYHRE, 0000
DONNA J. NEARY, 0000
JAMES J. NEUBAUER, 0000
FRANK D. OGORZALY, 0000
ROBERT D. PAPA, 0000
ROBERT E. PARCELL, 0000
JONATHAN D. PEARL, 0000
JERRY L. PHILLIPS, 0000
MARK A. PILLAR, 0000
DAVID E. PRUETT, 0000
WILLIAM A. RADTKE III, 0000
CURTIS G. RAETZ, 0000
MARK W. ROGERS, 0000
EDWARD P. RUSSELL, JR., 0000
CRAIG R. SCOTT, 0000
DENNY G. SEABOLT, JR., 0000
GREGORY L. SMITH, 0000
MARGARETE A. VINSKEY, 0000
CHARLES E. WARD, 0000
ROBERT E. WARD, JR., 0000
RAYMOND W. WERSEL, 0000
ARTHUR E. WHITE, 0000
PHILIP A. WILSON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

NORBERTO G. JIMENEZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

NEIL R. BOURASSA, 0000
ANN P. FALLON, 0000
JEROME L.D. REID, 0000
STEPHEN C. SHOEN, 0000

To be lieutenant commander

JOHN R. COOPER, 0000
RICHARD J. JEHUE, 0000
STEVEN D. TATE, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

BASILIO D. BENA, 0000
KEVIN P. BOYLE, 0000
THOMAS R. BUCHANON, 0000
SCOTT R. COUGHLIN, 0000
MICHAEL R. DARGEL, 0000
JOSEPH R. DARLAK, 0000
BRIAN L. DAVIES, 0000
ROBERT B. DUMONT III, 0000
ROBERT C. DUNN, 0000
JOHN P. ECKARDT, 0000
ROMMEL M. ESTEVES, 0000
WILLIAM E. FIERY, 0000
MATTHEW G. FLEMING, 0000
KENDALL GENNICK, 0000
LAWRENCE A. JONES, 0000
PATRICK J. KIMERLE, 0000
TIMOTHY P. KOLLMER, 0000
DOUGLAS M. LEMON, 0000
DAVID A. LOTT, 0000
JAMES P. MCGRATH III, 0000
BRIAN C. MOUM, 0000
STEPHEN H. MURRAY, 0000
JOHN P. NEWTON, JR., 0000
DANIEL L. PACKER, JR., 0000
DAVID L. PETERSON, 0000
JAMES D. RAULSTEN, 0000
GARY A. ROGENESS, 0000
CHRISTOPHER L. SAAIT, 0000
SCOTT D. SILK, 0000
TIMOTHY G. SPARKS, 0000
SCOTT A. TUPPER, 0000
WILLIAM P. WOOD, 0000
HAROLD T. WORKMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531, 5582(A), AND 5582(B):

To be lieutenant commander

SEVAK ADAMIAN, 0000
LACY H. BARTEE, 0000

WILLIAM C. BEUTEL, 0000
 JEAN A. BLANKS, 0000
 STEPHEN L. CHRISTOPHER, 0000
 ROBERT N. DOBBINS, 0000
 THOMAS V. FONTANA, 0000
 DAVID P. JOHNSON, 0000
 MARK S. LARSEN, 0000
 MARISA LEANDRO, 0000
 GARY D. LEASURE, 0000
 CATHERINE J. MCDONALD, 0000
 MICHAEL D. THOMAS, 0000
 MYRON YENCHA, 0000

To be lieutenant

ERIC M. ACOBA, 0000
 ALAN L. ADAMS, 0000
 HORACE A. ALEXANDER, 0000
 THERESA M. ANTOLDI, 0000
 JESS W. ARINGTON, 0000
 JAMES J. BEIER, 0000
 WILLIAM M. BOLAND, 0000
 LISA A. BOSIUS, 0000
 NEIL M. BRENNAN, 0000
 REBEKAH K. BROOKS, 0000
 CHRISTINE Y. BUZIAK, 0000
 DAVID A. BYMAN, 0000
 GILBERT T. CANIESO, 0000
 JEFFREY C. CASLER, 0000
 ROBIN L. CASSIDY, 0000
 BETTY CLAUSS, 0000
 KATHRYN CLUNE, 0000
 SHERI R. COLEMAN, 0000
 SUSAN D. CONNORS, 0000
 CEDRIC M. CORPUZ, 0000
 JOHN N. CRANE, 0000
 JAMES H. CRAWFORD, 0000
 SARA A. DAHLSTROM, 0000
 BRIAN M. DANIELSON, 0000
 DERRICK M. DAVIS, 0000
 ERIC J. DAVIS, 0000
 JANET L. DAVIS, 0000
 JANET L. DEWEES, 0000
 GLENDON B. DIEHL, JR., 0000
 THOMAS S. DIVITO, 0000
 JOEL A. DOOLIN, 0000
 GREGORY D. DUNNE, 0000
 JENNIFER K. EAVES, 0000
 JENNIFER L. EICHENMULLER, 0000
 KARL P. EIMERS, 0000
 STEPHEN C. ELGIN, 0000
 JOSEPH B. ESSEX, 0000
 BRIAN M. FERGUSON, 0000
 WALDO F. FERRERAS, 0000
 SUSAN K. FLACCO, 0000
 JUSTIN S. FINE, 0000
 MICHAEL A. FLUDOVICH, JR., 0000
 WILLIAM L. FOSTER, 0000
 CHRISTOPHER C. FRENCH, 0000
 HARRY L. GANTEAUME, 0000
 JAY M. GEHLHAUSEN, 0000
 JAMES B. GINDER, 0000
 KEITH R. GIVENS, 0000
 GWENDOLYN M. GRAVES, 0000
 BRUCE P. GRIMSHAW, 0000
 DAVID M. GROOM, 0000
 RICHARD J. GRUENHAGEN, 0000
 THINH V. HA, 0000
 STEVEN D. HALL, 0000
 BRENDA R. HAMILTON, 0000
 MATTHEW M. HAMILTON, 0000
 JOHN S. J. HAN, 0000
 DALE O. HARRIS, 0000
 LAURA M. HARTMAN, 0000
 SAMUEL HAVELLOCK, JR., 0000
 KATY M. HAWKINS, 0000
 ANDREW H. HENDERSON, 0000
 GEOFFREY G. HERB, 0000
 BENJAMIN L. HEWLETT, 0000
 SCOTT M. HELEN, 0000
 DANIEL J. HIGGINS, 0000
 ANGELA B. HIGHBERGER, 0000
 EDWARD J. HILYARD, 0000
 SHELBY L. HILADON, 0000
 DAVID F. HOEL, 0000
 STEVEN T. HUDSON, 0000
 JAMES C. HUNT, 0000
 KEITH L. HUTCHINS, JR., 0000
 SCOTT D. INGALLS, 0000
 MARY K. JACKSON, 0000
 KELLEY C. JAMES, 0000
 WILLIAM K. JAMES, 0000
 DEBBIE R. JENKINS, 0000
 ROBERT F. JOHNSON, 0000
 MICHAEL S. KAVANAUGH, 0000
 JOHN P. KENDRICK, 0000
 ROBERT J. KILLIUS, 0000
 NANETTE KINLOCH, 0000
 SUSAN M. KRAMER, 0000
 JAMES C. KRASKA, 0000
 RICHARD F. KUTSCHMAN, 0000
 MARY J. LARSEN, 0000
 ROBERT L. LAWRENCE, 0000
 BILLY R. LEDBETTER, JR., 0000
 LAURA J. LEDYARD, 0000
 LORI A. LEE, 0000
 STEVEN W. LIGLER, 0000
 JENNIFER M. LITTLE, 0000
 MARK W. LOPEZ, 0000
 DEREK L. MACINNIS, 0000
 JAMES T. MANONEY, 0000
 GATHA L. MANNS, 0000
 MICHAEL L. MARAVILLA, 0000
 RALPH J. MARRA, 0000
 CHARLES R. MARSHALL, 0000
 ERIC R. MARSHBURN, 0000
 ADONIS R. MASON, 0000

JACQUELINE A. MATELLI, 0000
 SHIRLEY A. MAXWELL, 0000
 COLLEEN L. MCCORQUODALE, 0000
 JEROLD P. McMILLEN, 0000
 ANDRES MEDINA, 0000
 JOSEPH B. MICHAEL, 0000
 JEFFREY A. MILLER, 0000
 MONTE G. MILLER, JR., 0000
 STEVEN M. MINER, 0000
 MICHELE M. MINGRONE, 0000
 JO A. MOLDENHAUER, 0000
 JILLIAN L. MORRISON, 0000
 TODD R. MOTLEY, 0000
 ANNE J. NANS, 0000
 JAMES R. NASH, 0000
 BRIAN C. OHAIR II, 0000
 ORLANDO J. OLMO, 0000
 ROBERT J. ONEILL, 0000
 SUSAN B. OTTO, 0000
 DEIDRA M. PARKER, 0000
 JOSEPH W. PARRAN, 0000
 LAURENCE M. PATRICK, 0000
 DAVID R. PENBERTHY, 0000
 DEAN W. PIERSON, 0000
 DUSTINE PIERSON, 0000
 MICHAEL C. PREVOST, 0000
 DOUGLAS E. PUTTHOFF, 0000
 SANDRA H. RAY, 0000
 KAREN E. REILLY, 0000
 MANUEL REYES, 0000
 JOSHUA S. REYHER, 0000
 VALERIE J. RIEGE, 0000
 HEIDI Y. ROBERTS, 0000
 SHARLEEN L. ROMER, 0000
 LANA R. ROWELL, 0000
 ROME RUIZ, 0000
 FLOYD I. SANDLIN III, 0000
 ROBERT M. SCANLON, JR., 0000
 DYLAN D. SCHMORROW, 0000
 JEOSALINA N. SERBAS, 0000
 MICHAEL D. SHANE, 0000
 MICHAEL L. SHEPARD, 0000
 BRIAN G. SCHORN, 0000
 CHRISTIE A. SIERRA, 0000
 MICHAEL D. SMITH, 0000
 RICHARD S. SMITH, 0000
 STEVEN R. SOURCE, 0000
 STEPHEN E. SPRATT, 0000
 ANTHONY D. STARKS, 0000
 GUY H. STURDIVANT, 0000
 SCOTT A. SUAZO, 0000
 DANIEL J. SULLIVAN IV, 0000
 JEREMIAH J. SULLIVAN, 0000
 ROHINI SURAJ, 0000
 AMY K. SYKES, 0000
 SCOTT F. THOMPSON, 0000
 JOSUE TORO, 0000
 GERARDO A. TUERO, 0000
 RUSSELL J. VERBY, 0000
 PAULO B. VICENTE, 0000
 MACHELLE A. VIEUX, 0000
 JESSE L. VIRANT, 0000
 AMY E. WAGAR, 0000
 JACK H. WATERS, 0000
 THOMAS J. WELSH, 0000
 STEVEN M. WENDELIN, 0000
 GERARD J. WOELKERS, 0000
 JANINE Y. WOOD, 0000

To be Lieutenant (Junior Grade)

BRIAN J. ANDERSON, 0000
 JEFFREY G. ANDERSON, 0000
 EDMOND A. ARUFFO, 0000
 CHARLES H. AUGUSTUS, 0000
 JOHN F. BAEHR, 0000
 THURAYAYA S. BARNWELL, 0000
 GLENN A. BEISERT, 0000
 TRACI L. BROOKS, 0000
 KURT L. BROWER, 0000
 GREGORY D. BUCHANAN, 0000
 MARK S. BUDELER, 0000
 KEVIN P. BUSS, 0000
 ALISON J.C. CALLOWAY, 0000
 DOUGLAS R. CAMPBELL, 0000
 STANFORD P. COLEMAN, 0000
 DENNIS W. CONNORS, 0000
 SCOTT M. CORRIGAN, 0000
 JONATHAN W. COTTON, 0000
 JEFFREY A. DAMASCHKE, 0000
 MERRYL DAVID, 0000
 DAVID DESANTOS, 0000
 JAMES W. DICKINSON, 0000
 MICHAEL E. DIGMAN, 0000
 DAVID A. FEATHERBY, 0000
 NICOLA M. GATHRIGHT, 0000
 JESSIE GEE, 0000
 KEITH J. GOLDSTON, 0000
 TRAVIS N. GOODWIN, 0000
 JOSEPH D. HENDERSON, JR., 0000
 KRISTEN M. HERR, 0000
 MALCOLM L. HILL, 0000
 ANNE E. HOWELL, 0000
 THOMAS M. HUNT, 0000
 MOON J. FAR, 0000
 CELESTINE D. JOHNSON, 0000
 WYATTE B. JONESCOLEMAN, 0000
 TRENT C. KALP, 0000
 ERIK J. KARLSON, 0000
 ROBERT M. KERNER, 0000
 MARTIN W. KERR, 0000
 DEVERLY L. KINDER, 0000
 MICHAEL E. KRAUS, 0000
 KAREN R. KRULL, 0000
 JOSEPH B. LAWRENCE, 0000
 CRAIG M. LEAPHART, 0000
 BRIAN T. LINDORFER, 0000

JESSE L. MAGGITT, 0000
 JULIA A. MCDADE, 0000
 CECIL L. MCQUAIN, 0000
 BERNARD T. MEEHAN II, 0000
 CHRISTOPHER K. MERCER, 0000
 SHERYL A. NEWSTRUM, 0000
 CHRISTOPHER J. NICHOLS, JR., 0000
 MICHAEL L. OBERMILLER, 0000
 DANIEL A. OGDEN, 0000
 CHRISTOPHER OUDEKERK, 0000
 ARVIS OWENS, 0000
 ALVIN T. PAYNE, 0000
 KEVIN N. QUINETTE, 0000
 CYNTHIA A. RAMSEY, 0000
 DAVID M. REED II, 0000
 VERNON R. RICHMOND, 0000
 JENNIFER E. RUHLMAN, 0000
 MICHAEL K. RUNKLE, 0000
 KEVIN A. SCHNITTKER, 0000
 STEVEN C. SCHOENECKER, 0000
 STEVEN R. SHINDLER, 0000
 KATHALEEN L. SIKES, 0000
 MATTHEW J. SMITH, 0000
 TODD L. SMITH, 0000
 DENNIS L. SPENCE, 0000
 ERIC J. STPETER, 0000
 STANLEY STYK, 0000
 DEAN A. TEAGUE, 0000
 WILLIAM P. TEALEY, 0000
 TIMOTHY W. TERRY, 0000
 HEATH A. THOMAS, 0000
 VAN T. WENNEN, 0000
 CLINT WEST, 0000
 BARBARA C. WHITESIDE, 0000
 JOHNETTA N. WIDER, 0000
 ANTHONY R. WILLIAMS, 0000
 DEACQUANITA R. WILLIAMS, 0000
 BERNIE WILLIAMSMCGUIRE, 0000
 ROBERT L. WING, 0000
 ALEXANDER Y. WOLDEMARIAM, 0000
 AMY E. WOOTTEN, 0000
 ALEJANDRO YBARRA, 0000
 ROBERT W. ZURSCHMIT, 0000

To Be Ensign

MICHAEL D. APRICENO, 0000
 CRAIG A. ARGANBRIGHT, 0000
 DEANGELO ASHBY, 0000
 BRETT A. BALAZS, 0000
 FRANK J. BANTELL, 0000
 MICHAEL BARNES, 0000
 BRIAN C. BASTA, 0000
 MATTHEW L. BETT, 0000
 TIMOTHY C. BOELKE, 0000
 CHRISTOPHER C. BOHNER, 0000
 WILLIAM E. BOUCEK, 0000
 ANDREW F. BRACKENRIDGE, 0000
 KEVIN F. BRAVOFERRE, 0000
 CHARLES A. BROWN, 0000
 TIMOTHY A. BROWN, 0000
 IAN W. BRUCE, 0000
 RAOUL J. BUSTAMANTE, 0000
 JEFFREY W. CARMODY, 0000
 JEFFREY A. CARROLL, 0000
 ROBERT CARTER, 0000
 CHRIS D. CASTLEBERRY, 0000
 ANDREW J. CHAUVIN, 0000
 ANDREW J. CLARK IV, 0000
 NATHAN D. CLARK, 0000
 WILLIAM CLARK, 0000
 JAMES N. COLTON, 0000
 BRENNAN C. CONWAY, 0000
 DANIEL J. COREY, 0000
 JOHN D. CRADDOCK, 0000
 RUSSEL CZACK, 0000
 EDWARD E. DAVIS, 0000
 JEFFREY P. DAVIS, 0000
 LIBERTY P. DELLES, 0000
 ADRIAN C. DELLE, 0000
 RICHARD J. DIXON, JR., 0000
 KRISTIAN M. DORAN, 0000
 ANTHONY S. DUTTERA, 0000
 CHARLES DWY, 0000
 ANDREW A. EATON, 0000
 MICHAEL D. EBEREIN, 0000
 SHANE ELLER, 0000
 JOSEPH P. ESPRITU, 0000
 JEFFREY J. FLOEGL, 0000
 BRIAN G. FRECK, 0000
 DAVID P. FRIEDLER, 0000
 TERREL L. GALLOWAY, 0000
 JOSEPH L. GOLDBACH, 0000
 MICHAEL S. GUILFORD, 0000
 MICHAEL D. HALTOM, JR., 0000
 ALEXANDER F. HARPER, 0000
 FERNANDO HARRIS, 0000
 SCOTT HERMON, 0000
 MATTHEW D. HOLMAN, 0000
 JULIE HUDDLESTON, 0000
 BRIAN D. HUNTLEY, 0000
 FRANK INGULLI, 0000
 MATTHEW F. JEFFERY, 0000
 SCOTT D. KENAN, 0000
 BENJAMIN L. KELSEY, 0000
 JOHN J. KOBLE, 0000
 ROGER L. KOOPMAN, 0000
 DAVID G. KREMER, 0000
 KEITH A. KRITSCHAU, 0000
 JOSHUA J. LAPENNA, 0000
 BRIAN LEDDEN, 0000
 JEREMY T. LECHORN, 0000
 ARON LEWIN, 0000
 ORLANDO LORIE, 0000
 MANUEL X. LUGO, 0000
 MICHAEL R. LUM, 0000

CHRISTIAN M. MAHLER, 0000
RALPH J. MAINES, 0000
RICHARD L. MARCHAND, 0000
WILLIAM J. MARTZ, 0000
MATTHEW N. MCCALL, 0000
KEVIN MCHUGH, 0000
KENT A. MEYER, 0000
RANDALL L. MILLER, 0000
JEFFREY C. MITCHELL, 0000
JOHN G. MIX, 0000
JOAQUIN J. MOLINA, 0000
NATHAN A. MORGAN, 0000
JOHN S. MORTELLARO, 0000
JAMES H. MURPHY, 0000
HAIT NGUYEN, 0000
ROGER K. ONAGA, 0000
CHUN H. PARK, 0000

LEE A. PARKER, 0000
RICHARD A. PHILLIPS, 0000
RICHARD C. PLEASANTS, 0000
JUSTIN J. PLUNKETT, 0000
JESSIE A. PORTER, 0000
LYNN J. PRIMEAUX, 0000
HOMERO RAMOS, 0000
BRIAN E. REINHART, 0000
JOHN M. RHODES, 0000
GREGORY D. RILEY, 0000
NANCY B. RODDA, 0000
BRIAN S. SCHLICHTING, 0000
MARK SHEFFIELD, 0000
ROLF B. SPELKER, 0000
THOMAS A. STEPHEN, 0000
JAMES J. TERRY, 0000
DAVID A. TONINI, 0000

TAWNIA R. TSCHACHE, 0000
ALSANDRO H. TURNER, 0000
RICHARD J. TWILLEY, 0000
TARAIL VERNON, 0000
DAWN WARREN, 0000
MICHAEL J. WAUTLET, 0000
JOHN F. WEBB, 0000
PHILIP K. WESSEL, 0000
JOSEPH WHEELER, 0000
SCOTT C. WIECZOREK, 0000
DANIEL E. WILBURN, 0000
WILLIAM E. WREN, JR., 0000
PHILLIP J. YALE, JR., 0000
MICHAEL YORK, 0000
JOHN E. YOUNG, 0000