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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, June 19, 2000, at 12:30 p.m.

Senate

FRIDAY, JUNE 16, 2000

The Senate met at 9:31 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 Father, the best of all fathers and the source of inspiration for what it means to be a father, we approach Father's Day on Sunday with a prayer that You will not only bless the fathers of our land but will call all of us to a renewed commitment to the awesome responsibilities You have entrusted to all fathers. May this be a day for the beginning of a great father movement in our Nation. More than a day for parties and gifts, we pray for a day when fathers accept the calling to become the spiritual, moral, and patriotic leaders of their families. Many fathers have abdicated this calling and are AWOL from the duty of being role models and the molders of character. The statistics of fatherless families in America are staggering. No less alarming are the number of families where fathers leave to their wives the total responsibility for forming strong spiritual development and the character traits of faithfulness, trustworthiness, caring, integrity, and citizenship. O Heavenly Father, draw the fathers of our land to Yourself and then inspire us with the realization that the destiny of our children and our society is dependent on God-loving, family-oriented, value-guided fathers who will teach their children about You, exemplify character strength, and show what it means to be morally accountable. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Michigan is recognized.

SCHEDULE

Mr. ABRAHAM. Mr. President, I will begin with a brief statement on behalf of the majority leader. Today the Senate will immediately begin a vote on the conference report to accompany the digital signatures legislation. Following the vote, the Senate will be in a period of morning business with Senator CRAIG in control of the first hour.

For the information of all Senators, the Senate will resume consideration of the Department of Defense authorization bill on Monday at 3 p.m. By previous consent, Senators HATCH and KENNEDY will be recognized to offer their amendments regarding hate crimes. Those amendments will be debated simultaneously, with any votes ordered to take place on Tuesday at 3:15 p.m.

I thank my colleagues for their attention.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the conference report accompanying S. 761, which the clerk will report.

The legislative clerk read as follows:

The conference report on S. 761, an act to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

Mr. BURNS. Mr. President, I commend Senator ABRAHAM, Senator MCCAIN, and Chairman BLILEY for their hard work in the conference on the digital signatures bill, which grants online contracts and other transactions the same legal force as those conducted with pen-and-ink. I should add that Senator LEAHY and Senator WYDEN made significant positive contributions to the bill. I am an original cosponsor of this legislation and I am very pleased with the conference report before the Senate today.

Yesterday, the House of Representatives voted overwhelmingly in favor of the conference report by a vote of 426–4. I urge my colleagues to support the conference report, which is a bipartisan product that will allow businesses to

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

take advantage of the speed and efficiency of the Internet while also protecting consumers. I have no doubt that the passage of this legislation will help to make sure that electronic commerce can meet its full potential.

The issue of online authentication is one of the most important issues to the development of electronic commerce. Electronic commerce holds great promise, in particular, for states like my home state of Montana, where businesses and consumers have to deal with vast distances. E-commerce is expected to continue its upward surge to about $1.6 trillion by 2003, up from $500 billion last year. The explosion of information technology has created opportunities undreamed of by previous generations. In Montana, companies such as Healthdirectory.com and Vanns.com are taking advantage of the global markets made possible by the stunning reach of the Internet.

This bill allows for consumers to enter into binding contracts over the Internet and eliminates the need to engage in needless, burdensome exchanges of paper documents. This bill will create a uniform system where contracts have the same validity across all 50 states.

The bill is also technology-neutral and does not impose government mandates on what formats or software businesses or consumers choose to use to conduct online commerce.

Numerous consumer safeguards are included in the conference report, including the requirement that consumers confirm that they are able to read the format that companies use for online contracts. Also, safeguards are contained in the bill that will still require that critical notices such as insurance cancellation and mortgage foreclosure notices be sent on paper. Furthermore, consumers still have the right to receive any documents on paper if they so choose.

The passage of the digital signatures bill is a critical step in ensuring the continued growth of the Internet-driven economy. This legislation grants additional choice and convenience to consumers and will also translate into more efficient products and services.

Mr. President, I remind my colleagues of the work of Senator ABRAHAM and Senator MCCAIN, Chairman BLILEY in the other body, Senator LEAHY, and Senator WYDEN who had quite a lot to do with this. Of course, it came out of the Subcommittee on Communications. This is just one more of the digital dozen we set our goals to pass during this Congress.

So far, we are up around the eighth or ninth bill out of that digital dozen that will probably lend greater credence to the Internet and the way we use it as a tool in business and in our personal lives. I thank those Senators who were instrumental in passing this legislation. I congratulate them and I yield the floor.

CONSUMER CONSENT PROVISIONS

Mr. MCCAIN. Mr. President, I want to engage in a colloquy with the Senator from Michigan, who is the original sponsor of the electronic signatures legislation, to discuss the consumer consent provisions in the conference report.

Mr. ABRAHAM. Mr. President, I welcome the chance to participate in a colloquy about the consent provisions in the conference report.

Mr. MCCAIN. Is it the Senator's understanding that pursuant to subsection 101(c)(1)(C)(ii) of the conference report a consumer's affirmative consent to the receipt of electronic records needs to ''reasonably demonstrate'' that the consumer will be able to access the various forms of electronic records to which the consent applies?

Mr. ABRAHAM. Yes. The conference report requires a ''reasonable demonstration'' that the consumer will be able to access the electronic records to which the consent applies. By means of this provision, the conferees sought to provide consumers with a simple and efficient mechanism to substantiate their ability to access the electronic information that will be provided to them.

Mr. MCCAIN. I agree. The conferees did not intend that the ''reasonable demonstration'' requirement would burden either consumers or the person providing the electronic record. In fact, the conferees expect that a ''reasonable demonstration'' could be satisfied in many ways. Does the Senator agree with me that the conferees intend that the reasonable demonstration requirement is satisfied if the consumer confirmed in an e-mail response to the provider of the electronic records that he or she can access information in the specified formats?

Mr. ABRAHAM. Yes. An e-mail response from a consumer that confirmed that the consumer can access electronic records in the specified formats would satisfy the ''reasonable demonstration'' requirement.

Mr. MCCAIN. Does the Senator also agree with me that the ''reasonable demonstration'' requirement would be satisfied, for instance, if the consumer responds affirmatively to an electronic query asking if he or she can access the electronic information or if the affirmative consent language includes the consumer's acknowledgement that he or she can access the electronic information in the designated format?

Mr. ABRAHAM. Yes. A consumer's acknowledgment or affirmative response to such a query would satisfy the ''reasonable demonstration'' requirement.

Mr. MCCAIN. Would the ''reasonable demonstration requirement'' be satisfied if it is shown that the consumer actually accesses records in the relevant electronic format?

Mr. ABRAHAM. Yes. The requirement is satisfied if it is shown that the consumer actually accesses electronic records in the relevant format.

Mr. MCCAIN. Mr. President, I appreciate my colleague's willingness to participate in this colloquy to clarify the clear intent of the conference with respect to this provision.

LEGISLATIVE SCOPE

Mr. GRAMM. Mr. President, I would like to engage in a colloquy with the gentleman from Michigan, Senator ABRAHAM, who is the original sponsor of the legislation on electronic signatures, to discuss the scope of the legislation.

Mr. ABRAHAM. Mr. President, I would welcome the chance to participate in a colloquy about the scope of the electronic signature legislation.

Mr. GRAMM. Is it the understanding of the Senator from Michigan that the act is not intended to restrict the scope or availability of any other federal statute, regulation and other rule of law (whether currently in effect or becoming effective in the future) that requires, authorizes or otherwise allows for the use of electronic signatures or electronic records, to the extent such federal statute, regulation, or other rule of law is consistent with the provisions of the act? Any such other statute, regulation or other rule of law will continue to be fully and independently effective. Rather, this act is intended to operate as a uniform national baseline permitting electronic signatures and electronic records to be used with respect to certain activities notwithstanding other inconsistent statutes, regulations or other rules of law. Am I correct in my statement regarding the intent of this legislation?

Mr. ABRAHAM. Yes, the Senator, the chairman of the Banking Committee, is correct. This act is intended to facilitate e-commerce and to provide legal certainty for electronic signatures, contracts and records where such certainty does not exist today. It is not in any way intended to limit the effectiveness of any other statute, regulation or other rule of law which permits the use of electronic records, electronic delivery, and electronic signatures, and which is otherwise consistent with the provisions of the act.

Mr. GRAMM. As to its coverage, does the Senator agree that this act is intended to operate very broadly to permit the use of electronic signatures and electronic records in all business, consumer and commercial contexts? This breadth is accomplished through the use of the term ''transaction,'' which is defined broadly to include any action or set of actions relating to the conduct of business, consumer or commercial affairs between two or more persons. For example, a unilateral action or set of actions by one of the parties to the underlying transaction, or by any other person with any interest in the underlying transaction, or a response by one party to the other's action, all are covered by the act. In this regard, it is the nature of the activity, rather than the number of persons or the identity or status of the person or entity involved in the activity, that determines the applicability of the act. Have I stated the matter correctly?

Mr. ABRAHAM. Yes, this act applies to all actions or sets of actions related

to the underlying business, consumer, or commercial relationship which is based on the nature of the activity and not the number of persons involved in the activity. The act is also intended to cover the related activities of those persons or entities who are counterparties to, or otherwise involved in or related to, the covered activity.

Mr. GRAMM. It is my understanding that this act, for example, covers any activity that would qualify as a financial activity, an activity incidental to a financial activity, or a complementary activity, under section 4(k) of the Bank Holding Company Act of 1956, as amended, whether or not such activity is conducted by, or subject to any limitations or requirements applicable to, a financial holding company.

In addition, it would cover all activities relating to employee benefit plans or any other type of tax-favored plan, annuity or account such as an IRA, a 403(b) annuity, or an education savings program, including all related tax and other required filings and reports. Is this correct?

Mr. ABRAHAM. Yes, and as a result, the act would apply to such activities as the execution of a prototype plan adoption agreement by an employer, the execution of an IRA application by an individual, and the waiver of a qualified joint and survivor annuity by a plan participant's spouse and the designation of any beneficiary in connection with any retirement, pension, or deferred compensation plan, IRA, qualified State tuition program, insurance or annuity contract, or agreement to transfer ownership upon the death of a party to a transaction.

Mr. GRAMM. Mr. President, I appreciate my colleague's willingness to participate in this colloquy to clarify the clear intent of the conference with respect to the scope of this act.

Mr. ABRAHAM. Mr. President, because the differences between the House and Senate passed bills required much careful contemplation on the part of the Conferees that may not be apparent in the final text of the Conference Report, and because the Conference did not produce an official interpretive statement regarding the Conference Report, as the primary author of S. 761, I have prepared an explanatory document that should serve as a guide to the intent behind the following provisions of S. 761.

Mr. President, I ask unanimous consent that a section-by-section explanation of S. 761 be printed in the RECORD.

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

EXPLANATORY STATEMENT OF S. 761, THE ''ELECTRONIC SIGNATURE IN GLOBAL AND NATIONAL COMMERCE ACT''

SHORT TITLE

Senate bill

Section 1 establishes the short title of the bill as the ''Millennium Digital Commerce Act.''

House amendment

Section 1 establishes the short title of the bill as the ''Electronic Signature in Global and National Commerce Act.''

Conference substitute

The conference report adopts the House provision.

ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE

GENERAL RULE OF VALIDITY

Senate bill

Section 5(a) of the Senate bill sets forth the general rules that apply to electronic commercial transactions affecting interstate commerce. This section provides that in any commercial transaction affecting interstate commerce a contract may not be denied legal effect or enforceability solely because an electronic signature or record was used in its formation.

Section 5(b) authorizes parties to a contract to adopt or otherwise agree on the terms and conditions on which they will use and accept electronic signatures and electronic records in commercial transactions affecting interstate commerce.

House amendment

Section 101(a) of the House amendment establishes a general rule that, with respect to any contract or agreement affecting interstate commerce, notwithstanding any statute, regulation or other rule of law, the legal effect, validity, and enforceability of such contract or agreement shall not be denied on the ground that: (1) the contract or agreement is not in writing if the contract or agreement is an electronic record; and (2) the contract or agreement is not signed or affirmed by written signature if the contract or agreement is signed or affirmed by an electronic signature.

Section 101(b) provides that with respect to contracts or agreements affecting interstate commerce, the parties to such contracts or agreements may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties. Further, the legal effect, validity, or enforceability for such contracts or agreements shall not be denied because of the type or method of electronic record or electronic signature selected by the parties.

Nothing in section 101(b) requires a party to enter into any contract or agreement utilizing electronic signatures or electronic records. Rather, it gives the parties the option to enter freely into online contracts and agreements.

Conference Substitute

The House recedes to the Senate with an amendment.

The general rule provides that notwithstanding any statute, regulation, or other rule of law (other than titles one and two) with respect to any transaction in or affecting interstate or foreign commerce: (1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form, and (2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

Section 101(a) establishes a basic federal rule of non-discrimination with respect to the use of electronic signatures and electronic records, including electronic contracts. Subject to the Act's consumer consent requirement (§101(c)) and specific exceptions (§103), this federal rule of non-discrimination means that a State generally cannot refuse to allow parties to use electronic signatures and electronic records in lieu of paper records and handwritten signatures. This federal rule also means that if two parties agree with one another, electronically or otherwise, on the terms and conditions on which they will accept and use electronic signatures and electronic records in their dealings with one another and the parties could have entered into a comparable agreement regarding the use of signatures and records in the paper world, the State cannot refuse to give effect to the parties' agreement.

The term ''solely'' in section 101(a)(1) and 101(a)(2) is intended to prevent challenges to the legal effect, validity, or enforceability of an electronic signature, contract, or other record that are based on objections to the ''electronic'' quality of such signature, contract, or other record. In addition, Section 101 should not be interpreted to permit a challenge based on the combination of a signature, contract, or other record being in electronic form (Section 101(a)(1)) and having an electronic signature or electronic record used in its formation (Section 101(a)(2); in this sense, solely truly means ''solely or in part''.

The conferees agreed to strike title III of the House bill (HR 1714) with respect to electronic records, signatures or agreements covered under the federal securities laws because the title I provisions of the conference agreement are intended to encompass the House title III provisions. The reference in section 101(a) of the conference agreement to ''any transaction in or affecting interstate or foreign commerce'' is intended to include electronic records, signatures and agreements governed by the Securities Exchange Act of 1934 and all electronic records, signatures and agreements used in financial planning, income tax preparation, and investments. Therefore, the conference agreement did not need to single out or treat differently electronic records, signatures and agreements regulated by federal securities laws in a separate title.

In section 101(b), the conference report makes clear that title I of the conference substitute does not (1) limit, alter, or otherwise affect any requirements imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than requirements that contracts or other records be written, signed, or in non-electronic form; or (2) require any person, with respect to a record other than a contract, to agree to use or accept electronic records or electronic signatures.

Section 101(c) specifies consumer protections in e-commerce. If a statute, regulation, or other rule of law requires that a record relating to a transaction in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, an electronic record may be substituted if (1) the consumer affirmatively consents to receive an electronic record and has not withdrawn such consent, (2) the consumer, prior to consenting, is provided with a clear and conspicuous statement informing the consumer of rights or options to have the record provided or made available on paper, and the right of the consumer to withdraw the consent to electronic records and of any conditions, consequences (which may include termination of the parties' relationships), or fees in the event of withdrawal of consent. Further, the consumer is informed of whether the consent applies only to the initial transaction or to identified categories of records that follow the initial transaction. Disclosure must also be made describing the procedures the consumer must use to withdraw consent and to update information needed to contact the consumer electronically. The consumer must also be informed

of how after the consent, the consumer may, upon request, obtain a paper copy of electronic records, and whether any fee will be charged for such copy.

Section 101(c) honors the provisions of underlying law (except as to the specifics of writing and consent requirements); the Act does not create new requirements for electronic commerce but simply allows disclosures or other items to be delivered electronically instead of on paper. This means that if a consumer protection statute requires delivery of a paper copy of a disclosure or item to a consumer, then the consent and disclosure requirements of subsection (c)(1)(A–D) must be satisfied. Otherwise, subsection (c) does not disturb existing law.

Section 101(c)(1) refers to writings that are required to be delivered to consumers by some other law, such as the Truth-in-Lending Act. The reference to consumers is intentional: subsection (c) only applies to laws that are specifically intended for the protection of consumers. When a statute applies to consumers as well as to non-consumers, subsection (c)(1) should not apply. In this way, the subsection preserves those special consumer protection statutes enacted throughout this Nation without creating artificial constructs that do not exist under current law. At no time in the future should these ''consent'' provisions of 101(c), which are intended to protect consumers (as defined in this legislation), be permitted to migrate through interpretation so as to apply to business-to-business transactions.

Pursuant to subsection (c)(1)(C)(i), the consumer must be provided, prior to consenting, with a clear and conspicuous statement describing the hardware and software requirements to access and retain electronic records.

Subsection (c)(1)(C)(ii) requires that the consumer's consent be electronic or that it be confirmed electronically, in a manner that reasonably demonstrates that the consumer will be able to access the various forms of electronic records to which the consent applies. The requirement of a reasonable demonstration is not intended to be burdensome on consumers or the person providing the electronic record, and could be accomplished in many ways. For example, the 'reasonable demonstration' requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mailed response to the provider of the electronic records that he or she can access information in the attachments. Similarly, the 'reasonable demonstration' requirement is satisfied if it is shown that in response to such an e-mail the consumer actually accesses records in the relevant electronic format. The purpose of the reasonable demonstration provision is to provide consumers with a simple and efficient mechanism to substantiate their ability to access the electronic information that will be provided to them.

Subsection (c)(1)(D) requires that after the consent of a consumer, if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record must provide the consumer with a statement of the revised hardware and software requirements for access to and retention of the electronic records, and the right to withdraw consent without the imposition of any fees for such withdrawal, and the right to withdraw without the imposition of any condition or consequence that was not disclosed.

Subsection (c)(2) includes a savings clause making clear that nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law. Further, subsection (c)(2) provides that if a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

Section 101(c)(3) makes clear that an electronic contract or electronic signature cannot be deemed ineffective, invalid, or unenforceable merely because the party contracting with a consumer failed to meet the requirements of the consent to electronic records provision.

Compliance with the consent provisions of section 101(c) is intended to address the effectiveness of the provision of information in electronic form, not the validity or enforceability of the underlying contractual relationship or agreement between the parties. In other words, a technical violation of the consent provisions cannot in and of itself invalidate an electronic contract or prevent it from being legally enforced. Rather, the validity and enforceability of the electronic contract is evaluated under existing substantive contract law, that is, by determining whether the violation of the consent provisions resulted in a consumer failing to receive information necessary to the enforcement of the contract or some provision thereof. For example, if it turns out that the manner in which a consumer consented did not 'reasonably demonstrate' that she could access the electronic form of the information at a later date, but at the time of executing the contract she was able to view its terms and conditions before signing, the contract could still be valid and enforceable despite the technical violation of the electronic consent provision.

Subsection (c)(4) provides that withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

Subsection (c)(5) makes clear that this subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

Subsection (c)(6) provides that an oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

It should be noted that Section 101(c)(6) does not preclude the consumer from using her voice to sign or approve that record. Proper voice signatures can be very effective in confirming a person's informed intent to be legally obligated. Therefore, the consumer could conceivably use an oral or voice signature to sign a text record that was required to be given to her ''in writing''. Moreover, the person who originated the text record could authenticate it with a voice signature as well. The spoken words of the signature might be something like ''I Jane Consumer hereby sign and agree to this loan document and notice of interest charges.''

By way of clarification, the intent of this clause is to disqualify only oral communications that are not authorized under applicable law and are not created or stored in a digital format. This paragraph is not intended to create an impediment to voice-based technologies, which are certain to be an important component of the emerging mobile-commerce market. Today, a system that creates a digital file by means of the use of voice, as opposed to a keyboard, mouse or similar device, is capable of creating an electronic record, despite the fact that it began its existence as an oral communication.

Section 101(d) addresses statutory and regulatory record retention requirements. It states that when a statute, regulation, or other rule of law requires that a record, including a contract, be retained that requirement is satisfied by the retention of an electronic record, if two criteria are met. First, the electronic record must accurately reflect the information set forth in the contract or record required to be retained. Second, that electronic record must remain accessible to all parties who by law are entitled to access the record for the period set out in that law. Moreover, the electronic record must be in a form capable of accurate reproduction for later reference. The reproduction may be by way of transmission, printing or any other method of reproducing records.

With respect to Section 101(d)(1)(B), this subsection only requires retained records to remain accessible to persons entitled to access them by statute. The subsection does not require the business to provide direct access to its facilities nor does it require the business to update electronic formats as technology changes—the records must, however, be capable of being accurately reproduced at the time that reference to them is required by law.

Section 101(e) addresses statutory and regulatory requirements that certain records, including contracts, be in writing. The statute of frauds writing requirement exemplifies one such legal requirement. The section states that an electronic record or contract may be denied legal effect and enforceability under section 101(a) of this Act, if such an electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties entitled to retain that contract or record. This provision is intended to reach two qualities of ''a writing'' in the non-electronic world. The first such quality of ''a writing'' is that it can be retained, e.g., a contract can be filed. The second such quality of ''a writing'' is that it can be reproduced, e.g., a contract can be copied.

With respect to Section 101(e), the actual inability of a party to reproduce a record at a particular point in time does not invoke this subsection. The subsection merely requires that if a statute requires a contract to be in writing, then the contract should be capable of being retained and accurately reproduced for later reference by those entitled to retain it. Thus if a customer enters into an electronic contract which was capable of being retained or reproduced, but the customer chooses to use a device such as a Palm Pilot or cellular phone that does not have a printer or a disk drive allowing the customer to make a copy of the contract at that particular time, this section is not invoked. The record was in a form that was capable of being retained and reproduced by the customer had it chosen to use a device allowing retention and reproduction.

Subsection (f) clarifies that nothing in title I affects the proximity requirement of any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

Subsection (g) provides that if a statute, regulation, or other rule of law requires a signature or record to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record. This subsection permits notaries public and other authorized officers to perform their functions electronically, provided that all other requirements of applicable law are satisfied. This subsection removes any requirement of a stamp, seal, or similar embossing device as it may apply to the performance of these functions by electronic means.

It is my intent that no requirement for the use of a stamp, seal, or similar device shall preclude the use of an electronic signature for these purposes.

Subsection (h) provides legal effect, validity and enforceability to contracts and record relating to a transaction in or affecting interstate or foreign commerce that were formed, created or delivered by one or more electronic agents.

Subsection (i) makes clear that the provisions of title I and II cover the business of insurance.

Subsection (j) provides protection from liability for an insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature if: (1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct; (2) the agent or broker was not involved in the development or establishment of such electronic procedures; and (3) the agent or broker did not deviate from such procedures.

AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE

Senate bill

Section 5(g) of the Senate bill provides that section 5 does not apply to any State in which the Uniform Electronic Transaction Act is in effect.

House amendment

Section 102(a) of the House amendment provides that a State statute, regulation or other rule of law enacted or adopted after the date of enactment of H.R. 1714 may modify, limit, or supersede the provisions of section 101 (except as provided in section 102(b)) if that State action: (1) is an adoption or enactment of the UETA as reported by the NCCUSL or specifies alternative procedures or requirements recognizing the legal effect, validity and enforceability of electronic signatures; and (2) for statutes enacted or adopted after the date of enactment of this Act, makes specific reference to the provisions of section 101.

Section 102(b) provides that no State statute, regulation, or rule of law (including those pertaining to insurance), regardless of date of enactment, that modifies, limits, or supersedes section 101 shall be effective to the extent that such statute, regulation, or rule of law: (1) discriminates in favor of or against a specific technology, method, or technique; (2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic signatures and electronic records; (3) is based on procedures or requirements that are not specific and that are not publicly available; and (4) is otherwise inconsistent with the provisions of section 101.

Section 103(c) provides that a State may, by statute, regulation or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2) consent to the provision or availability of such notice solely as an electronic record.

Conference substitute

The conference report adopts a substitute provision. Section 102 of the conference report provides a conditioned process for States to enact their own statutes, regulations or other rules of law dealing with the use and acceptance of electronic signatures and records and thus opt-out of the federal regime. The preemptive effects of this Act apply to both existing and future statutes, regulations, or other rules of law enacted or adopted by a State. Thus, a State could not argue that section 101 does not preempt its statutes, regulations, or other rules of law because they were enacted or adopted prior to the enactment of this Act.

Section 102(a) provides that a State statute, regulation or other rule of law may modify, limit, or supersede the provisions of section 101 only if that State action: (1) constitutes an adoption or enactment of the Uniform Electronic Transactions Act (UETA) as reported and recommended for enactment by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1999; or (2) specifies alternative procedures or requirements (or both) for the use or acceptance of electronic signatures or electronic records for establishing the legal effect, validity and enforceability of contracts or records.

It is intended that any State that enacts or adopts UETA in its State to remove itself from Federal preemption pursuant to subsection (a)(1) shall be required to enact or adopt UETA as that document was reported and recommended for enactment by NCCUSL.

Subsection (a)(1) places a limitation on a State that attempts to avoid Federal preemption by enacting or adopting a clean UETA. Section 3(b)(4) of UETA, as reported and recommended for enactment by NCCUSL, allows a State to exclude the application of that State's enactment or adoption of UETA for any 'other laws, if any, identified by State.' This provision provides a potential loophole for a State to prevent the use or acceptance of electronic signatures or electronic records in that State. To remedy this, subsection (a)(1) requires that any exception utilized by a State under section 3(b)(4) of UETA shall be preempted if it is inconsistent with title I or II, or would not be permitted under subsection (a)(2)(ii) (technology neutrality). Requirements for certified mail or return receipt would not be inconsistent with title I or II, however, note that an electronic equivalent would be permitted.

As stated above, subsection (a)(2) is designed to cover any attempt by a State to escape Federal preemption by enacting or adopting specific alternative procedures or requirements for the use or acceptance of electronic signatures or records except a strict enactment or adoption of UETA (which would be covered by subsection (a)(1)). States that enact UETA in the manner specified in (a)(1) may supercede the provisions of section 101 with respect to State law. Thus, regulatory agencies within a state which complies with (a)(1) would interpret UETA, not section 101 of the federal act.

Further, some States are enacting or adopting a strict, unamended version of UETA as well as enacting or adopting a companion or separate law that contains further provisions relating to the use or acceptance of electronic signatures or electronic records. Under this Act, such action by the State would prompt both subsection (a)(1) (for the strict enactment or adoption of UETA) and subsection (a)(2) (for the other companion or separate legislation).

Subsection (a)(2) contains two important conditions that limit the extent to which a state could utilize it to opt-out of the federal regime. Specifically, when interpreting section 101, alternative procedures or requirements: (1) must be consistent with this title and title II; and (2) shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic signatures or records. It is not intended that the singular use of technology or technological specification in subsection (a)(2)(A)(ii) allows a State to set more than one technology at the expense of other technologies in order to meet this standard, unless only one form of the technology exists, in which case this act is not intended to preclude a technological solution. Further, inclusion of the 'or accord greater legal status or effect to' is intended to prevent a state from giving a leg-up or impose an additional burden on one technology or technical specification that is not applicable to all others, and is not intended to prevent a state or its subdivisions from developing, establishing, using or certifying a certificate authority system.

In addition, subsection (a)(2)(B) requires that a State that utilizes subsection (a)(2) to escape federal preemption must make a specific reference to this Act in any statute, regulation, or other rule of law enacted or adopted after the date of enactment of this Act. This provision is intended, in part, to make it easier to track action by the various States under this subsection for purposes of research.

Section 102(b) provides a specific exclusion to the technology neutrality provisions contained in subsection (a)(2)(A)(ii) for procurement by a state, or any agency or instrumentality thereof.

Section 102(c) makes clear that subsection (a) cannot be used by a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of UETA. Any attempt by a State to use 8(b)(2) to violate the spirit of this Act should be treated as effort to circumvent and thus be void.

SPECIFIC EXCLUSIONS

Senate bill

Section 5(d) of the Senate bill excludes from the application of this section any statute, regulation or other rule of law governing: (1) the Uniform Commercial Code as in effect in any state, other than sections 1–107 and 1–206 and Articles 2 and 2A; (2) premarital agreements, marriage, adoption, divorce, or other matters of family law; (3) documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically; (4) residential landlord-tenant relationships; and (5) the Uniform Health-Care Decisions Act as in effect in a State.

House amendment

Section 103(a) of the House amendment excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation

and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and -206 and Articles 2 and 2A; (4) any requirement by a Federal regulatory agency or self-regulatory agency that records be filed or maintained in a specified standard or standards (except that nothing relieves any Federal regulatory agency of its obligation under the Government Paperwork Elimination Act, title XVII of Public Law 105–277); (5) the Uniform Anatomical Gift Act; or (6) the Uniform Health-Care Decisions Act.

Section 103(b) excludes from the application of section 101: (1) any contract, agreement or record between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce; (2) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (3) any notice concerning: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

Conference substitute

The conference report adopts a substitute provision.

Section 103(a) excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and 1-206 and Articles 2 and 2A.

Section 103(b) excludes from the application of section 101: (1) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (2) any notice of: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

The exclusion pertaining to utility services applies to essential consumer services including water, heat and power. This provision does not apply to notices for other broadly used important consumer services, such as telephone, cable television, and Internet access services, etc. Electronic cancellation or termination notices may be used in association with those other services, assuming all of the other elements of Section 101 are met. To clarify further, with respect to Section 103(b), the statement that ''the provisions of section 101 shall not apply to'' the listed items means only that Section 101 may not be relied upon to allow an electronic record or electronic signature to suffice. Section 103(b) does not prohibit use of electronic records or signatures, however. Whether such can be used is left to other law.

Section 103(c)(1) directs the Secretary of Commerce, acting through the Assistant Secretary for Communication and Information, to review the operation of the exclusions in subsections (a) and (b) over a period of three years to determine if such exclusions are necessary for the protection of consumers. The Assistant Secretary shall submit the findings of this review to Congress within three years of the date of enactment of this Act.

Section 103(c)(2) provides that a Federal regulatory agency, with respect to matter within its jurisdiction, may extend, after proper notice and comment and publishing a finding that one or more of exceptions in subsections (a) or (b) are no longer necessary for the protection of consumers and eliminating such exceptions will not materially increase the risk of harm to consumers, the application of section 101 to such exceptions.

APPLICABILITY TO FEDERAL AND STATE GOVERNMENTS

Senate bill

The Senate bill contained no provision affecting the authority of Federal regulatory agencies.

House amendment

The House amendment provided in Section 103 that the authority of Federal regulatory agencies would be preserved over records filed or maintained in a specific standard or standards.

Conference substitute

The conference report adopts a substitute provision.

Section 104(a) provides that subject to section 104(a)(2), a Federal regulatory agency, a self-regulatory organization, or State regulatory agency may specify standards or formats for the filing of records with that agency or organization, including requiring paper filings or records. While the conference report preserves such authority to such agencies or organizations, it is intended that use of such authority is rarely exercised. Section 104(b)(1) provides that subject to section 104(b)(2) and section 104(c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through (1) the issuance of regulations pursuant to a statute; or (2) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency).

The conference report provides for more limited Federal and State interpretative authority over other functions related to records. This Act grants no additional or new rulemaking authority to any Federal or State agency. The conference report provides that if Federal or State regulators possessed specific rulemaking authority under their organic statutes, they could use that rulemaking authority to interpret section 101 subject to strict conditions. Those conditions include determinations that such regulation, order or guidance: (1) is consistent with section 101; and (2) does not add to the requirements of the section. Additionally, the conference report requires that any Federal agency show conclusively that: (a) there is a substantial justification for the regulation and the regulation is necessary to protect an important public interest; (b) the methods used to carry out that purpose are the least restrictive alternative consistent with that purpose; (c) the methods are substantially equivalent to the requirements imposed or records that are not electronic records; and (d) such methods will not impose new costs on the acceptance and use of electronic records. The conference report requires strict technological neutrality of any Federal or State regulation, order or guidance. Absent such technological neutrality, any such regulation, order or guidance is void.

The conference report is designed to prevent Federal and State Regulators from undermining the broad purpose of this Act, to facilitate electronic commerce and electronic record keeping. To ensure that the purposes of this Act are upheld, Federal and State regulatory authority is strictly circumscribed. It is expected that Courts reviewing administrative actions will be rigorous in seeing that the purpose of this Act, to ensure the widest use and dissemination of electronic commerce and records are not undermined.

Subsection (b)(3)(A) provides authority to a Federal or State regulatory agency to interpret section 101(d) in a manner to specify specific performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Subsection (b)(3) extends this authority to override the technology neutrality provision contained in subsection (b)(2)C)(iii) but only if doing so (1) serves an important governmental objective; and (2) is substantially related to the achievement of that objective. Further, subsection (b)(3)(A) does not allow a Federal or State regulatory agency to require the use of a particular type of software or hardware in order to comply with 101(d).

Subsection (b)(3)(B) provides authority to a Federal or State regulatory agency to interpret section 101(d) to require retention of paper records but only if (1) there is a compelling government interest relating to law enforcement or national security for imposing such requirement, and (2) imposing such requirement is essential to attaining such interest. It is important to note that the test in subsection (b)(3)(B) is higher and more stringent than in subsection (b)(3)(A). This is intentional as it is an effort to impose an extremely high barrier before a Federal or State regulatory agency will revert back to requiring paper records. However, this does not diminish the test contained subsection (b)(3)(A). It, too, is intended to be an extremely high barrier for a Federal or State regulatory agency to meet before the technology neutrality provision is violated. It is intended that use of either of these tests will be necessary in only a very, very few instances. It is expected that Federal and State agencies take all action and exhaust all other avenues before exercising authority granted in paragraph (3).

Subsection (b)(4) exempts procurement by a Federal or State government, or any agency or instrumentality thereof from the technology neutral requirements of subsection (b)(2)(C)(iii).

Subsection (c)(1) makes clear that nothing in subsection (b), except subsection (b)(3)(B), allows a Federal or State regulatory agency to impose or reimpose any requirement that a record be in paper form.

Subsection (c)(2) makes clear that nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act.

Subsection (d)(1) provides authority to a Federal or State regulatory agency to exempt without condition a specified category or type of record from the consent provisions in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers. It is intended that the test under subsection (d)(1) not be read too limiting. There are vast numbers of instances when section 101(c) may not be appropriate or necessary and should be exempted by the appropriate regulator.

Subsection (d)(2) requires the Securities and Exchange Commission, within 30 days after date of enactment, to issue a regulation or order pursuant to subsection (d)(1)

exempting from the consent provision any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

Section 104(e) provides that the Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid or unenforceable solely because an electronic records or electronic signature was used in its formation or authorization.

The Federal Communications Commission (FCC) has been very slow, even reticent, to clearly authorize the use of an Internet letter of agency for a consumer to conduct a preferred carrier change. As a result of the Commission's repeated failure to act on this matter, the conference report provides specific direction to the Commission to recognize Internet letters of agency for a preferred carrier change.

STUDIES

Senate bill

Section 7 of the Senate bill directs each Federal agency shall, not later than 6 months after the date of enactment of this Act, to provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

Section 7(b) requires a report to Congress by The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

7(c) provides that the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

7(d) If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

House amendment

Section 104 of the House amendment directs the Secretary of Commerce (the Secretary), acting through the Assistant Secretary for Communications and Information, to conduct an inquiry regarding any State statute, regulation, or rule of law enacted or adopted after enactment on the extent to which such statute, regulation, or rule of law complies with section 102(b). Section 104(b) requires the Secretary to submit the report described in paragraph (a) at the conclusion of the five year period.

Section 104(c) requires the Secretary, within eighteen months after the date of enactment, to conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with the delivery of written records by the United States Postal Service and private express mail services. The Secretary shall submit a report to Congress regarding the results of such inquiry at the conclusion of the eighteen month period.

Conference substitute

The conference adopts a substitute provision. Specifically, the conference report retains subsection 7(a) of the Senate amendment and redesignates it as section 104(a) of the conference report. Further, the conference report includes a new subsection (b) that requires the Secretary of Commerce and the Federal Trade Commission, within one year after date of enactment, to submit a report to the Congress analyzing: (1) the benefits provided to consumers by the consumer access test of the consent provision (section 101(c)(1)(C)(ii)); (2) any burdens imposed on electronic commerce by the provision, whether the benefits outweigh the burdens; (3) whether the absence of such procedure would increase consumer fraud; and (4) any suggestions for revising the provision. In conducting the evaluation, the Secretary of Commerce and FTC shall solicit the comments of the public, consumer representatives, and electronic commerce businesses.

DEFINITIONS

Senate bill

Section 4 sets forth the definitions of terms used in the bill: 'electronic;' 'electronic agent;' 'electronic record;' 'electronic signature;' 'governmental agency;' 'record;' 'transaction;' and 'Uniform Electronic Transaction Act.'

House amendment

Section 104 of the House amendment defines the following terms: 'electronic record;' 'electronic signature;' 'electronic;' 'electronic agent;' 'record;' 'Federal regulatory agency;' and 'self-regulatory agency.'

Conference substitute

The conference report adopts a substitute provision adopting definitions for the following terms: 'consumer;' 'electronic;' 'electronic agent;' 'electronic record;' 'electronic signature;' 'Federal regulatory agency;' 'information;' 'person;' 'record;' and 'transaction.'

To clarify further the definition of ''consumer,'' the definition is intended to be consistent with traditional interpretations of such definitions. This means that the party dealing with the consumer may rely on the consumer's intended use for the product or service as indicated when the transaction is entered into. Thus if an individual indicates at the time of the transaction that the online purchase of a heater is primarily for personal family or household use, then that individual is a consumer; the fact that the individual may later dedicate the actual use of the heater to the individual's business is not relevant. The opposite is also true: if an individual indicates that the intended use is primarily for business purposes, then that individual is not a consumer even if the individual later uses the heater primarily for personal or family purposes.

EFFECTIVE DATES

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report creates a general delayed effective date for the bill, and creates specific delayed effective dates for certain provisions of the bill. Subsection (a) establishes that, except as provided in subsections (b), the provisions of the bill are effective October 1, 2000. Subsection (b) delays the effective date of the records retention provision until March 1, 2001 unless an agency has initiated, announced, proposed but not completed an action under subsection 104(b)(3), in which case it would be extended until June 1, 2001. Subsection (b)(2) delays the effective date of this Act by one year with regards to any transaction involving a loan guarantee or loan guarantee commitment made by the United States Government. The one year delay was granted to permit the federal government time to institute safeguards necessary to protect taxpayers from risk of default on loans guaranteed by the federal government.

Subsection (d) delays the effective date of section 101(c) for any records provided or made available to a consumer pursuant to title IV of the High Education Act of 1965 until the Secretary of Education publishes revised promissory notes under section 432(m) of such Act or one year after the date of enactment, whichever is earlier.

TRANSFERABLE RECORDS

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report adopts a new provision in recognition of the need to establish a uniform national standard for the creation, recognition, and enforcement of electronic negotiable instruments. The development of a fully-electronic system of negotiable instruments such as promissory notes is one that will produce significant reductions in transaction costs. This provision, which is based in part on Section 16 of the Uniform Electronic Transactions Act, sets forth a criteria-based approach to the recognition of electronic negotiable instruments, referred to as 'transferable records' in this section and in UETA. It is intended that this approach create a legal framework within which companies can develop new technologies that fulfill all of the essential requirements of negotiability in an electronic environment, and in a manner that protects the interests of consumers.

The conference report notes that the official Comments to section 16 of UETA, as adopted by the National Conference of Commissioners on Uniform State Laws, provide a valuable explanation of the origins and purposes of this section, as well as the meaning of particular provisions.

The conference report notes that, pursuant to sections 3(c) and 7(d) of the UETA, an electronic signature satisfies any signature requirement under Section 16 of the UETA. It is intended that an electronic signature shall satisfy any signature requirement under this provision, as well. The conference report further notes that the reference in

section 201(a)(1)(C) to loans secured by real property' includes all forms of real property, including single-family and multi-family housing.

TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE

Senate bill

Section 6 of the Senate bill sets out the principles that the United States Government should follow, to the extent practicable, in its international negotiations on electronic commerce as a means to facilitate cross-border electronic transactions.

Section 6 lists the principles as follows: (1) advocates the removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996. Paragraph (2) permits that parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Paragraph (3) permits parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Paragraph (4) adopts a nondiscriminatory approach to electronic signatures.

House amendment

Section 201(a) directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to conduct an annual inquiry identifying: (1) any domestic or foreign impediments to commerce in electronic signature products and services and the manner and extent to which such impediments inhibit the development of interstate and foreign commerce; (2) constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products and services; and (3) the degree to which other nations and international organizations are complying with the principles in section 201(b)(2).

Under subsection (a)(2), the Secretary is required to report to Congress the findings of each inquiry 90 days after completion of such inquiry.

Section 201(b) directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with designated principles. In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures, including those resulting from the inquiries required pursuant to subsection (a).

The designated principles are as follows: free-markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic signatures and electronic records; neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures; parties to a transaction should be allowed to establish requirements regarding the use of electronic records and electronic signatures acceptable to the parties; parties to a transaction should be permitted to determine the appropriate authentication technologies and implementation for their transactions with the assurance that the technology and implementation will be recognized and enforced; the parties should have the opportunity to prove in court that their authentication approaches and transactions are valid; electronic records and signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability because they are not in writing; de jure or de facto imposition of electronic signature and electronic record standards on the private sector through foreign adoption of regulations or policies should be avoided; paper-based obstacles to electronic transactions should be removed.

Section 201(c) requires the Secretary of Commerce to consult with users and providers of electronic signatures and products and other interested parties in carrying out actions under this section.

Section 201(d) clarifies that nothing requires the Secretary or Assistant Secretary to take any action that would adversely affect the privacy of consumers.

Section 201(e) provides that the definitions in section 104 apply to this title.

Conference substitute

The House recedes to the Senate with an amendment. Section 301(a)(1) directs the Secretary of Commerce to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with the set principles listed in subsection (a)(2). In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures.

Section 301(a)(2) lists the principles as follows: (1) Removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996; (2) Parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Parties to a commercial transaction should be able to chose the appropriate authentication technologies and implementation models for their transactions. Unnecessary regulation of commercial transactions distorts the development and efficient operation of markets, including electronic markets. Moreover, the rapid development of the electronic marketplace is resulting in new business models and technological innovations. This is an evolving process. Therefore, government attempts to regulate may impede the development of newer alternative technologies; (3) Parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Parties should have the opportunity to prove in court that the authentication methods that they select are valid and reliable; and (4) Adoption of a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

Section 301(c) directs the Secretary to consult with users and providers of electronic signature products and services and other interested parties. Section 301(d) applies the definitions of 'electronic signature' and 'electronic record' in section 107 to this title.

Increasingly, online transactions are not just interstate but international in nature and this creates a clear need for international recognition of electronic signatures and records that will not create barriers to international trade. Title III directs the Secretary of Commerce to take an active role in bilateral and multilateral talks to promote the use and acceptance of electronic signatures and electronic records worldwide. It is intended that the Secretary promote the principles contained in this Act internationally. However, it is possible that some foreign nations may choose to adopt their own approach to the use and acceptance of electronic signatures and electronic records. In such cases, the Secretary should encourage those nations to provide legal recognition to contracts and transactions that may fall outside of the scope of the national law and encourage those nations to recognize the rights of parties to establish their own terms and conditions for the use and acceptance of electronic signatures and electronic records.

There is particular concern about international developments that seek to favor specific technologies of processes for generating electronic signatures and electronic records. Failure to recognize multiple technologies may create potential barriers to trade and stunt the development of new and innovative technologies.

Unfortunately, international developments on recognizing electronic signatures are troubling. The German Digital Signature Law of July 1997 runs counter to many of the widely accepted principles of electronic signature law in the United States. For example, the German law provides legal recognition only to signatures generated using digital signature technology, establishes licensing for certificate authorities, and sets a substantial role for the government in establishing technical standards. Further, a position paper on international recognition of electronic signatures released by the German government (International Legal Recognition of Digital Signatures, August 28, 1998) seeks to apply these principles internationally. This policy statement reemphasizes the principle that uniform security standards are necessary for all uses of digital signatures regardless of their use, supports mutual recognition of digital signatures only to those nations which have a similar regulatory structure for certification authority, and fails to provide legal effect to electronic signatures generated by other technologies.

The European Community is considering a framework for the use and acceptance of electronic signatures for its member countries. 'Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community Framework for electronic signatures' lays out the European Community's approach to electronic signature legislation. Of particular interest is Article 7, International Aspects, which recognizes the legal validity of digital certificates issued in a non-European Community country. While international recognition of electronic signatures is important, there is concern that this approach will not recognize non-certificate based electronic signatures, such as those based on biometric technologies. The conference report notes that negotiations with the European Union on electronic signatures is a top priority.

COMMISSION ON CHILD ONLINE PROTECTION AUTHORITY TO ACCEPT GIFTS

Senate bill

The Senate bill contains no similar provision.

House amendment

The House amendment contains no similar provision.

Conference substitute

The conference report adopts a provision to amend section 1405 of the Child Online Protection Act by adding a new subsection (h), which allows the Commission on Online Child Protection to accept, use and dispose of gifts, bequests or devises of services or property for the purpose of aiding or facilitating the work of the Commission.

Mr. WARNER. Mr. President, I want to offer my strong support for the Electronic Signatures in Global and National Commerce Act. This legislation removes legal barriers to electronic commerce by establishing important legal standards for electronic contracts and signatures.

With the passage of this important legislation, businesses will have the legal certainty that they require and consumers will have the assurance of safety and security that they need. The measure represents a balanced approach. It ensures that protections in the digital world equal those in the paper world.

Mr. President, E-commerce offers tremendous benefits for businesses and consumers in terms of efficiency, choice, convenience, and lower costs. The measure will ensure the continued expansion of electronic commerce, the roots and future of which lie in Virginia. It will take electronic business-to-business and business-to-consumer commerce to the next level.

Mr. BENNETT. Mr. President, I rise to praise the hard work, commitment and diligence of Senator SPENCER ABRAHAM of Michigan. He navigated truly treacherous legislative and political waters to bring this legislation to shore. Were it not for his steadfast guidance of this legislation, there would be no E-Sign bill before us today. From the outset, Senator ABRAHAM had the vision and initiative to call to life a law which will allow American consumers and businesses to do transactions over the Internet with a greater confidence in their legal rights and responsibilities. And let me say this to my colleague, Senator ABRAHAM, this bill is much like the Internet in that almost instantaneously all kinds of people will come out of the woodwork to claim credit for your great achievement. Savor it, because those of us who worked by your side know well that the credit lies with you.

Throughout the conference I kept one goal in mind. We must make every effort to have a digital signature be equal to a paper signature both in the ease of use and in the eyes of the law. And while we did not fully succeed in that regard, this legislation is clearly a worthwhile step in the right direction and I intend to support its passage.

Mr. President, let me take one more moment to express, generally, some of my concerns about provisions that were added in the name of providing greater consumer protection and which were outside of the scope of the bills passed in the House and the Senate. I fear that the lack of clarity of several terms and phrases which were added in the conference and which are strewn throughout the bill will create the opportunity for misunderstandings and lawsuits. Greater consultation among the conferees could have resolved these issues, because I know that we all share the same hopes for the success of this legislation. I sincerely hope that my concerns about the use of these terms is misplaced and that they will not come back to haunt us.

Finally, Mr. President, pursuant to the Government Paperwork Elimination Act passed by the previous Congress, the Office of Management and Budget has adopted regulations to permit individuals to obtain, submit and sign government forms electronically. These regulations direct Federal agencies to recognize that different security approaches offer varying levels of assurance in an electronic environment and that deciding which to use in an application depends first upon finding a balance between the risks associated with the loss, misuse or compromise of the information, and the benefits, costs and effort associated with deploying and managing the increasingly secure methods to mitigate those risks.

The OMB regulations recognize that among the various technical approaches, in an ascending level of assurance, are (1) ''shared secrets'' methods (e.g., personal identification numbers or passwords), (2) digitized signatures or biometric means of identification, such as fingerprints, retinal patterns and voice recognition, and (3) cryptographic digital signatures, which provide the greatest assurance. Combinations of approaches (e.g., digital signatures with bio-metrics) are also possible and may provide even higher levels of assurance. The technical competence and experience of the service provider should be of paramount concern as we step into this brave new world. A positive first step in this regard is the General Services Administration's development of the ACES, or Access Certification for Electronic Services, Program for all federal agencies.

Mr. President, in developing this legislation, we recognized that certain technologies are more secure than others and that consumers and businesses must, just as the government, select and weigh which technology is most appropriate for their particular needs taking into account the importance of the transaction and its corresponding need for assurance.

Mr. ABRAHAM. Mr. President, I ask for the yeas and nays on the conference report accompanying S. 761.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. CAMPBELL), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that if present and voting, the Senator from Kentucky (Mr. BUNNING), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. HATCH), and the Senator from Colorado (Mr. CAMPBELL) would each vote ''aye.''

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. LEAHY), and the Senator from Virginia (Mr. ROBB) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) and the Senator from Iowa (Mr. HARKIN) would each vote ''aye.''

The PRESIDING OFFICER (Mr. HAGEL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—87

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Breaux	Hagel	Roberts
Brownback	Helms	Rockefeller
Bryan	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Chafee, L.	Inouye	Schumer
Cleland	Jeffords	Sessions
Cochran	Johnson	Shelby
Collins	Kennedy	Smith (NH)
Coverdell	Kerrey	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kohl	Specter
Daschle	Kyl	Stevens
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Levin	Torricelli
Durbin	Lieberman	Voinovich
Edwards	Lincoln	Wellstone
Enzi	Lott	Wyden

NOT VOTING—13

Boxer	Harkin	Robb
Bunning	Hatch	Thomas
Campbell	Inhofe	Warner
Conrad	Leahy	
Dorgan	McConnell	

The conference report was agreed to.

Mr. LOTT. Mr. President, today the Senate has taken a momentous step in promoting and facilitating the growth of electronic commerce with the passage of the conference report to S. 761—the Electronic Signatures in Global and National Commerce Act.

It was a long and difficult road to get to this point, following the bill's introduction in the Senate last March by my colleague and champion of E-signatures, Senator ABRAHAM. Many roadblocks had to be overcome along the way. In the end, many compromises were agreed to. This bill could have been done months ago; however, some wanted to make this a partisan issue. I am personally very pleased though that the sustained efforts of Congress resulted in a conference report supported by a meaningful majority of conferees, and by a majority of the business world.

S. 761 will establish legal certainty and validity for electronic signatures and electronic records. When engaging in business online, consumers and companies should feel secure and confident that their contracts and agreements will be honored. This bill recognizes and addresses those real needs now,

rather than waiting for all 50 States to adopt uniform laws. S. 761 will provide the basic foundation, or the rules of the road, for the future of electronic commerce in America. It will foster the continued expansion of electronic commerce. More importantly, it will empower consumers to take part in a vibrant segment of our economy. It will afford consumers from all across America the real opportunity, if they so choose, to take advantage of electronic commerce. This, to me, is the crux of this legislation. The ability of our citizens in all 50 States to improve the quality of their lives. S. 761 provides that ability.

Some have expressed concern that this measure places a higher standard and unnecessary burdens on the on-line world than those in effect for the off-line world. I hope it does not. I believe a good-faith effort was made to provide the flexibility necessary for those with that great entrepreneurial spirit and imaginative ability to advance the Internet and electronic commerce. If, over time, bureaucracy does indeed impede the bill's intent, I expect that Congress will again assume responsibility and take corrective action.

The participation of several Members of Congress was integral to this bill's enactment. They include the chairmen of both the House and Senate Commerce Committees, Chairman BLILEY and Chairman MCCAIN, Chairman GRAMM of the Senate Banking Committee, and Chairman HATCH of the Senate Judiciary Committee. I extend my thanks to them and to all of the members of the conference for their attentiveness and commitment to this important issue.

I also want to take a few moments to express my special appreciation to my colleague and good friend, Senator ABRAHAM. Senator ABRAHAM recognized early on the extreme importance of electronic signatures. It was his initiative that led to the 105th Congress' enactment of the Government Paperwork Elimination Act, a significant first step toward the eventual broad use and acceptance of electronic signatures. Senator ABRAHAM's continued stewardship, vision, and tireless efforts have led to the next logical step of now affording secure and accessible opportunities in electronic commerce for the private sector and millions of consumers. I believe no other Senator worked as hard on, or knows as much about, this issue as Senator ABRAHAM. Without his hard work, keen judgment, and persistence, I do not believe we would be voting on this conference report today. Senator ABRAHAM is to be commended for his leadership in this area, and I look forward to working with him on other important technology issues facing Congress.

It goes without saying that Congress could not operate without the dedicated efforts of staff. I want to identify those Senate staffers who worked hard to prepare this legislation for consideration: Renee Bennett, Moses Boyd, Jeanne Bumpus, Cesar Conda, Robert Cresanti, Makan Delrahim, Geoff Gray, Martin Gruenberg, Carole Grunberg, Dave Hoppe, Jack Howard, Jim Hippe, Kevin Kolevar, Chase Hutto, Jim Hyland, Julie Katzman, Maureen McLaughlin, Paul Margie, Mike Rawson, Dena Ellis Rochkind, Lisa Rosenberg and Jim Sartucci, as well as my former Congressional Fellow, Steven Apicella. I thank them all.

Electronic signatures is an innovative technology whose time has come. S. 761 will remove barriers to their use in a timely and useful manner. S. 761 will make it easier for millions of Americans to use electronic commerce. S. 761 will help stimulate our nation's economy. And S. 761 will preserve America's leadership in the global marketplace. I am proud that the 106th Congress has taken this action.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank my colleagues on both sides of the aisle for their work on the legislation which has just passed. This is an extraordinarily important bill which will essentially open up opportunities in e-commerce that have previously not been existent for Americans. It will be a tremendous incentive to our economy. I express to all my colleagues my appreciation for their hard work on the legislation. It is a significant accomplishment for the Congress.

The PRESIDING OFFICER. The Senator from Nevada.

LEAVE OF ABSENCE

Mr. REID. Mr. President, on behalf of Senator LEAHY, I ask unanimous consent that he be permitted to be absent from the service of the Senate today, Friday, June 16.

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

EXECUTIVE SESSION

NOMINATION OF BEVERLY B. MARTIN, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

NOMINATION OF JAY A. GARCIA-GREGORY, OF PUERTO RICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

NOMINATION OF LAURA TAYLOR SWAIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nominations of Beverly B. Martin, of Georgia; Jay A. Garcia-Gregory, of Puerto Rico; and Laura Taylor Swain, of New York, which the clerk will report.

The legislative clerk read the nominations of Beverly B. Martin, of Georgia, to be U.S. District Judge for the Northern District of Georgia; Jay A. Garcia-Gregory, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico; and Laura Taylor Swain, of New York, to be U.S. District Judge for the Southern District of New York.

The PRESIDING OFFICER. Under the previous order, the nominations are confirmed, the motions to reconsider are laid upon the table, and the President will immediately be notified of the Senate's actions.

The nominations were considered and confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I have reserved an hour of that time. I know there are other Senators who wish to speak. I will not use the whole hour. I would like to change the order. My colleague from Montana has a couple of minutes on an issue. My colleague from Minnesota wishes to speak for 10 minutes. Then I would assume my hour. We will not take all that hour. The Senator from Washington has comments she wants to make during this period of time. I ask unanimous consent that it follow in that order.

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

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE DAIRY INDUSTRY

Mr. GRAMS. Mr. President, I will take a few minutes this morning to talk about an industry that is very important to the State of Minnesota, and that is our dairy industry.

June is National Dairy Month, and I come to the floor today to pay tribute to the family farmers who rise early every morning to supply fresh milk to our Nation. We as consumers assume there will always be dairy products in our grocery stores, without considering the hard work that is a daily requirement to get them there.

I grew up on a dairy farm myself, and I can remember those early morning milkings before going to school and again, of course, when I got home. I don't take for granted the hard work required of dairy farmers to make a living. Unfortunately, for Minnesota dairy producers, it is becoming harder

and harder just to make a living. The dairy compact in New England, which sets a price floor for that region, is spurring overproduction that is spilling over into the Midwest and is depressing the price received by Minnesota farmers.

Previously, I have come to the floor to address the false claims that dairy compacts somehow are necessary to ensure a consistent supply of milk to certain areas of the country, and also the assertion that dairy compacts save small family farms. Today, I want to turn to the claim that the overproduction that results from dairy compacts does not impact producers in noncompact regions of the country.

It is basic economics that if you want more of a particular commodity produced, then you should subsidize its production. And it follows that if you want more milk produced, you set a floor price for it, and the volume of production will predictably expand. This may initially sound somewhat harmless, but the overproduction from dairy compact States has to go somewhere. It is currently going into noncompact markets for milk, cheese, butter, and powder, and that is mainly the Midwest. Dairy producers within the Northeast Compact currently receive a floor price of $16.94 per hundredweight for beverage milk, and you could never run enough ''Got Milk?'' commercials to increase beverage consumption in the Northeast Compact region sufficient to offset the excess production that results from this minimum price. So the consequence is that the excess flows into the markets traditionally served by noncompact producers—or, basically, dairy farmers in the Midwest—driving down the prices that our dairy farmers receive because of the oversupply of milk.

To provide some context, upper Midwest dairy farmers largely produce for cheese markets. Approximately 86 percent of the milk produced in the Midwest goes into the production of cheese. I come from a State that has a comparatively small population and, thus, only a small portion of the milk produced by dairy farmers in Minnesota is consumed as a beverage. Our dairy farmers' livelihood depends on the income they receive in the cheese markets. The current price they receive is being, again, driven down, depressed by the influx of milk coming in from New England, again, because of the compact and the floor price for milk there that results from an artificially high compact price.

Following implementation of the compact back in 1997, New England milk production and milk powder production has increased rapidly in response to these higher prices—just, again, basic economics. New England milk production actually rose more than three times the rate of growth in production in the United States as a whole. So dairy farmers in New England were producing milk at a rate three times faster in growth than the rest of the country. This increased production in New England, combined with falling milk consumption in the region due to the higher consumer prices—again, basic economics; you drive the price up, you get less purchases—set in place by the compact, again, resulted in regional surpluses that have been converted to milk powder.

In fact, in the first year of the compact, New England powder production soared by 43 percent, which accounted for most of the increase in U.S. powder production during that year. The combination of increased production and lower milk consumption in the compact States due to higher prices, again, has created milk surpluses. That drives down milk prices for farmers outside of the New England compact. So it is directly hurting farmers in the Midwest. It also floods national markets with nonbeverage dairy products that compete with dairy products produced outside of the compact region.

A January 1999 University of Missouri study found that higher milk production and less milk consumption in an expanded Northeast Dairy Compact and a new Southern Compact would cost farmers outside of those compact States a minimum of $310 million a year. So the dairy farmers who are having a hard time making a living right now would find their milk checks down $310 million a year.

A May 1999 University of Wisconsin study found that the cost to farmers outside of the Northeast and proposed Southern Compact States would be at least $340 million a year. Again, these are tough times for Minnesota dairy farmers, and they cannot afford to lose that kind of income over and above what the compact States are already taking away from them. As I have said before, compacts are a zero-sum game, and all the income benefits that the large producers in New England derive come out of the pockets of consumers—low-income consumers, of course, are hit the hardest—and also producers in the noncompact regions. The mailbox price—actual income farmers get for their milk—was $1.87 per hundredweight higher in December of 1999 in the compact region than in Minnesota.

The expansion of the compacts to the southern region of the country would put the cartels in half of the States, exponentially magnifying what happened in New England, making the problem worse than what it is today. New England has only 3 percent of the U.S. milk production, and the proposed Northeast and Southern Compacts would cover nearly 40 percent of U.S. milk production. The thought of how this unprecedented expansion of the cartel would affect producers in my State and how it would affect the prices consumers pay only increases my resolve to fight compact expansion and work for revocation of the current compact. It would be a tremendous cost to taxpayers in the form of higher costs for school lunch programs and other food nutrition programs. It could also lead to higher Government storage costs and maybe even another round of a dairy buyout program—a cost that could run into the millions, if not billions, of dollars.

If you are concerned about returning some sanity to our dairy markets, then I ask you to join me as a cosponsor of the Dairy Fairness Act, S. 916, which repeals the Northeast Dairy Compact. Compact supporters can't win in an honest debate on the floor, so we are continually subjected to the end-of-the-session arm-twisting going on in conferences to keep this cartel alive. That is how the compact got started in the first place, when the 1996 farm bill was held hostage in committee until the compact was added.

We need to work for a national dairy policy that is fair to all producers, not one that artificially expands production in one portion of the country, which directly impacts the price received in other areas of the country. Again, the notion that compacts don't adversely impact producers outside the region is another dairy myth that must be put to rest if our country is to move toward a national dairy policy, again, that is fair to all producers.

As we celebrate National Dairy Month, I hope Congress will gain new resolve to create a dairy policy that is not based on ''robbing Peter to pay Paul,'' which is what is done when you cut through the rhetoric. It is the fundamental principle undergirding the concept of dairy compacts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

CONSEQUENCES OF CLIMATE CHANGE

Mr. MURKOWSKI. Mr. President, I take this opportunity to alert my colleagues of the growing concern that we all have relative to climate change and the developing technology associated with that change.

This week the U.S. Global Change Research Program issued a revealing and rather startling new report on the consequences of climate change. This report affects a number of things. But the most significant portion of the report is the estimated effects of climate change on various regions of the country and various sectors of our economy. It is very important—agriculture, water resources, and so forth.

At the heart of this report are some ''potential scenarios'' of climate change over the next 100 years predicted by two climate models: Computers models that were state of the art 3 years ago when the report began. These ''scenarios'' of climate change were then used to drive other models for vegetation, river flow, and agriculture. Each of these models had its own set of assumptions and limitations. The end result was a 600-page report that paints a rather grim picture of 21st century climate predictions.

Some in the environmental community in favor of the Kyoto Protocol are now using this report and shouting from the rooftops. They think this study means we should go forward with drastic measures to limit greenhouse gases.

But I want to caution my colleagues to look beyond the rhetoric and to look to the science that underlies this assessment. What they are going to find is rather startling. The realization factually is that we are only just now beginning to conduct the kind of scientific research that will allow us to determine impacts of climate change.

My point is obvious. These models were based on technology 3 years ago. Technologies change. Interpretations change. But the basis for the evaluation and generalization is based on old information.

For example, a reasonable test of a climate model is whether or not it actually and accurately stimulates today's climate. The fact is that it doesn't. We found from the National Assessment's own science web site a comparison of rainfall predicted by two climate models that measure actual rainfall. The area reflects twice what the model predicts. More than twice as much rainfall is actually observed as opposed to what the model suggests.

The emotional concern is coming from the model. Where you actually get 10 inches of rain, the model predicts that you actually get 20 inches, or more. Similarly, in the areas where the model predicts less than half as much rainfall as is actually observed, you actually get 10 inches of rain. The model predicts that you would get 5, or less.

So the model is absolutely under question and under scrutiny and doesn't represent reality.

The amount of rain or snow falling within a river basin determines the river flow. We all know that determines the amount of water for irrigation of crops, the health of fish species, the generation of hydroelectric power, and the water available for human use.

Depending on what the climate models say, you can imagine some very different impacts because the models are off by 50 or 100 percent in either direction. You can see it is going to change. The estimate of impacts from climate change on these sensitive areas could also change.

Even with all of this, the assessment has been a very useful exercise because it shows the difficulty of estimating regional impacts of climate change. It highlights the need for additional scientific research; namely, improved climate models; and it reminds us of the potential risk of climate change.

For just a moment I want to shift the talk about how our energy policy will determine future emissions of greenhouse gases. As you might imagine, further emissions will be extremely sensitive in the energy choices we make. We now have an excellent opportunity to address our environmental concerns at the same time that we address our growing dependence on foreign oil.

Yesterday, we conducted a hearing on the Republican energy strategy in S. 2557, the National Energy Security Act of 2000. It includes a balanced portfolio of energy options that, amazingly enough, would produce fewer greenhouse gases than the current administration plan. Let me repeat that. This legislation contains a methodology to generate fewer greenhouse gases than the administration's current energy plan. That is not surprising because the administration's plan would increase our dependence on foreign oil to nearly 66 percent by the year 2020.

We would advocate increased use of natural gas for a wide range of energy needs. We also provide tax incentives for renewables, such as wind and biomass, and make the relicensing process for nuclear and hydro power plants much easier. But to achieve these goals, we will need some changes in the existing energy policies.

We need incentives to increase domestic production of oil and gas, particularly on Federal lands where this administration has simply refused to allow oil and gas exploration. About 64 percent of the overthrust belt has been determined to be over limits.

In my State of Alaska, where you are very likely to have a large discovery in a small sliver of the Arctic, about 1.5 million acres out of 19 million acres has been put off limits.

We need incentives and R&D funds to develop and promote clean fossil fuel technology.

We need to use more natural gas for end-use appliances and distributed generation of electricity through fuel cells and microturbines in homes and businesses.

We need to eliminate barriers to our best sources of nonemitting power generation; namely, nuclear and hydro.

And we need to encourage and support renewable energy technologies.

Based on some simple calculations by my Energy and Natural Resource Committee staff, we estimate that such a balanced energy plan could reduce our emissions by 11 percent, compared to the administration's plan, by the year 2020. We could do this without economic cost and without sacrificing our quality of life or our competitive situation with little economic pain.

Our staff is working to refine these calculations further. But the details really do not matter much. Simply put, if we use more nuclear, more hydro, and more natural gas, we emit fewer greenhouse gases and we reduce our dependence on foreign oil in the year 2020 from 68 percent, as projected under the administration's plan, to less than 50 percent under the Republican plan. Clearly, that is a step in the right direction.

With further R&D funding for climate-friendly energy technology, such as that proposed in our climate change bill, S. 882, we can do better. A balanced energy portfolio simply makes good sense for our economy, for our environment, and for our national security. We have proposed legislation that will take us there.

Let me close by noting that it seems ironic this administration has wasted no opportunity to talk about the dire predictions of climate change. Yet the Republican energy plan offers a cleaner, more secure energy future.

The risk of human-induced climate change is a risk we should responsibly address. We should address it based on sound science, and not emotion, as is often the case around here. A balanced, technology-driven energy strategy offers the means to do so.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Nebraska.

Mr. HAGEL. Mr. President, on June 12, the administration's National Assessment Coordinating Office, established under the authority of the Office of the President, released the first National Assessment on Climate Change. This report entitled ''Climate Change Impacts on the United States,'' is a political document. It is not a mainstream science document. It has not been peer-reviewed.

The National Assessment attempts to predict in detail climate changes region-by-region within the United States over 100 years. Yes, region by region for 100 years. The charade of this effort is criticized by the Environmental Protection Agency's web page. This morning I checked the EPA's web page for its comments on computer climate model. It states:

> Virtually all published estimates of how climate could change in the United States are the result of computer models. . . . These complicated models . . . are still not accurate enough to provide reliable forecasts on how the climate may change; and the several models often yield contradictory results . . . Scientists are unable to say whether particular regions will receive more or less rainfall; and for many regions they are unable to even state whether a wetter or drier climate is more likely.

This is from this morning's web page.

The National Assessment does not highlight the large amount of uncertainty in long-term climate forecasting. It was released in draft form even though two of the five sectoral studies are incomplete and still out in draft form for comment. The regional studies—which the EPA itself has warned are impossible to honestly conclude—are also incomplete. One might suspect that the priority was placed on releasing the report for a political time-table rather than for a scientific time-table.

It uses two foreign computer models: The Canadian Centre model and Britain's ''Hadley Centre'' model. These are considered among the most extreme of all climate models available.

As mentioned in an opinion piece Wednesday, June 14 in the New York Times entitled ''Warming Earth, Heated Rhetoric'' by Gregg Easterbrook, senior editor of The New Republic:

One [model] predicts a catastrophic drought that kills off all trees in the American Southeast; the other forecasts increased rainfall and forest expansion in the Southeast.

One of the country's most respected climate scientists, Dr. John Christy of the University of Alabama in Huntsville has also been critical. Dr. Christy is the country's premier specialist on satellite measurements of atmospheric temperatures.

In a June 9 Associated Press story, Dr. Christy commented on a pre-release version of the National Assessment he had obtained. He stated,

I read the Executive Summary and the following sections through page 9—''Looking at America's Climate.'' I stopped at that point thinking, ''This must be some kind of joke.'' It seemed to me that this document was written by a committee of Greenpeace, Ted Turner, AL GORE and Stephen King.

I saw no attempt at scientific objectivity. This document is an evangelistic statement about a coming apocalypse, not a scientific statement about the evolution of a complicated system with significant uncertainties. As it is, the document will be easily dismissed by anyone with access to information about the uncertainties of the issue.

The National Assessment declares that there is a direct connection between increased global temperatures and increases in man-made greenhouse gases like carbon dioxide. While there are many disagreements in the scientific community, there is a consensus that it is impossible to make that connection.

Has the world been warming? Yes, the world has been warming for 11,000 years, since the end of the last major ice age. In the last 100 years, global temperatures have increased by about one degree.

Is this warming due to man-made greenhouse gas emissions? Let me quote from Dr. Marsh, a researcher at the Argonne National Laboratory, New York Times, Sept. 8, 1999:

Carbon dioxide is a minor greenhouse gas that contributes only about 3% of the greenhouse effect, and man-made sources represent some 3% to 4% of carbon dioxide emissions, the rest being from natural sources.

The major greenhouse gas is water vapor. . . . if all the carbon dioxide in the atmosphere were to vanish magically, it would lead to a one degree centigrade decrease in global temperatures.

These are the comments of a researcher at a U.S. Government national laboratory.

Even the possible current moderate warming is not well understood. Ground temperatures have risen slightly in the past two decades. But more accurate—and truly global—satellite temperature measurements have shown no warming in the 20 years those measurements have been available. In fact, they have shown a slight cooling.

Is there fluctuation in the climate? Of course. Ice cores sampling has shown wide fluctuations in the global climate long before the emergency of man, much less the industrial age. Are current fluctuations man made? The simple answer is that we do not know.

What do we know and what do we need to do to do more? We need more scientific research, honest scientific research. We need more technological development. We need to involve both the private and public sectors in working on this issue.

Senator MURKOWSKI, Senator CRAIG, Senator BYRD, and I have all introduced legislation that would do exactly that. But most of all, we need to restore a bipartisan, commonsense, science-based, market-driven approach to this important issue. We do not need more precooked political nonsense, political tracts, masquerading as unbiased science.

I yield the floor.

Mr. CRAIG. Mr. President, earlier this week the Administration released, with much media fanfare, a draft document known as the climate change ''National Assessment'' that purports to assess ''the potential consequences of climate variability and change'' in the United States. I have received several media requests for comments on this document.

The document is of considerable length, Mr. President—approximately 600 pages. Frankly, because of its length and the short time I've had to review it, I have been able to give it only a quick review.

My preliminary conclusion is that the National Assessment could provide a useful contribution to the climate change debate if it stimulates more serious national interest in advancing climate science.

What is clear to me, even after only a quick read, is that the National Assessment was produced in a style and method that is somewhat akin to writing good science fiction. The authors begin with a few baseline assumption, then apply a vivid imagination to extrapolate outcomes based on those assumptions.

The literary application of science concepts makes the story intriguing to read, especially for readers with a scientific bent.

But the National Assessment is not the only current document that talks about climate change science. The ''Pathways Report'' published last Fall by the National Research Council of the National Academy of Sciences, is also a stimulating read. But it takes an entirely different approach.

One way you can tell that the National Assessment and Pathways Report are different in style is from the selection of punctuation. The National Assessment uses lots of exclamation points. Perhaps, that is one of the reasons why this document has gotten pretty good media attention already. The Pathways Report uses mostly question marks.

The National Assessment takes a single, linear approach to the climate change question. It simply extrapolates continued worldwide growth in carbon dioxide emissions throughout the 21st century, and assumes that growth will correlate to steadily rising temperatures around the world. The implications of those increases in temperature and carbon dioxide concentrations supply the creative images that the National Assessment's authors offer up.

The Pathways Report is dry by comparison. It is short on creative literature and long on technical issue framing—not particularly suitable for catchy media headlines, which may explain why many newspapers showed little interest in its existence or import.

But its critical and thorough scientific analysis of the current states of our climate change knowledge is what makes the Pathways Report so important to policy makers.

Now, if you are like me and you find out that America's National Research Council has just published the most comprehensive report in history on the state of climate science—you don't want to read all 550 pages! You want to cut to the chase and read the report's bottom line conclusion! And the last thing you want is a report that provides more questions than answers.

But the Pathways Report authors are brutally honest. To best explain the current state of climate science they had no choice but to lay out a whole series of potentially show-stopping questions. Now, none of these questions asks ''Is global warming for real?'' No, in fact, once you begin to ponder the Pathway questions you realize that the climate change issue cannot be resolved with any simple thumbs up or thumbs down.

Here are some of the scientific questions that the Pathways Report focuses on:

How much do we know about the earth's capacity to assimilate natural and man-made greenhouse gas emissions? Do we need to learn more? What, in particular, do we know about the oceans' capacity to absorb carbon dioxide? How much of this absorption occurs naturally? What can be done to increase ocean assimilation of carbon dioxide?

And these are just the opening round of questions.

What is the effect of the oceans on our climate? What is the state of our understanding of ocean cycles and of other changes in ocean temperature and salinity, and of how those changes, in turn, affect climate? How do we evaluate the natural variability of the climate, including such phenomena as El Niño and the North Atlantic oscillation? Can we improve our understanding here?

Mr. President, let me stop for a moment and reflect on a recent trip I made to Woods Hole, Massachusetts with the Senator from New Hampshire, BOB SMITH, and our colleague from Rhode Island, LINCOLN CHAFEE. We spent a day at the Woods Hole Oceanographic Institute exploring these questions with over 30 scientists. It was a real eye-opening experience.

Dr. Berrrien Moore, who coordinated the publication of the Pathways Report, helped lead a discussion on where

science and public policy intersect. Dr. Bob Weller and Dr. Ray Schmitt along with several other prominent ocean scientists of the Woods Hole Oceanographic Institute, gave us progress reports and fascinating explanations of their work and its relevance to climate science.

For example, Mr. President, did you realize that for each one degree change in the temperature of just the top three meters of ocean water, there is a corresponding one degree change in the temperature of the atmosphere above the surface of that water all the way to outer space? Did you know, Mr. President, that 80 percent or more of our climate variation is influenced by the oceans?

Two themes came through clearly in those discussions, Mr. President:

There are significant gaps in scientific understanding of the way oceans and the atmosphere interact to affect climate; and

Scientists need more data, especially from the oceans to better understand and predict possible changes.

Mr. President, it was humbling to get a glimpse of how much we don't know.

Now let me continue with the rest of the questions the Pathways Report urges us to consider.

How accurately can we predict climate trends whose recurrences are measured in years? In decades? In centuries? In millennia? Are we capable of plotting the effects, and counter effects, of these complexly interwoven trends on each other? Do we even have the capability to observe these trends and counter-trends accurately? Do we have the computational ability to integrate all these trends and counter trends into one big equation?

How much carbon dioxide in the atmosphere emanates from the oceans? Does this amount vary from place to place and time to time? Does such variation matter?

Those are just some of the questions that we policymakers cannot answer ourselves. But we need answers—and to get them, we will have to support the scientists on a more serious level than we have to date.

But there are more questions, Mr. President. These next ones we should be thinking about ourselves and discussing with scientists and with all of our concerned constituents.

Should U.S. policymaking on climate change rely primarily upon climate modeling performed by others outside the U.S.? Or should the U.S. have the capability to marshal data and scientific conclusions independent of foreign countries who may or may not share our domestic policy concerns?

Again, Mr. President, let me pause for a moment and refer to the recent National Research Council's Climate Research Committee's report entitled ''Capacity of U.S. Climate Modeling to Support Climate Change Assessment Activities.''

First, let me thank Dr. Maurice Blackmon from the National Center for Atmospheric Research, for his patience with me and my staff. He has helped us have a balanced appreciation for these issues. That report provides valuable guidance on this subject. On page 5 of that report, the NRC's Climate Research Committee states:

> Although collaboration and free and open information and data exchange with foreign modeling centers are critical, it is inappropriate for the United States to rely heavily upon foreign centers to provide high-end modeling capabilities. There are a number of reasons for this including the following:
>
> * * * * *
>
> 2. Decisions that might substantially affect the U.S. economy might be made based upon . . . simulations . . . produced by countries with different priorities than those of the United States.

Mr. President, the National Assessment depended on the use of foreign computer models only. The authors of that document are completely up-front about that fact, and I commend them for their honesty. However, for the reasons contained in the NRC's modeling report, I am uncomfortable relying on the conclusions in the National Assessment.

The pace of science is dynamic and unpredictable. For example, just last month Science magazine reported on some intriguing experiments undertaken in the Indian Ocean. Those experiments raised the prospect that certain assumptions about aerosols incorporated in the Canadian and British climate models that underlie the National Assessment were fundamentally flawed. This means that the warming predictions from even these models are probably way too high.

Dr. Neal Lane, a White House spokesman, acknowledged this at Senator MCCAIN'S hearing on May 17 and feels it may be several years before this can be resolved. Unfortunately, the National Assessment's vivid scenarios were sent to the printer before this new discovery became public.

This seems to give us as policymakers only two choices: Either disregard the National Assessment and all the hard work that went into it, or redo it with the assumptions corrected, this time using U.S. models.

Mr. President, when we make tough, historic policy decisions around here on everything from multilateral defense strategies, to global trade, to international farm output, we use our own intelligence and analysis, we don't simply rely on the technical work of other countries which may not see the world through the American prism.

With continued regard to America's climate modeling capability, Mr. President, I must ask—What are our national objectives? Do we have a national strategy in place to achieve those objectives? Is the strategy integrated and coordinated across all relevant agenices? Are NASA and DOE and NOAA and the National Center for Atmospheric Research, all building the same model using a common blueprint?

Do we have adequate computational resources to fully exploit our evolving modeling capability? Do we have enough human talent dedicated to these tasks?

What is our confidence level in the integrity of all observational data used to validate climate models? Are our measurements ''close enough for government work''?

How can we be sure that the scientists are even measuring the right climate variables? Are there any important climate variables that are inadequately measured, or not measured at all?

Do we build climate observing requirements into existing, ongoing operational programs? At sea? In the atmosphere? In space? Should we do more? How many ships at sea are measuring water temperature and salinity? How many weather balloons and satellites are measuring and transmitting data?

Oceanographers I've visited tell me that they don't know the temperature or salinity of the ocean in most spots around the world today, much less ten or a hundred or a thousand years ago.

Do we need a discretely funded activity for the development and implementation of climate-specific observational programs? Where are we on the technology to monitor relevant national and global data? Is it developed? Is it fully deployed? Will other countries fully support this?

Have we assessed the capability and potential of U.S. and North American carbon sequestration, includng carbon sequestration through crops, forests, soils, oceans, and wetlands?

How do we ensure that the science that informs U.S. policy making is objective and complete? Do scientists have unfettered access to each other's completed work, especially when that work is funded by the government? Is the process of peer review adequate to assure all viewpoints are examined?

Regardless of politics, we in Congress share one tough job with our friends at the other end of Pennsylvania Avenue. Science must drive policy and not vice versa. I don't know how else to make sure that happens other than to guarantee that the science gets put out on the table and is subject to public discussion and public scrutiny.

The American people have never been afraid of the truth. We'll deal with that. What we can't hack is being kept in the dark or being lied to by our own government.

The National Research Council's Pathways and Climate Modeling Reports raise some profoundly important questions. Our best policy decisions could turn on the answers to any of them. We owe to our constituents and to future generations to seek answers and not hide from whatever turns up.

The United States with its abundant resources, technological superiority, and economic power is in a unique position to provide leadership in scientific research that can lead to a more complete understanding of the natural and human influences currently at work in our oceans and atmosphere.

What is needed, Mr. President, is a national commitment embodied in a government framework that provides a ''blue print'' for responsible action based on consensus. Chairman MURKOWSKI and I have been working on that legislative ''blue print.''

Taken together, our bills provide that ''blue print'' for consensus. While S. 882, Chairman MURKOWSKI's bill, appropriately focuses on our nation's enormous technological abilities, S. 1776, the bill I introduced last October constructs a complementary framework that ensures:

A critical analysis, evaluation, and integration of all scientific, technological, and economic facts;

A ''blue print'' for coordinated action that is both practical and conscientious so that the government will not neglect an issue or back us into less than optimum policy choices;

The advancement of climate science by integrating and focusing it on core questions;

Immediate actions that reduce greenhouse gas emissions in ways we will appreciate;

The encouragement of technology development;

No unnecessary burdens on citizens that can be caused by the government prematurely picking winners and losers; and

Process for consensus for future government actions.

Without consensus, Mr. President, our nation will languish in political stalemate, causing us to fall behind other nations in key technological areas.

Some insist that we sharply reduce our reliance on carbon as an energy source. Again, cost impact estimates vary widely—from little economic impact to belief that such action will mortally wound our economy. Yet, there has been no serious effort to systematically and critically analyze this issue by our government.

The National Assessment does not provide it. S. 1776 does.

Another area of concern expressed in National Research Council Reports, and mentioned prominently in recent NAS testimony before the Senate's Energy and Natural Resources Committee, is the lack of governmental structure with the primary mission of coordinating climate programs.

S. 1776 directly addresses this concern by providing a structure for coordination of all government action on climate change.

This is merely one approach to this very complicated problem. We in Congress need feedback from experienced leaders in science, economics, and government to help us design the optimum structure for coordinating climate change policy.

It has been ten years, Mr. President, since Congress enacted the Global Change Research Act of 1990. We have learned much since then. Much of the sensation generated by the National Assessment, stems from the vivid worst case scenarios described in that document.

Let's not be provoked into rash action by these scenarios. Even the co-chairman of the National Assessment, cautions that:

> We're not making a specific prediction about what the future will be like. It would be farcical to try to do that.

Indeed, the National Research Council recently testified before the Senate that the ''jury is still out'' on whether Human influence is even a significant factor in climate change.

Instead, let's roll up our sleeves and pursue the more methodical approach:

Answer the core science questions;

Pursue the economic analyses;

Take immediate, risk-free actions that reduce greenhouse gas emissions.

The NRC, based on its study of the successes and failures of the U.S. Global Climate Research Program established by the 1990 act, has provided Congress with excellent recommendations and pathways for future action. It would be irresponsible to ignore them.

Moreover, it has also been almost 8 years since the Senate ratified the Framework Convention on Climate Change in 1992. We cannot, nor should we, roll back our ratification of the Framework Convention. Instead, we should ensure that the United States is thoroughly and conscientiously responding to the Framework Convention commitments. Our ''blue print'' does precisely that.

For example, the Framework Convention says take flexible action now. So does S. 1776. The Framework Convention says explore and integrate the science. So does S. 1776. The Framework Convention says climate change measures must be cost-effective. Every measure in S. 1776 stands on its own two feet.

The Framework Convention says steps to mitigate climate change are effective if based on relevant science, technology, and economics, and continually evaluated. S. 1776 spells out how U.S. policy will—by law—be based on a combination of science, technology, and economics . . . and the President must reevaluate each of these factors each year.

Mr. President, our legislation provides a framework for national consensus. Stalemate on the climate change issue should no longer be tolerated. We have the vehicle to move forward. We should do so expeditiously, and with the constructive support of the administration.

I anxiously await the response to my April 3rd letter to the Chairman of the White House Climate Change Task Force, where I described how we could get there. I ask unanimous consent that the April 3rd letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 3, 2000.

ROGER S. BALLENTINE,
Chairman, White House Climate Change Task Force, The White House, Washington, DC.

DEAR MR. BALLENTINE: Thank you for your recent letter commenting on the two separate pieces of legislation that my friend and colleague, Senator Murkowski and I have introduced on the subject of climate change. Senator Murkowski and I have been working together on this legislation for a year now. We are both sponsors of both bills. I welcome the opening you give us to work with the Administration as well.

Your letter was particularly helpful for two reasons. First, it helped me appreciate how much the Administration agrees with us. Secondly, it gives me a chance to clarify how portions of S. 1776 work to complement, not contradict (as your letter implies), so much of what the Administration is already doing.

First, we agree (and see that we agree) on, in your words, ''emphasis on promoting the research, development and diffusion of technologies to reduce or sequester the greenhouse gases. . . .'' Secondly, we both want to ''improve voluntary reporting of greenhouse gas emissions.''

Now let's turn to the many additional points on which we agree, even though your letter reflects a few gaps in appreciating that agreement. Along those lines, you urge that it be made clear that our legislation is not ''intended as a substitute for more comprehensive action.'' Thank you for the opportunity to reassure the Administration that it is not. Here is that reassurance in detail.

To begin, you listed nine bulleted Administration initiatives, repeating in each instance that our legislation ''is no substitute for'' those Administrative initiatives. I agree. Neither S. 1776 nor S. 1777 (my companion tax incentive bill), is, nor is intended to be, a substitute for any of the nine initiatives. If I had intended to substitute my legislation for any of the nine, you would see provisions in my legislation repealing or preempting those initiatives that I meant to substitute with mine. You do not, because I did not set out to do so. Let's take a closer look at each of those nine bullets to help you appreciate how close we are:

1. Ongoing federal efforts to accelerate the research, development, and deployment of efficient technologies and renewable energy—

My bills only enhance those ongoing efforts. With regard to federally funded R&D, we provide for some extra quality assurance by calling for periodic independent critical evaluations of ongoing projects so Congress and the Executive Branch can be confident that deployment of finite R&D and demonstration resources is current, optimum, and fully accountable to the taxpayers.

2. The President's proposed package of tax incentives—

Nothing in my tax incentive bill, S. 1777, contradicts anything in the President's package. My proposal to permanently extend the R&D tax credit for projects addressing climate change, and my provision providing a graduated scale of tax credits for achieving increasingly challenging energy efficiency benchmarks over a series of time periods would complement the President's ideas in the short-term and long-term.

Further, I call on Treasury and Energy to collaborate on a set of meaningful tax incentives to directly spur voluntary actions by ordinary citizens, and indirectly by entities that are tax exempt such as municipal power agencies, universities, and others.

3. The President's proposal to spur development of bioenergy and bioproducts that can benefit farmers and rural areas, reduce reliance on foreign oil, cut air pollution, and reduce greenhouse gas emissions—

This program first surfaced, of course, in an article by Senator Dick Lugar in *Foreign Affairs* magazine over a year ago. It is embodied in his bill which recently passed the Senate without dissent. Actually, in the early drafting stages I contemplated adding the text of the Lugar legislation to my bill, but did not do so out of deference to Senator Lugar whose strategy was to move his bill separately. Instead, in public speeches leading up to its approval by the full Senate I helped promote his legislation as a standalone proposition. Let's both hope that the House takes it up quickly and sends it to the President for enactment!

4. An initiative to encourage open competitive markets and promote the export of American clean energy technologies into the multi-billion dollar market of developing transition countries around the world—

Again, we are in harmony. My bill takes the Administration's proposal a few steps further with an entire title on technology transfer. Projects that replace older machinery in other countries with more advanced energy-efficient technologies will qualify for a suite of export incentives. These will undoubtedly be deployed in developing countries because the bill is crafted in a way to target these projects where local hosts do not have the economic clout to finance them on their own.

5. The ongoing Vision 21 Power Plant program to develop coal-fired power plants that would be about twice as efficient as current plants—

My approach to achieve this objective is by way of tax incentive. S. 1777 spurs continuing efficiency breakthroughs by offering incentives to reach increasingly challenging efficiency benchmarks—achievable in the short-term, improving in the long-term.

6. Nuclear energy plant optimization—advanced technologies that can help ensure the longer term reliability and efficiency of existing nuclear power plants—

While my bills do not specify nuclear power projects for short- or long-term promotion, I am confident that nuclear power will benefit from my legislation. First, the current and future Presidents are called upon to recommend to Congress legislation to respond to climate change. Any comprehensive execution of this provision would have to address the role of nuclear power. However, if a President should overlook nuclear in the mandated report and recommendation to Congress, I offer a back-up. My bill also includes a statutory requirement for the General Accounting Office to identify statutory or administrative barriers to reducing greenhouse gas emissions. If any exist with regard to nuclear power, I would expect GAO to find them and highlight them, along with all others.

I considered folding into S. 1776 the most important step toward securing long-term reliability of nuclear power's contribution, namely, nuclear waste legislation. I did not do so because of the President's repeated vetoes. My goal from the beginning remains unchanged: to find consensus, not division, on climate change.

On a separate complementary track, as a member of the Senate Appropriations Committee I have strongly supported DOE's Nuclear Energy Plant Optimization program and Nuclear Energy Research Initiative.

7. Law to give businesses protection against being penalized down the road when they take real, tangible actions today to reduce their greenhouse gas emissions—

Unlike some other proposals, my legislation actually accomplishes this in hard currency immediately when such actions are taken. My tax incentives, all of which are available for the year in which the qualifying investments are made, are all predicated on reporting the reductions achieved by those investments under Section 1605(b) of EPAct, as amended by S. 1776.

8. Help states and local communities undertake efforts to encourage innovation and reduce greenhouse gases—

With the same stated purpose, but in contrast to the Clean Air Partnership Fund's top-down approach, S. 1776 explicitly preserves state-initiated climate change responses by protecting them from future federal preemption. It works as follows. If a state has a program that has as one of its effects the reduction (or sequestration) of greenhouse gas emissions, it remains in effect despite future federal enactments to the contrary. The only exception: when a future Congress recites in future legislation the specific section number in my bill as either (1) being repealed outright, or (2) as not applying to the specific state program. I have been assured that this provision passes Constitutional muster. I am confident that future Congresses will look long and hard before deliberately and conspicuously tampering with states' rights and climate change programs.

9. Diplomatic effort to complete the unfinished business of the Kyoto Protocol—

While our perspectives on this bullet in your letter to me do not match, my legislation is silent on the subject. Again, this is because my primary objective was to explore policies on which consensus with the President and others is possible. Let's not let our differing perspectives get in the way of policies we can and do agree on.

However, as an aside, I do believe that both an international and domestic consensus on Kyoto is achievable and, in fact, emerging. As months and years pass since Vice President Gore personally negotiated its terms and the President signed it, several governments have distanced themselves from—or, in Norway's case—impaled itself on Kyoto. A sure way to resolve the issue once and for all here in the United States is for the President to submit the Treaty for Senate ratification. Sweeping in scope as my legislation is, however, treaty ratification would not be germane to my bill.

Finally, in the same spirit of sharpening our mutual understanding, let's focus on an area where you seem to see even more agreement between us than I do. Interpreting our legislation as reflecting ''a shift in the terms of the debate from whether there is a problem to what actions we can take to address it,'' you take it one step further by quoting Texaco: ''protracted debate about the adequacy of the science is something [we need] to move beyond.''

On the question of the adequacy of the science, I side with the National Research Council of the National Academy of Sciences. In the March 30, 2000 hearing before the Senate Energy Committee, Dr. Elbert W. (Joe) Friday, speaking for the National Academy, stated plainly: ''the jury is still out.'' What portion of the warming signal is attributable to anthropogenic effects and what to natural variability he declined to speculate on, except to explicitly refuse to say that Mankind's contribution is primary. Nor did he, speaking on behalf of the science community, indicate that any proposed suite of climate change response policies would appreciably alter global temperature trends. Instead, he focused the Committee's attention on the milestone Pathways Report published just last Fall by the National Academy of Sciences.

The fundamental gaps in climate science underscored in that report are the foci of the science title of S. 1776. Having worked closely with leading U.S. climate scientists on these issues, I am now convinced that the United States (and, therefore the world) has the potential capability to solve these riddles. However, resources and hard work will be required to do so. The science community has consensus: climate science has a long way to go. Instead of pretending that we have learned everything we need to learn as many advocates on both sides of the climate change issue do for quite different reasons, I advocate aggressive exploration and resolution of these uncertainties.

In the meantime, my bill does stand for the proposition that we needn't wait for that resolution to take immediate, no regrets, steps to reduce greenhouse gas emissions. Additionally (and perhaps, even more importantly), I set out the elements to put into place an inter-branch process by which all relevant information—science, economics, and technology—can be marshaled to guide conscientious, contemporary public policy in a fast-changing world.

Should it turn out that sacrifice by American citizens—even the stark sacrifices such as those portended by Kyoto—are warranted, we must have confidence that all the information is in, integrated, and understood, not only by elected officials, but also by the people we are privileged to serve.

I look forward to getting together soon to explore ways for real progress—consensus action—this year.

Sincerely,

LARRY E. CRAIG,
U.S. Senator.

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

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes, and that when Senator KENNEDY speaks, that he also be given 15 minutes in morning business.

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

Mr. CRAIG. Will the Senator yield for a unanimous consent request?

Mrs. MURRAY. Absolutely.

Mr. CRAIG. The Senator has been very patient. I appreciate that.

MEASURE PLACED ON CALENDAR—S. 2742

Mr. CRAIG. Mr. President, I understand there is a bill at the desk due for its second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2742) to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

Mr. CRAIG. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

The Senator from Washington.

HANFORD REACH

Mrs. MURRAY. Mr. President, I have come to the floor today to talk about a challenge the people of Washington State face. It is an environmental challenge, a legal challenge, and a moral challenge. That challenge is to rescue a symbol of the Pacific Northwest.

That challenge is to recover our wild Pacific salmon.

As anyone who lives in Washington State can tell you, the salmon of our region are more than a symbol. They are part of our culture, our heritage, our recreation, and our economy.

Unfortunately, the salmon that were once so abundant in our rivers and along our shores are now in danger. In fact, today several species of salmon are threatened with extinction.

When it comes to saving salmon, solutions are not easy to find.

There are so many different viewpoints to consider. Everyone from recreational and commercial fishermen to Native Americans and conservationists, to State, local, and Federal officials, along with private property owners have a role to play in helping us meet this challenge.

In my time here in the Senate, I have always worked to bring people together, and to find solutions that help us meet this challenge while still keeping our economy strong.

Today, I have come to the floor to share with my colleagues and the American people some progress we have recently made in meeting this challenge.

I am proud to report that just last week, we took a major step forward to save wild salmon. Seven days ago, the President designated a vital salmon spawning ground—known as the Hanford Reach—as a national monument.

I was proud to stand on the banks of the Columbia River, beside the Vice President, when this historic announcement was made. It was a dream come true. For a long time, many of us have dreamed of preserving the Reach. There are few places in the world like it.

For me and my family, as for many families throughout the region, the Columbia and Snake Rivers hold deep personal meaning.

My grandfather settled in the Tri-Cities in 1916. My dad grew up there. He watched his hometown become the home of a secret factory—a factory now known as the Hanford Nuclear Reservation, a factory that would give America the tools to win World War II.

When my dad came back from his military service in the Pacific theater, he was injured, and he had lost a lot of friends in combat. He wasn't the same. And the place he came back to wasn't the same either.

He knew that his hometown—perhaps more than any other—contributed to winning the war by producing the weapon that ended World War II. And he took a lot of pride in that fact.

In my own life, I have spent a lot of time in the Tri-Cities. Growing up, I remember during my summer vacation getting in our car and driving to the Tri-Cities to see my Grandma—watching the hydros and swimming in the river with my six brothers and sisters.

When I was in college, I spent a great summer working at Sacajawea State Park at the confluence of the Snake and Columbia Rivers. I came to respect the history of the area, and the people who lived in the community.

The first time I floated down the Hanford Reach of the Columbia River, I was with my daughter, Sara. We were so impressed with the beautiful landscape, the fish and the wildlife, and the reminders of the vibrant Native American culture that abounds along the Hanford Reach.

As we floated along, we saw the reactors, and I told her about the role the Tri-Cities played in helping America win World War II and about her grandfather's part in that important piece of history. We were both deeply affected by that day on the river, and it is a memory I cherish.

When I started fighting to protect the Hanford Reach, my dad told me he thought it was great that I was working to give something back to a community that had given so much to our family and to our country. So last Friday, when Vice President GORE announced the designation of the Hanford Reach of the Columbia River as a national monument, the toughest part of that day for me was that I had lost my father a few years ago and he was not there to see it happen.

The national monument designation doesn't just enable us to remember our past, it allows us to capture our future—in large part by saving wild salmon.

The Hanford Reach spans only 51 miles of the Columbia River's 1,200 miles, but it spawns 80% of the wild fall Chinook produced in the entire Columbia Basin.

Thanks to the designation, this vital breeding ground has been protected.

The designation also preserves the unique history of this area.

Generations of Americans will be able to learn about the sacrifices that the people of the Tri-Cities made to help America win World War II, and generations more will be able to learn about the long Native American history along the Columbia River.

In addition, the designation will ensure that families can use the river for recreation for years into the future.

This is the right thing to do. And doing the right thing also means keeping your promises.

The people of the Tri-Cities have been given too many broken promises. I do not intend to be another link in that chain.

The designation is not the end of the process, but the beginning.

As I told the people of the Tri-Cities last week, I will continue to work with local leaders to ensure that their voices are heard. Working together—with an open dialogue—we can reach the best solution.

Over the years, a lot of people helped make the designation possible.

Mr. President, I want the CONGRESSIONAL RECORD to forever reflect the tireless work of people like Rick Leaumont, Rich Steele, Bob Wilson, Laura Smith, Mike Lilga, Jim Watts, and Dave Goeke.

I thank the person who worked side-by-side with me in the House as we developed legislative solutions for how to protect the Reach, Congressman NORM DICKS, and also JAY INSLEE, who has worked hard on this issue.

I also thank the members of my advisory committee, the tribes, and so many members of my staff who spent countless hours to save this valuable resource.

I thank Governor Gary Locke for his leadership.

I thank Secretary Babbitt for recognizing the unique value of the Hanford Reach, and Secretary Richardson for his help over the years on this and other issues related to Hanford.

Of course, we owe a debt of thanks to the President and the Vice President.

Over the years, we have asked much of the Columbia River, and it has always given generously. It has given us affordable energy, turned a desert into a farming oasis, and provided a highway for international commerce.

It is amazing how so very few times in our lives we are given the opportunity to truly give something to future generations. That is what we are doing with the designation of the Hanford Reach as a National Monument.

Today, I take a moment to thank a person who deserves a tremendous amount of credit for the progress we have made in the Pacific Northwest.

Time and again the Vice President has demonstrated his commitment to protecting our Nation's natural resources while ensuring that we have the strongest economy in our Nation's history.

He helped us develop habitat conservation plans that allow us to conserve our environment while providing stability to our economy. He made our salmon treaty with Canada a priority for the U.S. Government, and for the past two years he has led the fight to save struggling salmon runs.

To meet the challenges that we will undoubtedly face in the coming years, we will need a strong partnership at every level—from the folks on the ground to local, State, and Federal officials. There is no person—no one—who is better qualified to provide the leadership to bring us together and to help us solve our toughest problems than AL GORE. The people of Washington State are grateful for his leadership and appreciate the gift that this designation is to future generations.

Before I close, I believe it is important to address one final point on this

subject. I understand Governor Bush plans to visit my State on Monday. I expect he will be impressed by what he sees, and he is always welcome in Washington. I am glad he is making the trip because, unlike President Clinton and Vice President GORE, I do not believe Governor Bush has spent much time there.

Governor Bush, the people of Washington want to know three things:

First, will you make a commitment to protect the Hanford Reach National Monument?

Will you commit to saving salmon?

And most importantly, what is your plan for saving salmon?

When you come to Washington State, Governor Bush, those are the questions people will be asking.

Quite frankly, Mr. President, when it comes to the Hanford Reach, I believe that the Governor needs to know that those in Washington State who are close to him opposed Federal protection of the Hanford Reach—a designation that will save the last free-flowing stretch of the Columbia River—and the best salmon spawning ground we have.

I believe the voters of Washington State deserve to know what Governor Bush's intentions are.

And on the issue of preserving salmon on the Snake River, I have heard Governor Bush articulate what he won't do, but I have yet to hear what he would do to protect our region's economy while restoring wild salmon runs.

His spokespeople attacked the Vice President on his latest visit to Washington State when the Vice President indicated his personal interest in helping the region solve the tricky issues related to salmon restoration. Bush's people offered no plan, they just attacked the Vice President for having one.

The people of Washington want to hear plans for saving salmon—not just attacks, but credible, responsible plans.

Let me be clear: When it comes to helping the people of Washington State meet environmental challenges, just saying ''no'' doesn't cut it. The people of my State deserve to know what the President would do to save salmon.

When the Vice President was in Washington State recently he met this challenge head-on. He very clearly committed to saving salmon. He said that extinction was not an option. And he indicated that in his administration, he would call a summit to bring together diverse views so we can work together to save salmon.

He faced the issue in a thoughtful, responsible way.

In fact, many of my constituents came up to me after the Vice President spoke to tell me how impressed they were with the Vice President's understanding of the issue and his commitment to protecting our natural resources, and to thank me for his leadership on this critical challenge.

Mr. President, the ball is clearly in Governor Bush's court, and it is time for him to provide his own answers and vision.

When Governor Bush enters the State of Washington, residents will be listening for his commitment to the Hanford Reach National Monument, listening for his commitment to saving salmon, and listening for his plan to save salmon.

The people of my State care about this issue. They deserve to hear specific answers.

I suggest that if Governor Bush leaves Washington State without addressing the concerns of Washington State voters on the issue of salmon recovery, it would suggest that his trip was more about politics and photo-ops than addressing the concerns of Washington State voters.

I urge Governor Bush to respect the concerns of the people of my State, to address their concerns and to answer their questions.

I pledge to work with the next President to implement a plan that will save salmon while keeping our economy sound.

My hope is for a President who is willing to work with me and the other citizens of Washington State in a constructive fashion to address the complex issues related to recovering the once might runs of wild salmon on the Snake and Columbia Rivers.

I believe the people of Washington State deserve nothing less.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend our colleague from the State of Washington. This is kind of a ''Washington hour.'' We not only have my colleague who just spoke, but the Presiding Officer from the State of Washington. I commend her for her thoughtful comments. While I represent the State of Connecticut that is 3,000 miles away, we, too, believe it is in our interest to see that the wonderful wilderness areas and wild salmon of the Pacific Northwest be preserved and saved. I commend her for her efforts. She is not only representing her State well, she is representing my State well when she speaks on this issue.

Mrs. MURRAY. I thank the Senator.

GUN VIOLENCE

Mr. DODD. Mr. President, a number of weeks ago, the distinguished minority leader, Senator DASCHLE, and others thought it might be worthwhile on a daily basis to remind our colleagues of the human tragedy that occurs every day in this country as a result of gun violence.

We all remember very vividly the astounding events that occurred in Littleton, CO, at Columbine High School when we watched some 13 people lose their lives in that tragedy. It is hard to believe that that could occur; 13 people gunned down in a high school. Yet as the Democratic leader and others have pointed out, regrettably, every single day in this country we suffer the same results as we did at Columbine High School—not in one setting, thank God. Across the country, on average, 12 or 13 people die every day in the United States as a result of gun violence.

I am not going to stand here and suggest to you there is a simple piece of legislation that is going to resolve the issue. There are a lot of reasons we see this continued violence in our country. But certainly, responsible, thoughtful gun control legislation could make a significant contribution. We have already seen that in States and jurisdictions that require waiting periods, require some notification ahead of time as to who would be the purchaser of these weapons.

There was a decision made a number of weeks ago that it might be worthwhile to make the case—and we talk in abstractions so often here—and to start talking about those people who lost their lives a year ago on this very day, June 16, 1999. On that date, we didn't have the average of 12 or 13; we lost 3 people in the United States on June 16. There was one in Chicago, one in St. Paul, and one in Newark, NJ. That was a day on which the numbers were way down from what the average death toll is.

I also point out that the names we have only come from the 100 largest cities in the United States. Cities with populations of less than 12,000 are not included in these numbers. In those 100 cities, on June 16 last year, it was a far better day than most. Every one of the victims was a unique human being. Many other gun violence victims in other cities on that day didn't necessarily die, but some did in smaller towns.

In the name of all of those who have died across the Nation a year ago today, and those who, regrettably, will lose their lives today in too many places across our country, I want to read the following names listed by the Conference of Mayors who were killed by gunfire 1 year ago in our country: Manuel Marcano, 18, Chicago; Antoine Watson, 19, of St. Paul, MN; an unidentified female in Newark, NJ.

I know all Americans regret the loss of those lives. I hope that someday the national average will be something such as that, or even less, as a result of sensible, thoughtful proposals we might make to reduce the level of violence in our country.

U.S.-CUBA RELATIONS

Mr. DODD. Mr. President, next Tuesday morning I will offer an amendment that is not a radical idea, not something that ought to evoke much debate or dissension but the kind of proposal that might even carry by a voice vote under normal circumstances. Because of the nature of the subject matter, it has become controversial, and I regret that. It was my hope that the Senate would vote today on the Dodd amendment, which is currently pending to

the Defense authorization bill. Unfortunately, that vote was put off until next week.

Having said that, I want to take a few minutes to discuss this proposal and explain why I believe it makes sense to go forward to establish a bipartisan commission to review U.S.-Cuban policy.

The amendment I will be offering provides for the establishment of a bipartisan 12-member commission to review United States policy with regard to Cuba and to make recommendations for the changes that might be necessary to bring that policy into the 21st century.

On Wednesday of this week, the President of South Korea, Kim Daejung, and the North Korean leader, Kim Chong-il, signed a broad agreement to work for peace and unity on the Korean peninsula. Needless to say, the level of hostility that has existed between these two governments for more than half of a century has been extremely high. These two countries fought a bloody and costly war in which hundreds of thousands of Koreans lost their lives. More than 35,000 of our own fellow service men and women in this country lost their lives as well. Yet these two leaders have been able to bring themselves to meet and discuss the future of their peoples and the possibility of reunification at some point down the road.

The Clinton administration, to its credit, has announced that, as a result of these efforts, it will soon lift economic sanctions against North Korea, paving the way for American companies to trade and invest and for American citizens to travel. I support the administration's decision and applaud them for moving forward in such an expeditious manner to complement the efforts of the North and South Korean leaders.

Similarly, despite the fact that more than 50,000 American men and women in uniform lost their lives during the Vietnam conflict, the United States and Vietnam have full diplomatic and trade relations today. In large measure, this is due to our colleagues and veterans, Senators MCCAIN, KERREY, and others in this Chamber.

Even though we have a number of serious disagreements with the People's Republic of China, we are not imposing unilateral economic sanctions against that country; quite the opposite. I predict that the Senate of the United States, very shortly, will follow the House of Representatives and vote to support permanent normal trade relations with China, which will pave the way for China to join the World Trade Organization.

My point is this: Across the globe, we are seeing efforts to normalize relations, to reconcile old grievances—the Middle East, the Korean peninsula, the Balkans, Northern Ireland. There isn't a place I can think of where people are not trying to resolve the differences that have existed for far too long.

The question I will pose by offering the amendment on Tuesday is: Isn't it about time we at least think about doing the same in our own hemisphere, when it comes to a nation that is 90 miles off our shore, less distance than from here to Hagerstown, MD, or Richmond, VA?

The reaction to my amendment would suggest that there is still strong resistance to doing in our own hemisphere what we are promoting elsewhere around the globe. The amendment I will offer would simply establish a 12-member commission to review U.S. policy, to make recommendations on how it might be changed or if it ought to be changed. I am not even suggesting that the commission would come back with changes. In fact, they may come back with quite the opposite result.

This proposal is not new or revolutionary. The Senate has authorized establishment of commissions to review many subjects—the Central America Commission, the Kissinger Commission, Social Security, Terrorist Threats, and many other subject matters. Our colleague from Virginia, Senator JOHN WARNER, first proposed this idea of a bipartisan commission on the subject of Cuba in a letter to President Clinton more than 1 and a half years ago. One quarter of the Senate joined him in urging the President to take the politics out of United States-Cuba policy and to look to the wisdom of some of our best and brightest foreign policy experts to make recommendations on what we should do with respect to this issue.

I personally urged Secretary Albright to recommend that the President move forward with this proposal. Regrettably, she believed that the timing was not right for doing so. I was saddened by that decision. I disagreed with the Secretary then, and I believe that a year and a half later the arguments are even more compelling for establishing such a commission today.

We are about to change administrations. What better time to use the interval between the current one and the next one to take a fresh look at Cuba-related issues and be ready to make recommendations in the spring of the coming year as to what makes sense with regard to Cuban-U.S. relations?

We recently entered a new millennium. Yet U.S.-Cuban policy is still locked in the old shibboleth of the last one. It is a policy that is 40 years old. We have seen changes in South Africa. The Soviet Union doesn't exist any longer. Eastern European countries have managed to find reform and democracy. We now welcome Yasir Arafat to the White House, and the prospects of peace in the Middle East have never loomed more large. We are watching reconciliation on the Korean peninsula. The Balkans are trying to resolve their difficulties. Northern Ireland is, hopefully, putting to bed years of hostility. Can we not at least find the opportunity to get this issue of Cuba-United States relations out of politics and have a bipartisan commission make recommendations from which we might consider some different ways of approaching what has been a 40-year-old policy?

I should have said at the very outset of my remarks—and I apologize for not doing so because it needs to be said—that I carry, nor does anyone who supports this commission, any grief for Fidel Castro or the dictatorship in Cuba. The conditions these people have to live in are deplorable—the hardships, the denial of human rights, the economic deprivation. I hold great respect for the Cuban exile community in this country. They have come to be great Americans and have contributed significantly to the economic well-being of our country. They have made contributions as public servants and as patriots—men and women in uniform. But too often this issue has been dominated by how we deal with one individual.

There are 11 million people living 90 miles off our shores. We need to think about the post-Castro period as well. How can we create a softer landing? How can we try to at least frame issues that will allow for a transition there and avoid the potential conflict in civil strife that could occur on the island of Cuba?

I hope that the Cuban American Foundation will support the idea of a bipartisan commission—a commission that would incorporate and include people of different points of view to try to come up with some common ground on which they could recommend to a new administration and to this Congress or the next Congress.

This proposal is not some radical or fringe idea. It is strongly supported by the mainstream of our foreign policy establishment. People such as Dr. Henry Kissinger and Bill Rodgers support this effort. I appreciate their willingness to say so. I suspect they would be willing to serve as commissioners if they were asked to.

In light of the systemic changes that have transformed the globe over the last 40 years, I believe a fundamental rethinking of the U.S.-Cuban policy is in order. In fact, such a rethinking is long overdue and it is very much in our national interest to do it at this juncture.

The pending amendment that we offered on Tuesday deals with the problem by broaching anything relating to Cuba in an election year or any year for that matter.

The sad reality is that the only way we are going to get this dispassionate review of our current policy and sensible recommendations with respect to how that policy should change is by bringing together a commission of respected outside experts to advise the executive and the legislative branches on future policy options.

I said a moment ago that some 11 million people live less than 100 miles from our shores. We owe it to the

American people to seriously analyze the consequences to the United States of a major civil upheaval on the island of Cuba and to devise a policy that minimizes the possibility of such an event occurring.

Does anyone believe for one moment that a sea of humanity would not stream from the island toward U.S. shores if civil conflict erupts there?

Two years have passed since Pope John Paul II made a historic visit to Cuba that called upon that country to open up to the world and for the world to open up to Cuba.

Even after such an unprecedented event, the centerpiece of our policy remains the same—an embargo which seeks to restrict trade, travel, and a low flow of information to Cuba and thereby strangle Cuba economically.

This hard-line stance continues to hold sway in Washington today in large measure because successive administrations have been hamstrung by domestic political considerations and have been fearful of provoking the ire of those who are obsessed with the island of Cuba and its personification in the person of Fidel Castro.

We have just entered a new millennium. Surely it is time to break with the policy that is largely centered on the fate of one individual and replace it with one that is more future oriented—one that focuses on the other 11 million individuals who also reside on the island of Cuba, and on the millions of Cuban-Americans. Many of them believe we ought to think differently today. They do not speak out on the issue but would welcome the opportunity to see a commission created which would give us a chance to look at other policy options.

The time has come to have a reasoned conversation regarding Cuba and U.S. policy, and about the effectiveness of our policy. I think the establishment of a bipartisan commission would be the starting point for just such a conversation and just such a debate. Hopefully, the end point of that conversation would be the development of a national consensus around a new Cuba policy—one that is compatible with America's values and beliefs, one that truly serves our own national interests.

I hope my colleagues will agree with this analysis. If so, I urge them to support this amendment when it is voted on next Tuesday.

I yield the floor 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. KENNEDY. 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. KENNEDY. We are under a time agreement?

The PRESIDING OFFICER. Under the previous order, the Senator has 15 minutes.

HATE CRIMES PREVENTION ACT AMENDMENT

Mr. KENNEDY. Mr. President, at an appropriate time, I intend to offer the Hate Crimes Prevention Act as an amendment to the Department of Defense Authorization Act. It is essential for the Senate to deal with this important issue.

Hate crimes are modern day lynchings, and this is the time and the United States Senate is the place to take a stand against them. We must firmly and unequivocally say ''no'' to those who injure or murder because of hate. Every day that Congress fails to act, people across the Nation continue to be victimized by acts of bigotry based on race, religion, sexual orientation, gender, or disability.

Hate crimes are a national disgrace and an attack on everything this country stands for. These crimes send a poisonous message that minorities are second class citizens with fewer rights. And, sadly, the number of hate crimes continues to rise.

70,000 hate crime offenses have been reported in the United States since 1991. In 1991 there were 4,500 hate crimes; 7,500 in 1993; 7,900 in 1995, and over 8,000 in 1997. There were 7,700 hate crimes reported in 1998, and although the numbers dropped slightly, the number and severity of offenses increased in the categories of religion, sexual orientation, and disability.

This is a serious and persistent problem—an epidemic that must be stopped.

All of us are aware of the most highly-publicized hate crimes, especially the brutal murders of James Byrd in Jasper, Texas, and Matthew Shepard in Laramie, Wyoming. But these two killings are just the tip of the iceberg. Many other gruesome acts of hatred have occurred this year:

On January 28 in Boston, a group of high school teenagers sexually assaulted and attacked a 16-year-old high school student on the subway because she was holding hands with another young girl, a common custom from her native African country. Thinking the victim was a lesbian, the group began groping the girl, ripping her clothes and pointing at their own genitals, while shouting ''Do you like this? Do you like this? Is this what you like?'' When the girl resisted, officials said, a teenage boy who was with the group pulled a knife on the girl, held it to her throat and threatened to slash her if she didn't obey her attackers. The girl was left unconscious from the beating. Three high school students were arrested in the attack and charged with civil rights violations, assault with a dangerous weapon, assault and battery, and indecent assault and battery.

On February 6 Tuscon, Arizona, a 20-year-old gay University of Arizona student was sitting at a cafe when a man came up behind him and punched and stabbed him with a large knife. Witnesses heard the perpetrator using vicious anti-gay epithets. The victim was treated at a local hospial and survived. The attack spurred an anti-hate rally on the campus a few days later, drawing over 1,000 people.

March 1 in Wilkinsburg, Pennsylvania, a black man was charged with a hate crime after going on a shooting rampage killing three white men and leaving two others critically wounded. Prior to the attack, he told a black woman that he wouldn't hurt her because he was ''out to get all white people.'' The perpetrator was shouting racial epithets at white maintenance workers, and shot only white men on his rampage. Authorities found anti-white and anti-Jewish writings in his home.

On April 29 in Pittsburgh, Pennsylvania, Richard Scott Baumhammers, 34, a white man was charged with murder and hate crimes in a shooting rampage targeting minorities that left five people dead and one critically wounded. The first victim was a Jewish neighbor who was shot half a dozen times before her house was set on fire. The perpetrator then went from shopping mall to shopping mall, shooting and killing two Asian Americans at a Chinese restaurant, an African American at a karate school, and a man from India at an Indian grocery. He also fired shots at two synagogues, and the word ''Jew'' and two swastikas were painted in red on one of the buildings. According to press reports, attorney of the accused is raising an insanity defense.

On June 4 in Rapid City, South Dakota, press reports indicate that police are baffled by a series of eight inexplicable drowning deaths among mostly Native Americans along Rapid Creek that have occurred over the course of 14 months. Law enforcement officials initially thought that the severely intoxicated men had drowned by accident. But local Native Americans believe an ''Indian-hater'' is waiting for the victims to become drunk and then dragging, rolling or pushing them into the water. These incidents come on the heels of a March 2000 report from the U.S. Civil Rights Commission that shows that racial tensions in South Dakota are high, and that Native Americans in the state feel that the justice they received is unfair.

The most brutal and shocking hate crimes continue to make national headlines. Yet this list highlights just a few of the many hate crimes that afflict communities throughout the nation. This problem cannot and should not be ignored.

We know that hate groups have increased in number in recent years. A study by the Southern Poverty Law Center reported last year that 474 hate groups exist nationwide. Clearly, the Internet has given them a larger megaphone. In earlier years, hate groups would spread their messages of hate by using bulletin boards, newsletters, cable television, and occasional rallies. Now, the Internet gives them a vastly increased audience that can be reached

with little effort. Hate sites have proliferated at distressing rates, and recruitment by hate groups has increased substantially. No minority is safe. African-Americans, Hispanics, Jews, gays, lesbians, Arab-Americans, Native Americans—all are targeted by these hate groups, which hide behind the first amendment as they spread their hateful messages. Unless we find better antidotes to the poison of high-tech hate, the problem of hate crimes in our free society will become increasingly severe.

The federal government has a special role in protecting civil rights and preventing discrimination. We need to take two major steps. We need to strengthen current federal laws against hate crimes based on race, religion or national origin. We also need to add gender, sexual orientation, and disability to the types of hate crimes where federal prosecution is available.

Our goal is to make the Justice Department a full partner with state and local governments in investigating and prosecuting these vicious crimes. We must find a way to act on this important issue and now is the time to do it. The silence of Congress on this basic issue has been deafening, and it is unacceptable. We must stop acting like we don't care—that somehow this fundamental issue is just a state problem. It isn't. It's a national problem, and it's an outrage that Congress continues to be A.W.O.L. in the national battle against hate crimes.

Recent incidents of hate crimes have shocked the conscience of the country. It is clear that tolerance in America faces a serious challenge. We cannot hide behind the nation's record economic prosperity or its tremendous technological advances, when issues that go to the heart of the nation's founding ideals and basic values are at stake. When bigotry exists in America, we have to root it out.

Current federal laws are clearly inadequate. It's an embarrassment that we haven't already acted to close the glaring gaps. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back. Federal participation in civil rights prosecutions in nothing new. In fact, it is Federalism 101. Federal involvement in the prosecution of racial bigotry dates back to the Reconstruction Era following the Civil War. These fundamental civil rights laws were updated in the 1960's, but now they are no longer adequate to meet the current challenge. Civil rights is still the unfinished business of America, and action we propose is in the best tradition of responsible federal legislation.

Our amendment addresses two serious deficiencies in the principal federal hate crimes statute, 18 U.S.C. §245, which currently applies to hate crimes committed on the basis of race, color, religion, or national origin.

First, in these cases, the statutes requires the government to prove that the defendant committed an offense not only because of the victims race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined ''federally protected activities'' listed in the statute. These activities are:

(1) Enrolling in or attending a public school or public college;

(2) Participating in a service or activity provided by a state or local government;

(3) Applying for employment or actually working;

(4) Service on a jury in a state or local court;

(5) Traveling in interstate commerce; or using a facility in interstate commerce; or

(6) enjoying the goods or services of certain places of public accommodation.

In other words, even in these types of hate crimes, the prosecution must prove that in addition to the bigotry, the attack was also made because the victim was engaged in one of these six specific activities. Too often, federal prosecutions are not possible, because this additional burden of proof is too great.

Second, the federal statute provides no coverage at all for hate crimes based on the victim's sexual orientation, gender, or disability. In the Matthew Shepard case in Wyoming, for example, no federal prosecution was possible because of this unacceptable gap in federal law.

Together, these limitations prevent the federal government from working with state and local law enforcement agencies in the investigation and prosecution of many of the most vicious hate crimes.

Our legislation adds new provisions to Title 18 to remedy each of these limitations.

In cases involving racial, religious, or ethnic violence, the amendment prohibits the intentional infliction of bodily injury, without regard to the victim's participation in one of the six ''federally protected activities.''

In cases involving hate crimes based on the victim's sexual orientation, gender, or disability, the amendment prohibits the intentional infliction of bodily injury whenever the act has a connection to interstate commerce.

In addition, when state and local officials request federal assistance, our amendment authorizes the federal government to lend its personnel and its technical resources to local officials, and to award grants of up to $100,000 to assist in the local investigation and prosecution of hate crimes. These provisions will permit the federal government to work in partnership with state and local officials in all aspects of the investigation and prosecution of hate crimes.

This amendment has the support of the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes, including the Leadership Conference on Civil Rights, the Anti-Defamation League, the Human Rights Campaign, the National Gay and Lesbian Task Force, the National Organization for Women's Legal Defense and Education Fund, the National Coalition Against Domestic Violence, and the Consortium for Citizens with Disabilities Rights Task Force.

This hate crimes amendment is not a full answer, but it will send a strong signal from the President and Congress that violence against individuals because of their membership in certain groups will not be tolerated, and that the federal government will now be a full partner in meeting this threat in the years ahead. It is time to stop abdicating our federal responsibility and start doing more to win this all-important battle against hate crimes. If we fail, America is not America.

Mr. President, to review for the Senate quickly, this chart indicates the number of incidents, by bias motivation: Red being the race ethnicity and national origin, green being religion, blue being sexual orientation, and yellow being disability.

As you can see from these numbers, they have been virtually flat over the period of these last couple of years. We have seen the increased numbers that have taken place on the basis of sexual orientation and increased numbers with regard to disability. The fact is, in examining these cases, particularly in 1997 and 1998, we find that the incidence of violence has intensified dramatically and the viciousness in manifestations of hatred has increased significantly, reflecting itself in these acts of violence against individuals.

One of our great leaders in this cause was our former colleague, Paul Simon of Illinois, who was a strong advocate on this legislation many years ago. We settled at that time for just collecting information. Prior to a few years ago, we did not have accurate information. Now we have the accurate information and it cries out for action. There is no justification for delay, given that we have the information and we do know the cases that are taking place. We do not have to just rely on the various ad hoc cases that all of us read about, tragically almost every single day. We have accumulated these instances. We know from the direct testimony and comments from local law enforcement officials of the value and help and assistance that can be provided and that is needed in the prosecution of these cases.

I will take the time of the Senate on Monday to go through a greater description of exactly what we are doing and what we are not doing; the limitations that we have placed upon the prosecution. We will have a chance to review for the Senate what the other amendment, the Hatch amendment that will be before the Senate will do, what it will do and also what it will not do. We will have that opportunity on Tuesday next in the middle of the

afternoon. It is imperative to take a vote on whether we are going to be serious here, with the Federal Government participating with States and local communities, trying to do something about the odious aspects of hate crimes.

Finally, as we know, these incidents of crime are not just acts against individuals. These acts really impact and affect a whole community because they are based on such bigotry and hatred and reflect that kind of hatred and viciousness, that the whole community is tainted by these kinds of activities. It cries out for appropriate involvement by the Federal Government to be a partner with local and State law enforcement officials. That is what this legislation does. Nothing more, nothing less. It is a partnership using the full force of the National Government to address these crimes.

My friend from Oregon is on the floor. He has been involved in this issue for a very long period of time. He has been indispensable as we have tried to move this legislation in the Senate. He has a long record in this area in the House of Representatives and in the Senate. I value his counsel and strong support. It is a pleasure to see Senator WYDEN on the floor to speak on this issue this morning.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before the Senator from Massachusetts leaves the floor, I want to make clear that, in all the years of Senator KENNEDY's championing the cause of civil rights, we have looked to him for his leadership. I believe this is a particularly important cause he champions today at a particularly important time. I hope my colleagues will reflect carefully on what Senator KENNEDY has said today. He will be leading us in the debate on this issue next week. I am honored to be working with him.

As Senator KENNEDY said so eloquently, this is about one proposition and one proposition alone, and that is we are seeking to deter violent crime borne out of prejudice and hatred. So often we hear discussions about preferences for individuals, advantages that might in some way be bestowed with respect to civil rights statutes. That is not what this legislation does at all.

This legislation is about deterring violence, deterring crime, deterring these extraordinary acts of violence that, in my view, stain our national greatness. We are not going to be able to remove that stain completely. We are not going to be able to stop individuals from having hateful and prejudicial thoughts. Clearly, we can put the Federal Government in a position to be a stronger, more effective partner with local law enforcement officials in fighting this scourge that has affected so many of our communities.

This is not a time for further study. This is not a time to say the Federal Government's response should only be to collect statistics. This is a time for the Federal Government to work in partnership with State and local law enforcement officials so that we have the strongest, most effective, most coherent mobilization against these acts of violence and prejudice that we possibly can muster.

Our bipartisan amendment, led by Senator KENNEDY, does three things: It removes the restrictions on the types of situations in which the Justice Department can prosecute defendants for violent crimes based on race, color, religion, or national origin.

Second, it will assure that crimes targeted against victims because of disability, gender, or sexual orientation that cause death or bodily injury can be prosecuted if there is a sufficient connection to interstate commerce.

Third, it requires the Attorney General to certify in writing that he or she has reasonable cause to believe that the crime was motivated by bias and that, in fact, the Federal Government had been in close consultation with State and local law enforcement officials and that they did not have any objection to Federal help or that they had asked for Federal assistance.

This is not a question of the Federal Government coming in and saying: We are going to call all the shots, and preempt the local jurisdictions. In fact, we want to support those local jurisdictions. We have 28 States in this country that have no authority to prosecute bias-motivated crimes based on disability or sexual orientation. We have a substantial number of States in this country that lack the legal authority to address these issues that are so important to the fundamental values of this country.

We are not saying that every single crime in America is a hate crime. We certainly know that all crimes are tragic, and we grieve for the families, but not all crimes are based on hate. A hate crime is one where the perpetrator intentionally chooses the victim because of who the victim is. It is our view that a hate crime affects not only the victim, but if it goes unaddressed, it cheapens all of us. It makes our country a little bit less special because it demeans an entire community, it demeans all of us in our Nation.

This is not providing special protection to certain groups. It makes sure we stand up for the rights of those individuals who are singled out solely for reasons borne out of hatred and prejudice and we not allow those in our country who do wish to harm these individuals to perpetrate these brutal acts with no response from our communities.

Some argue that hate crime laws threaten free speech. In the law we are hoping the Senate will adopt, it does not punish beliefs or thoughts. We are not punishing those in this legislation; we are punishing violent acts. I know of no Member of the Senate who is proviolence. I do not think there is a single Member of the Senate who wants to be on the cause or in support of violent acts. Here we draw the line in the sand and we say we are not going to get in the way of people's thoughts and beliefs, lawful expression of one's deeply held religious views, but we are saying that causing or attempting to cause bodily injury is not speech protected by the first amendment.

I am very hopeful that in the next few days the Senate will support this legislation. We are not federalizing criminal activity that is better left to the States. I mentioned the fact that so many States in our country lack these laws, and we have gone beyond the time to just study this and collect further statistics. If one looks at what happened in the brutal instance of Matthew Shepard and the horrific murder of James Byrd, Jr., it is awfully hard to say as you look at those brutal acts: We ought to study things a little bit more and collect some statistics before the Federal Government, in effect, acts to be a better partner with State and local authorities in addressing these issues.

It is time to correct the deficiencies in current law. A crime motivated by race, religion, or ethnic origin can be prosecuted by Federal authorities because it occurred on a public sidewalk but not if it took place in a private parking lot across the street. This is just one example of the gaps and the deficiencies in the current hate crimes statute.

When we vote on this issue, there will be support from Senators on both sides of the aisle. I commend my friend and colleague from Oregon, Senator GORDON SMITH, who has stood with me again and again on this issue.

When we vote on this, it seems to me, this will be nothing short of a referendum in the Senate on whether this body is going to continue to tolerate violent acts born of prejudice.

As I mentioned, I do not know of any Senator who is in favor of violence. Violent acts, born of prejudice—acts that we all know are wrong—are taking place in too many communities in our country. They are a stain on our national greatness.

The evidence is in, and it is clear. It is time, through Federal legislation, to send a strong and unequivocal message that we will not look the other way in the face of these crimes, that they will not be tolerated, that the full force of Federal law enforcement will be brought, and will be brought in conjunction with State and local authorities, to ensure that these violent acts are prosecuted and we have taken every step to deter them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The distinguished Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the amendment Senator KENNEDY will offer on Monday, of which I am pleased to be a cosponsor.

One of the things we try to do in this Chamber, as lawmakers, is to adopt laws that express and encode our values as a society, to, in some sense, put into law our aspirations for the kind of people we want to be.

Clearly, one of the bedrock values, one of the fundamental values, of America is equality—equality of treatment before the law, equality of opportunity but, beyond that, a broader notion of tolerance in our society. It is part of what brought generations of immigrants to this country—the idea that they would be judged on their personal merit, not on anything related to their personal status or characteristics.

Tolerance has been a hallmark of American society. I said before, when I talked about the law, that law sometimes tries to express the aspirations we have for ourselves. Sometimes, obviously, we do not achieve those aspirations and we are intolerant toward one another. Then the law has not only the opportunity but the obligation to step in and to try to create incentives or deterrence toward the worst forms of intolerance, even hatred. That is what this amendment is about.

Clearly, over the decades our Nation has built a strong and proud history of protecting the civil rights of Americans who are subject to racial, religious, gender-based, or disability-based discrimination in the workplace, in housing, in life.

In more recent times, there are a group of us here in the Chamber who have worked to try to extend some of those protections to cover bias, discrimination based on sexual orientation.

It seems to me this amendment and the law on which it builds are also right and proper because they take Federal criminal jurisdiction and extend it to the prosecution and punishment of those who are accused of having caused bodily injury or death based on an animus, a personal animus, a hatred that comes from feelings about the victim's race, religion, nationality, gender, disability, or sexual orientation. In other words, this is another way for our society to express our disdain, to put it mildly, at acts of violence committed based on a person's race, religion, nationality, gender, disability, or sexual orientation.

It is also a way, as is traditionally the province of criminal law, not just to speak to the common moral consensus of our society about what is right and what is wrong because that is what the law is all about, but hopefully by pushing those who are proven to have committed the wrongs, to deter others in the future from committing those same acts that society generally finds abhorrent.

Current law expresses this but in a way that is limited. It permits Federal prosecutions of hate crimes resulting from death or bodily injury if two conditions are met: First, the crime must be motivated by the victim's race, religion, national origin, or color; second, the perpetrator must have intended to prevent the victim from exercising a federally protected right such as voting or traveling interstate. Of course, I support this law and the goals that it embraces: The Federal prosecution of people who inflict serious harm on others because of the color of the victim's skin, the sound of the victim's voice, a foreign accent, or the particular place in which the victim worships God. In short, these are crimes committed because the victim is different in some way from the perpetrator. Such crimes, I conclude, should be federally prosecuted.

As we have had U.S. attorneys invoking these laws, carrying them out, we have discovered some shortcomings and some ways in which we can make them better, which is to say, ways in which we can more fully express some of the principles I talked about at the outset: equality, tolerance, doing everything we can to stop the most abhorrent acts of violence against people based on their characteristics. I think we ought to add to the list of prohibited bases of these crimes, crimes committed against someone because of gender, because of sexual orientation, and because of disability. That is what is provided in the amendment the senior Senator from Massachusetts will offer on Monday and of which I am proud to be a cosponsor.

I suppose some people may hear these categories that I have mentioned and say: People commit crimes based on that basis? The fact is, they do. Sometimes they become quite visible and notorious. Crimes such as that committed against Matthew Shepard, who was killed because he was a gay man, are no less despicable and, of course, therefore no less deserving of Federal protection and prosecution than are those committed against others based on a characteristic, a status of the person, that are currently included in the Federal law. Adding these categories—gender, sexual orientation, disability—seems to me to be an appropriate extension of the basic concept of equal protection under the law. As the law now stands, it also imposes a requirement, a bar to prosecution relating to race, color, religion, and national origin that we ought to change, which is that the law is only triggered if the victim is prevented from exercising a specifically enumerated federally protected activity.

There are obviously crimes that are committed based on hatred that are triggered in cases other than the simple prevention of the exercise of a federally protected activity, thus, the provision of this amendment that would eliminate this obstacle and, therefore, broaden the ability of Federal prosecutors to pursue crimes motivated by racial or religious hatred.

The amendment that will be introduced on Monday also includes new language requiring the Justice Department, prior to indicting a defendant in a hate crime based on the categories I have enumerated, including those added under this amendment, a prosecutor of the Justice Department will have to, prior to the indictment, certify either that the State is not going to prosecute a hate crime, therefore avoiding both an overlap and the opportunity for prosecution by those in law enforcement closest to the crime, the alleged crime, and will also have to certify that the State requested or does not object to Justice Department prosecution or that the State has completed prosecution. It seems that you wouldn't have to say that, but just to be sure to avoid a kind of double exposure, double prosecution, that certification should satisfy the concerns some of my colleagues may have who may fear that Federal prosecutors will interfere with State efforts to bring perpetrators of hate crimes to justice. In other words, the State is given the first opportunity and the superior opportunity to prosecute these cases. Only if the State does not will Federal prosecutors be able to proceed.

At a time when so much else is going on here in the Capitol with the high profile issues of this session—the Patients' Bill of Rights, whether we are going to give Medicare coverage or other coverage for prescription drug benefits for seniors, campaign finance reform—this amendment brings us back to America's first principles of equality and tolerance and challenges each of us to think about the appropriate and constructive role that the law can play, understanding that the law can't control the hearts of people in this country.

Ultimately, we have to count on people's own sense of judgment and tolerance and, hopefully, the effect that other forces in their lives will have on them to make them fair and tolerant, such as their families, their schools, their religions, their faith. But here is the law to say in the cases when all of those other sources of good judgment and values in society fail to stifle the hatred that sometimes does live in people's hearts and souls, to say that this is unacceptable in America and to attach to that statement the sanction of law, hoping that we thereby express the higher aspirations we have for this great country of ours as it continues over the generations to try to realize the noble ideals expressed by our founders in the Declaration and the Constitution, but also to put clearly into the force of law the punishment that comes with law when one goes so far over the line to commit an act of violence based on hatred, hoping thereby that we will deter such heinous acts from occurring again in the future.

I hope my colleagues over the weekend will have a chance to take a look at this amendment, will come to the floor and talk about it, and perhaps question those of us who have proposed it. Then I hope a strong bipartisan majority will support it when it comes to a vote next Tuesday.

I thank the distinguished Chair. I yield the floor.

BRIDGING THE DIGITAL DIVIDE

Mr. KERRY. Mr. President, I would like to take a few minutes to discuss an issue of considerable importance, one I feel very strongly about and one that I think the Senate should address before the end of this Congressional session, and that is Mr. President, the issue of the digital divide. The digital divide is one of the key issues the Congress is currently facing—and will continue to face—in the foreseeable future. Right now we are wrestling with how to best encourage growth in this new economy, but at the same time, how to ensure that growth is evenly spread, that everyone in our society has an opportunity to participate in this new economy and reap its economic rewards.

Mr. President, these are amazing times in which we live and the new economy is responsible for much of this nation's unprecedented prosperity: the stock market is soaring to unimaginable heights. IPO's are occurring at a record pace and creating literally thousands of millionaires in this country. The innovations of the new technologies are astounding: You can order a Saturn online and the very next day a new car shows up in your drive-way. Each day 25,000 new E-BAY subscribers sign up for the world's largest auction. The NetSchools program provides every child with a kid-proof laptop PC that is connected to teachers and classmates using wireless infared technology and has had tremendous results improving academic achievement, attendance, and parental involvement in extremely disadvantaged communities. A surgeon in Boston can direct a doctor in the Berkshires to do a biopsy by using telemedicine equipment. These innovations and hundreds more like them are changing how we live.

The wealth creation—for those on the right side of the divide—generated by this New Economy is breathtaking, Mr. President: College students go from the dorm room to the board room as high tech moguls, like Jerry Yang and Michael Dell. Starting salaries for high tech jobs even for students coming out of college can range from $70,000–$100,000—even more with stock options. Pick up the San Jose Mercury News job section each day and—literally—you will find advertisements for upwards of 10,000 high tech and information technology jobs. Silicon Valley has created more than 275,000 new jobs since 1992—and median family income has soared to $87,000 per year—the third highest in the country.

But as we all know Mr. President, the new economy has not evenly spread its wealth to all Americans and income disparity in this nation continues to grow. One of the greatest challenges we currently face is to connect those not participating in the new economy with the skills, resources, and support necessary for them to do so. A January 2000 study by the Center on Budget and Policy Priorities and the Economic Policy Institute found that in two-thirds of the states, the gap in incomes between the top 20 percent of families and the bottom 20 percent of families grew between the late 1980s and the late 1990s. In three-fourths of the states, income gaps between the top fifth and middle fifth of families grew over the last decade. By contrast, inequality declined significantly in only three states. Clearly Mr. President, the digital divide and the economic divide are closely interrelated and must be responded to as such.

Mr. President, the new economy is more than the latest and greatest innovations in information technology and the highest-flying Internet companies. It is a knowledge economy, with a large share of the workforce employed in office jobs requiring some level of higher education. It is a global economy—the sum of U.S. imports and exports rose from 11 percent of gross domestic product in 1970 to 25 percent in 1997. This emerging economy is driven by innovation in every arena from traditional manufacturing to health care, and even farming and fishing.

The new economy is powerful and exciting, but the digital divide is real and cannot afford to be ignored. Let me describe to you what this divide looks like.

The Digital Divide:

61.6% of those with college degrees now use the Internet, while only 6.6% of those with an elementary school education or less use the Internet.

At the highest incomes ($75,000+), the White/Black divide for computer ownership decreased by 76.2% between 1994 and 1998.

Whites are more likely to have access to the Internet from home, than Blacks or Hispanics have from any location.

Black and Hispanic households are 2/5 as likely to have home Internet access as White households.

Forty-four million American adults, roughly 22 percent, do not have the reading and writing skills necessary for functioning in everyday life. And an estimated 87 percent of documents on the Internet are in English. Yet at least 32 million Americans speak a language other than English and they are—again and again—left behind on the Internet.

Those with a college degree or higher are over eight times more likely to have a computer at home than the least educated and nearly sixteen times more likely to have home Internet access.

The ''digital divide'' for Internet use between those at the highest and lowest education levels widened by 25% from 1997 to 1998.

Those with college degrees or higher are ten times more likely to have Internet access at work as persons with only some high school education.

Mr. President technology is changing our world. Technology is changing our lives, how we work, and how we learn. But this is not just a new economy, it is our economy. And ours is not a newly divided society. Mr. President, this country has always been a society of haves and have nots, and so although we must respond to the unique challenges presented by the changing economy and the changing world of work, we must also understand that bridging the digital divide is about more than just computers and the Internet. In order to meet the challenge of bridging the digital divide we must assist the have nots with basic necessities, like a good public education system, a safe and clean place to live, and adequate health care. We must recognize what I hear from business leaders, teachers, students, parents—everyone—the biggest technology issue in the United States today is education. And we need to make that connection.

Originally when we talked about technology and education—the earlier days of our awareness that there was a growing digital divide—we were focused on wiring schools and outfitting them with equipment. Now, thanks in large part to the success of the E-Rate program, which we worked hard on in the Commerce Committee and which we pushed through to passage, now technology and education is about so much more. In just a few years most of our schools have gotten on-line. And now the focus is on training teachers to effectively use the technology, to integrate technology into the classroom, and to improve parental involvement through technology.

What we can do and what we must do Mr. President, is work to harness technology to grow our economy and enlarge the winner's circle. What we can do and what we must do is work to communicate this single reality: to keep the economic growth moving ahead, we need to work together to ensure that we have a workforce and a generation of young people capable of working with the best technology and the very best ideas to raise living standards and expand the economy—and that is why we must close the digital divide.

The digital divide goes far beyond technology to encompass basic human needs. Mr. President, if we can ensure that there is a computer in every classroom—for every student—the technology will not be effectively used, learning will continue to be challenged if the child does not have a safe and secure home to go to at the end of the day. If a child attends a school that is falling apart, does it matter how many computers are in the classroom and whether or not the school is wired? If a child lives in a dangerous and violent

community—a reality for far too many of this nation's young people—the fear of bullets and gangs is certain to triumph over the desire to conquer new technologies. If a child goes hungry, if school is the only place that can be counted on for a good meal, that child cannot focus on computing and learning.

Mr. President, these are the issues of the digital divide: adequate and affordable housing, safe and secure school buildings, adequate health care, qualified teachers, an increased minimum wage, strong communities, and affordable day care. We must understand that in order to seize upon this brilliant moment of technological advance and move our entire nation forward, we must address these basic needs. We must shore up the foundation, Mr. President and provide all our citizens with opportunity as we march forward in the digital age.

I ask my colleagues to ponder this for a moment: change is nothing new, technology is nothing new, the challenge is the same as it's ever been. But we can use these new technologies to extend opportunity to more Americans than ever before—or, if we're not careful, we could allow technology to heighten economic inequality and sharpen social divisions. By the same token, we can accelerate the most powerful engine of growth and prosperity the world has ever known—or allow that engine to stall. As every economics textbook will tell you, new technologies will continue to drive economic growth—but only if they continue to spread to all sectors of our economy and civic life. And that's the challenge that faces this Congress and this nation.

Mr. President, we have a real opportunity here—and I urge my colleagues to seize it—to close the divisions within our society that have always existed and also to close the digital divide.

FAMILY OPPORTUNITY ACT OF 2000

Mr. ROCKEFELLER. Mr. President, recently my colleagues, Senators GRASSLEY, KENNEDY, JEFFORDS, and HARKIN introduced The Family Opportunity Act of 2000. I have proudly signed on to this important piece of legislation which will help hundreds of thousands of American families who have children with disabilities get access to Medicaid as well as obtain much needed support and information.

The Family Opportunity Act is modeled after last year's successful Work Incentives Improvement Act, which assures adults with disabilities can return to work and not risk losing their health care coverage. This new Act would create a state option to allow middle-income parents who have a child with special health needs to keep working, while having an option to buy in to Medicaid coverage for their child.

In my own state of West Virginia, over 50,000 children are known to have a disability. I have heard personally from many of these families, who remind me about their daily struggles of sacrificing time, energy, and finances to provide the best environment for their child. In the past, this has meant that parents often refuse jobs, pay raises and overtime just to keep their incomes low enough so that they can qualify for services under Medicaid for their children with special health care needs.

Medicaid coverage is so crucial to the child because many private plans do not offer essential services such as occupational, physical and speech therapy, mental health services, home and community-based services, and durable medical equipment such as walkers and wheelchairs, which if uncovered, can be financially devastating to a family. Under the Family Opportunity Act, families would be required to first take employer-sponsored health coverage if available. The option to buy in to Medicaid would be used as a supplement to existing private insurance or as stand alone coverage if employer-based coverage were not an option.

In addition to creating Medicaid buy-in options for families, the Family Opportunity Act proposes the establishment of Family to Family Health Information Centers. These Centers, staffed by both parents and professionals would be available to help families identify and access appropriate health care for their children with special needs, as well as answer questions on filling out the necessary paperwork to establish health care coverage.

The Family Opportunity Act promises to promote early intervention, ensures medically necessary services, offers support, and will help restore family stability. I applaud my colleagues for proposing this important legislation, but even more important, I give a standing ovation to the dedicated families who give so greatly of themselves to care for their children.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 15, 2000, the Federal debt stood at $5,644,606,868,488.81 (Five trillion, six hundred forty-four billion, six hundred and six million, eight hundred and sixty-eight thousand, four hundred eighty-eight dollars and eighty-one cents).

Last year, June 16, 1999, the Federal debt stood at $5,579,687,718,133.89 (Five trillion, five hundred seventy-nine billion, six hundred eighty-seven million, seven hundred eighteen thousand, one hundred and thirty-three dollars and eighty-nine cents).

Five years ago, June 16, 1995, the Federal debt stood at $4,893,073,000,000 (Four trillion, eight hundred ninety-three billion, seventy-three million, seven hundred eighteen thousand, one hundred and thirty-three dollars and eighty-nine cents).

Ten years ago, June 16, 1990, the Federal debt stood at $3,121,688,000,000 (Three trillion, one hundred twenty-one billion, six hundred eighty-eight million).

ADDITIONAL STATEMENTS

HONORS FOR AN ARKANSAS STUDENT

• Mrs. LINCOLN. Mr. President, I rise today to pay tribute and to recognize a fellow Arkansan, Blake Rutherford, for his accomplishments at Middlebury College in Vermont. Blake is a native of Little Rock, attended Little Rock Central High School, and will be graduating from Middlebury College with a degree in Political Science in August 2000. This fine young man is the first student ever chosen at Middlebury College to give the Student Commencement Address. This is a well deserved honor for Blake Rutherford and I whole heartily congratulate him on his achievements. I ask that the text of his speech be included following my remarks.

BLAKE RUTHERFORD'S COMMENCEMENT SPEECH

Today, we are fortunate to experience one of the great accomplishments in life. Like thousands throughout America, we are gathered at the beginning of a new millennium, a unique time in our nation and in our world. But unlike thousands we have come together in a very special place-nestled between the Adirondacks and the Green Mountains—a place where we worked hard, played hard, made lifelong friends, and have spent some of the best years of our lives. Paraphrasing the legendary Bob Hope, ''Middlebury: Thanks for the Memories.''

I want to take this opportunity to congratulate the Class of 2000—individually and collectively—for your achievements. I also want to thank the Board of Trustees, the administration, faculty, and staff for providing us the very best. And I especially want to thank our parents and families for paying for it.

At our centennial celebration one hundred years ago, the Middlebury Register characterized it as the ''day of days for the undergraduate.'' Today, a century later, is most certainly our day of days and one that we will celebrate and remember forever with great pride, for as Emerson noted, ''The reward of a thing well done, is to have done it.''

Middlebury College began in 1800 under the direction of President Jeremiah Atwater in a small building with only seven students. As we see almost 200 hundred years later, more than 2000 students larger, under the direction of President John McCardell, much has changed.

Built for only $8,000, Painter Hall, constructed between 1814 and 1816, is currently the oldest building on campus. Although it stands the same today, the environment and the atmosphere around it do not.

Admittance into Middlebury in 1815 used to consist of a forty-minute oral examination in Latin, Greek and arithmetic. Remembering back four years ago, I could only wish the process was as simple.

But today, thanks to the efforts of many, Middlebury is blessed with a stronger, more diverse student body than it has ever had.

We have seen the number of applicants to Middlebury grow steadily over the past four years.

We have seen the number of minorities on campus grow over the past four years.

Most importantly, we have seen Middlebury's reputation grow and spread all over the United States and to dozens of countries across the world.

Our accomplishment and our experiences have taught us a lot about ourselves and about Middlebury College. As we strive to promote a more diverse environment, we find ourselves struggling to come to terms with many difficult questions and issues. In answering these, let us turn to the lessons taught to us by three prominent Middlebury graduates.

Roswell Field graduated from Middlebury College in 1822. Upon his departure from the College, he became a lawyer, and is most famous for arguing to the Supreme Court on behalf of a slave named Dred Scott. Although the Court did not rule in his favor, his case has taught us that intolerance and bigotry cannot and should not be permitted against any group, at any level.

Alexander Twilight received his Middlebruy diploma in 1823, and in turn became the first African-American to receive a college degree. Today, several minority students will walk across this stage as members of the class of 2000. No doubt, Mr. Twilight would be encouraged.

Ron Brown graduated from Middlebury in 1962. Upon his arrival here, which at the time was almost all white, one campus fraternity objected, saying they only permitted ''White, Christian'' members, Brown and other members of his fraternity chose to fight. In time our local chapter was expelled, but because of his efforts, Middlebury, more importantly, made it college policy that no exclusionary chapters would exist on campus.

Ron Brown had an exemplary professional career serving as Secretary of Commerce until his death in a tragic plane crash in 1996. Jesse Jackson once said of him, ''He learned to be a bridge between the cultures.'' I hope we all can remember that lesson here today. A lesson, no doubt, Ron Brown learned at Middlebury College.

We've come a long way since these individuals were here, but we still have a long way to go.

I am a son of the South. I came a far distance to go to school here. Acceptance to Middlebury was my own impossible dream.

I graduated from Little Rock Central High School where 43 years ago nine African-American students were denied admittance prompting a constitutional crisis our nation had not seen since the Civil War.

While much progress has been made, today in parts of the Mississippi Delta region of our own country—just a couple of hours from my home—there is poverty at its very worst.

Several years ago the late Senator Everett Dirksen of Illinois was speaking at a ceremony at the Gettysburg Battlefield where he said, ''Men died here and men are sleeping here who fought under a July sun that the nation might endure: united, free, tolerant, and devoted to equality. The task was unfinished. It is never quite finished.''

He was right. It is never quite finished.

With our Middlebury foundation, we're now going to embark on a world full of many wonderful opportunities and also of many grave problems. If we can remember two important lessons, our lives and certainly our world will be a much better place. First, the future can always be better than the present. And second, we have a responsibility to ensure that that is the case. It is a responsibility we have to ourselves, to our communities, to Middlebury and most importantly to those who are not as fortunate to be here, among us, today.

This afternoon we leave Middlebury with a greater knowledge of various academic fields, the world and ourselves. We also leave Middlebury young and energetic, bound closer to one another more than we probably ever will be through our friendships, our relationships, and our experiences. And with that we now have the opportunity to help and serve others.

Robert Kennedy said, ''This world demands the qualities of youth: not a time of life but a state of mind, a temper of will, a quality of the imagination, a predominance of courage over timidity, of the appetite of adventure over the love of ease.''

Today, we make history as the first graduating class of Middlebury's third century. It is an accomplishment that I'm sure makes our families, our friends, and those close and important to us very proud as well. So let us always remember this day, May 21, 2000 as our day of days—our historic day. And very soon will all embark on separate journeys and begin a new and exciting chapter in our lives.

In doing so, let us not forget the famous words of Tennyson who wrote, ''That which we are, we are, one equal temper of heroic hearts, made weak by time and fate, but strong in will, to strive, to seek, to find, and not to yield.''

And for the class of 2000, the world now awaits and the best is yet to be.

Good Luck and Congratulations.●

TRIBUTE TO EZRA KOCH

● Mr. SMITH of Oregon. Mr. President, ever since the days of the Oregon Trail, my state has been blessed with citizens dedicated to the spirit of ''neighbor helping neighbor.'' In every community in Oregon you can find men and women who give their time, effort, and money to making that community a better place in which to live, work, and raise a family. That is precisely what Ezra Koch has done in the community of McMinnville, and I am proud to pay tribute to him today.

After over half a century of service as one of McMinnville's and Yamhill County's most respected businessmen, Ezra is retiring as President of City Sanitary and Recycling. A native Canadian, who immigrated to Oregon nearly eight years ago, Ezra and his family have truly lived the American dream.

Under Ezra's leadership, City Sanitary and Recycling, and its parent company KE Enterprises, has become one of Oregon's leading sanitary companies—leading the effort to increase recycling long before it became a national cause. Ezra was the driving force behind the creation of the Oregon Refuse and Recycling Association, and served as president of the National Solid Waste Management Association.

Ezra's love of his community can truly be seen in his volunteer and philanthropic efforts. The list of organizations and causes that have benefitted from his leadership and generosity include Linfield College, the McMinnville School District, Rotary International, the McMinnville Chamber of Commerce, and the United Way.

Ezra credits his family with inspiring the values he has lived throughout his life. And his words are ones we should all take to heart. ''Even though we were a big family with poverty everywhere, we never lacked for enough to eat and share with others. A great tradition was born in our family of sharing what we have with those that are less fortunate, and that continues today.''

I salute Ezra Koch for all he has done to strengthen the Oregon tradition of neighbor helping neighbor, and I wish him many more years of health and happiness.●

FOUR BEARS BRIDGE

● Mr. DORGAN. Mr. President, I commend the leadership of the Appropriations Committee, and particularly subcommittee Chairman SHELBY and Senator LAUTENBERG for their work on the Transportation appropriations bill that the Senate passed yesterday. However, I am gravely concerned about the omission of an item included in the President's budget request for Three Affiliated Tribes on the Fort Berthold Indian Reservation in North Dakota. The President included $5 million for the design and preliminary engineering of the Four Bears Bridge on Fort Berthold Reservation. This bill makes no reference to this funding request. I am concerned that this will provide the federal government with yet another excuse for not replacing a bridge that is clearly its responsibility to replace.

This bridge, originally constructed in 1934 on another part of the reservation, was erected at its current site by the U.S. Army Corps of Engineers in 1952 during construction of the Garrison Dam. Because the Garrison Dam project created a permanent flood in the form of Lake Sakakawea on the Fort Berthold Reservation, the bridge became necessary to connect the west and the east sides of the Reservation.

Mr. President, Senator CAMPBELL, chairman of the Indian Affairs Committee, shares my concerns that the Four Bears Bridge was not included in the bill as requested by the Administration. The reason that this bridge is necessary is because the federal government created a lake bisecting the Reservation. Now there's a situation on Fort Berthold where emergency vehicles, school buses, police and general local traffic are forced to cross a bridge that is only 22 feet wide. This kind of a bridge was built for the small cars of the 1930s—not for the large vehicles common today. It is also important to note that this bridge is one of the few crossing points along the Missouri River in North Dakota, making it a vital connection for all traffic—including large truck traffic—moving across the state.

Mr. INOUYE. I, too, am concerned about the situation on the Fort Berthold Reservation. In the Indian Affairs Committee, my colleagues and I struggle with how to meet the many responsibilities that the federal government has to Indian tribes across the nation. There is a mounting crisis in Indian country in a range of areas and transportation is among the critical needs of tribes. Including the Four

Bears Bridge in this bill as requested by the President is vital to addressing the emergency needs on the Fort Berthold Reservation.

Mr. CONRAD. Mr. President, this is clearly a Federal responsibility. A Federal project created Lake Sakakawea and flooded a significant portion of the reservation, thus creating the need for this bridge. In 1992, Congress accepted the recommendations of the Joint Tribal Advisory Commission, which studied the impact of the Garrison Reservoir, created by the Pick-Sloan Missouri River Project, on the Three Affiliated Tribes. The Commission found that the Three Affiliated Tribes are entitled to replacement of infrastructure lost by the creation of the Garrison Dam and Lake Sakakawea. The Federal Government has a responsibility to the Three Affiliated Tribes to play a major role in providing for the infrastructure necessitated by the permanent flood created by this project.

Mr. President, will the Chairman of the Subcommittee also support funding this bridge as recommended by President Clinton?

Mr. SHELBY. I recognize that the Four Bears Bridge is an important priority for my colleagues and I will work with Senator DORGAN, Senator CONRAD, Indian Affairs Committee Chairman CAMPBELL and Indian Affairs Committee Vice Chairman INOUYE to identify funding for the bridge in the Transportation appropriations bill when it goes to conference.●

TRIBUTE TO THE SAVANNAH STATE UNIVERSITY BASEBALL TEAM

● Mr. CLELAND. Mr. President, I rise today to pay tribute to the most successful college baseball regular season in history. This year, the Savannah State University, SSU, Tigers set a new National Collegiate Athletic Association record for the most consecutive wins—an incredible 46. Led by their coach, Jamie Rigdon, a former Savannah State graduate, the Tigers played with all their heart despite the knowledge that they would not be able to participate in NCAA Regional Playoffs because they are in the process of moving from NCAA Division II to Division I.

The historic season began with twelve straight victories over their fellow Division II rivals. In February, the Tigers defeated Florida A&M in what would become the first of many Division I opponents to meet their match in Savannah State. As the season wore on, the Tigers kept playing hard each and every day and, on March 19 they were rewarded for their efforts with an amazing 34th consecutive victory, thereby breaking the NCAA record. However, Savannah State's celebration was cut short when it learned that a Division III school in Ohio reported that it won 40 consecutive games the season before but had failed to notify the NCAA's official record keepers. While the media and officials debated which team held the record, the Tigers kept winning. In the end, the Savannah State University baseball team had won an astonishing 46 consecutive game, shattering every record in the books and laying indisputable claim to the most successful regular season in college baseball history.

In addition to their consecutive win streak, the Tigers compiled many impressive statistics this year. For example, each SSU starter batted over .330 for the season, the starters fielding average was .947, and the team's earned run average was an incredible 2.30 for the entire season.

I recognize each Tiger player from the record setting team: Brett Higgins, captain; Torrie Pinkins; Derron Street; Jarvis Johnson; Robert Settle; Roderick Ricks; Marcus Griffin; Mike Eusebio; Lamar Leverett; Marcus Johnson; Richard Castillo; Guy Thigpen; Chris Cesario; Charles Brown; Isaiah Brown; James Runkle; Jeremy Batayias; J.J. Stevens; James Greig; and Shantwone Dent.

Savannah State University President, Carlton E. Brown, spoke highly of the student athletes saying that, ''the members of the Savannah State University baseball team are not just extraordinary athletes, they are exceptional students and model citizens. Even without the prospect of post-season play, the team put its heart and soul into each game. The team exemplifies the Savannah State University motto, which is 'You can get anywhere from here.' '' I agree with President Brown that these young men can get anywhere with their education from Savannah State just as they went from the baseball diamond and into the record books. While I do not doubt that the Tigers could have been very successful in the playoffs, I hope their tremendous season is simply one remarkable achievement in a life where they make history, on and off the field.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 a withdrawal and sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–9238. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement; to the Committee on Armed Services.

EC–9239. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to danger pay; to the Committee on Foreign Relations.

EC–9240. 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–9241. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license to Sweden; to the Committee on Foreign Relations.

EC–9242. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of export licenses relative to Norway, Sweden, Greece, and Turkey; to the Committee on Foreign Relations.

EC–9243. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC–9244. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the United Kingdom; to the Committee on Foreign Relations.

EC–9245. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the Federation of Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–9246. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Japan; to the Committee on Foreign Relations.

EC–9247. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Japan; to the Committee on Foreign Relations.

EC–9248. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the Republic of Korea; to the Committee on Foreign Relations.

EC–9249. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the Republic of Korea; to the Committee on Foreign Relations.

EC–9250. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Kazakhstan; to the Committee on Foreign Relations.

EC–9251. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada; to the Committee on Foreign Relations.

EC–9252. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada; to the Committee on Foreign Relations.

EC–9253. A communication from the Assistant Secretary for Indian Affairs, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''25 CFR Part 170, Distribution of Fiscal Year 2000 Indian Reservation Roads Funds'' (RIN1076–AD99) received on June 12, 2000; to the Committee on Indian Affairs.

EC–9254. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Placement of Gamma-Butyrolactone in List I of the Controlled Substances Act'' (RIN1117–AA52) received on May 15, 2000; to the Committee on the Judiciary.

EC–9255. A communication from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Federal Tort Claims Act'' (RIN1120–AA94) received on June 5, 2000; to the Committee on the Judiciary.

EC–9256. A communication from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Civil Contempt of Court Commitments'' (RIN1120–AA94) received on June 5, 2000; to the Committee on the Judiciary.

EC–9257. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled '' ''Small Business Size Standards; Help Supply Services'' (RIN3245–AE17) received on June 14, 2000; to the Committee on Small Business.

EC–9258. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled '' ''Small Business Size Regulations; Size Standards and the North American Industry Classification System'' (RIN3245–AE07) received on June 14, 2000; to the Committee on Small Business.

EC–9259. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''NAFTA Procurement Threshold'' (DFARS Case 2000–D011) received on June 5, 2000; to the Committee on Armed Services.

EC–9260. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled ''Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects'' (RIN0790–AG79) received on June 1, 2000; to the Committee on Armed Services.

EC–9261. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled ''Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects'' (RIN0790–AG79) received on June 1, 2000; to the Committee on Armed Services.

EC–9262. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Waiver of Cost Accounting Standards'' (DFARS Case 2000–D012) received on June 5, 2000; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2046: A bill to reauthorize the Next Generation Internet Act, and for other purposes (Rept. No. 106–310).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. L. CHAFEE (for himself, Mr. KOHL, Mr. GRAHAM, and Mrs. LINCOLN):

S. 2747. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

By Mr. MACK (for himself and Mr. TORRICELLI):

S. 2748. A bill to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. L. CHAFFEE (for himself, Mr. KOHL, Mr. GRAHAM, and Mrs. LINCOLN):

S. 2747. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

CHILD SUPPORT FAIRNESS AND TAX REFUND INTERCEPTION ACT OF 2000

Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senators KOHL, GRAHAM, and LINCOLN in introducing the Child Support Fairness and Tax Refund Interception Act of 2000.

The Child Support Fairness and Tax Refund Interception Act of 2000 closes a loophole in current federal statute by expanding the eligibility of one of the most effective means of enforcing child support orders—that of intercepting the federal tax refunds of parents who are delinquent in paying their court-ordered financial support for their children.

Under current law, eligibility for the federal tax refund offset program is limited to cases involving minors, parents on public assistance, or adult children who are disabled. Custodial parents of adult, non-disabled children are not assisted under the IRS tax refund intercept program, and in many cases, they must work multiple jobs in order to make ends meet. Some of these parents have gone into debt to put their college-age children through school.

The legislation we are introducing today will address this inequity by expanding the eligibility of the federal tax refund offset program to cover parents of all children, regardless of whether the child is disabled or a minor. This legislation will not create a cause of action for a custodial parent to seek additional child support. It will merely assist the custodial parent in recovering debt that is owed for a level of child support that was determined by a court.

Improving our child support enforcement programs is an issue that should be of concern to us all as it remains a serious problem in the United States. According to the most recent Government statistics, there are approximately twelve million active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the $13.7 billion owed in 1998, only $6.9 billion has been collected. It is important to note that this data does not include reporting from many states, including California, New York, Florida, and Illinois. In 1998, only 23 percent of children entitled to child support through our public system received some form of payment, despite Federal and State efforts. Similar shortfalls in previous years bring the combined delinquency total to approximately $47 billion. We can fix this injustice in our Federal tax refund offset program by helping some of our most needy constituents receive the financial assistance they are owed.

While the administration has been somewhat successful in using tax refunds as a tool to collect child support payments, more needs to be done. The IRS tax refund interception program has only collected one-third of tardy child support payments. The Child Support Fairness and Tax Refund Interception Act of 2000 will remove the current barrier to fulfilling an individual's obligation to pay child support, while helping to provide for the future of our Nation's children.

I urge my colleagues to join me in supporting this important legislation, and I ask unanimous consent that the legislation be printed in the RECORD.

S. 2747

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 ''Child Support Fairness and Tax Refund Interception Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Enforcing child support orders remains a serious problem in the United States. There are approximately 12,000,000 active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the $13,700,000,000 owed in calendar year 1998 pursuant to such orders, $6,900,000,000, or 51 percent, has been collected. However, this data does not include reporting from many States, including California, New York, Florida, and Illinois. Similar shortfalls in past years have brought the combined total of child support owed to $47,400,000,000 by the end of fiscal year 1997.

(2) It is an injustice for the Federal Government to issue tax refunds to a deadbeat spouse while a custodial parent has to work 2 or 3 jobs to account for the shortfall in providing for their children.

(3) The Internal Revenue Service (IRS) program to intercept the tax refunds of parents who owe child support arrears has been successful in collecting more than ⅓ of such arrears.

(4) The Congress has periodically expanded eligibility for the IRS tax refund intercept program. Initially, the program was limited to intercepting Federal tax refunds owed to parents on public assistance. In 1984, Congress expanded the program to cover refunds owed to parents not on public assistance. Finally, the Omnibus Budget Reconciliation Act of 1990 made the program permanent and expanded the program to cover refunds owed to parents of adult children who are disabled.

(5) The injustice to the custodial parent is the same regardless of whether the child is disabled, non-disabled, a minor, or an adult, so long as the child support obligation is provided for by a court or administrative order. It is common for parents to help their adult children finance a college education, a wedding, or a first home. Some parents cannot afford to do that because they are recovering from debt they incurred to cover expenses that would have been covered if they had been paid the child support owed to them in a timely manner.

(6) This Act would address this injustice by expanding the program to cover parents of all adult children, regardless of whether the child is disabled.

(7) This Act does not create a cause of action for a custodial parent to seek additional child support. This Act merely helps the custodial parent recover debt they are owed for a level of child support that was set by a court after both sides had the opportunity to present their arguments about the proper amount of child support.

SEC. 3. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

Mr. KOHL. Mr. President, I rise today to introduce legislation, the Child Support Fairness and Tax Refund Interception Act, with my colleague from Rhode Island, Senator CHAFEE, as well as Senators GRAHAM and LINCOLN. This legislation is designed to increase child support collections across the country by allowing more parents to secure overdue support payments through the tax refund offset program.

Child support enforcement is an issue that I care a great deal about. Every day, far too many children in this country go without the resources they need to learn and grow in healthy, nurturing environments. Working to improve the lives and futures of these children in need should count amount our highest priorities, and we can do just that by improving our system of child support enforcement.

This legislation that we are introducing today proposes one such improvement by seeking to expand the use of an important enforcement tool. As my colleagues may know, under current law, custodial parents are eligible to use the tax refund offset program if their child support cases involve minors, adult disabled children, or parents on public assistance. The offset program has played a key role in securing overdue support payments. In fact, along with wage withholding, the offset program counts as one of the most effective tools that custodial parents owed support have at their disposal. For the 1998 tax year, the federal government collected a record $1.3 billion in overdue support through the tax offset program, an 18 percent increase over the previous year and a 99 percent increase since 1992. These collections yielded benefits to approximately 1.4 million families.

Yet despite these admirable gains, under current law, the benefits of the tax refund offset program are not available to other custodial parents, those who have adult children, who are rightfully owed past-due support. Our legislation would address this issue by allowing all parents who are owed overdue court-ordered support to be eligible for the offset program, regardless of whether their child is disabled or a minor. We believe that this straightforward change will both increase child support collections and help ease the burdens of many custodial parents. It will assist those parents who may have worked multiple jobs and struggled to provide for their children but who may still have difficulty recovering child support debt owed to them without the assistance of the offset program.

Our Nation's unacceptably low rate of child support enforcement is a national crisis. Our public system collects only 23 percent of its caseload, and over $47 billion in overdue support is owed to our nation's children. Clearly, we must do all we can to address this very serious problem.

I urge my colleagues to join with Senators CHAFEE, GRAHAM, LINCOLN, and myself is supporting this important legislation. It will expand one effective tool in the enforcement arsenal and help increase the resources available to families in need.

By Mr. MACK (for himself and Mr. TORRICELLI):

S. 2748. A bill to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

THE RUSSIAN-AMERICAN TRUST AND COOPERATION ACT OF 2000

● Mr. MACK. Mr. President, I rise today to offer a common sense piece of legislation that would prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President of the United States certifies to the Congress that Russia has ceased all operations and permanently closed its intelligence facility at Lourdes, Cuba. Currently the Government of the Russian Federation maintains a signals intelligence facility in Lourdes, Cuba from which it conducts intelligence activities directed against the United States. The Secretary of Defense has reported that the Russian Federation leases the Lourdes facility for an estimated $100 to $300 million every year. This is several hundred million dollars flowing to support a brutal tyrant for the purpose of supporting espionage.

Mr. President, the United States should prohibit debt rescheduling and forgiveness for a country that is conducting espionage activities against America, while infusing Castro's despotic government with between $100 million and $300 million per year.

I am pleased to have my colleague from New Jersey as a cosponsor of this legislation and I look forward to working with my colleagues to quickly pass this important bill. Mr. President, I ask unanimous consent that a copy 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. 2748

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 ''Russian-American Trust and Cooperation Act of 2000''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the Russian Federation maintains an agreement with the Government of Cuba which allows Russia to operate an intelligence facility at Lourdes, Cuba.

(2) The Secretary of Defense has formally expressed concerns to the Congress regarding the espionage complex at Lourdes, Cuba, and its use as a base for intelligence activities directed against the United States.

(3) The Secretary of Defense, referring to a 1998 Defense Intelligence Agency assessment, has reported that the Russian Federation leases the Lourdes facility for an estimated $100,000,000 to $300,000,000 a year.

(4) It has been reported that the Lourdes facility is the largest such complex operated by the Russian Federation and its intelligence service outside the region of the former Soviet Union.

(5) The Lourdes facility is reported to cover a 28 square-mile area with over 1,500 Russian engineers, technicians, and military personnel working at the base.

(6) Experts familiar with the Lourdes facility have reportedly confirmed that the base has multiple groups of tracking dishes and its own satellite system, with some groups used to intercept telephone calls, faxes, and computer communications, in general, and with other groups used to cover targeted telephones and devices.

(7) News sources have reported that the predecessor regime to the Government of the Russian Federation had obtained sensitive information about United States military operations during Operation Desert Storm through the Lourdes facility.

(8) Academic studies assessing the threat the Lourdes espionage station poses to the United States cite official United States sources affirming that the Lourdes facility is being used to collect personal information about United States citizens in the private and government sectors, and offers the means to engage in cyberwarfare against the United States.

(9) It has been reported that the operational significance of the Lourdes facility has grown dramatically since February 7, 1996, when then Russian President, Boris Yeltsin, issued an order demanding that the Russian intelligence community increase its gathering of United States and other Western economic and trade secrets.

(10) It has been reported that the Government of the Russian Federation is estimated to have spent in excess of $3,000,000,000 in the operation and modernization of the Lourdes facility.

(11) Former United States Government officials have been quoted confirming reports about the Russian Federation's expansion and upgrade of the Lourdes facility.

(12) It was reported in December 1999 that a high-ranking Russian military delegation headed by Deputy Chief of the General Staff Colonel-General Valentin Korabelnikov visited Cuba to discuss the continuing Russian operation of the Lourdes facility.

SEC. 3. PROHIBITION ON BILATERAL DEBT RESCHEDULING AND FORGIVENESS FOR THE RUSSIAN FEDERATION.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President—

(1) shall not reschedule or forgive any outstanding bilateral debt owed to the United States by the Government of the Russian Federation, and

(2) shall instruct the United States representative to the Paris Club of official creditors to use the voice and vote of the United States to oppose rescheduling or forgiveness of any outstanding bilateral debt owed by the Government of the Russian Federation,

until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

(b) WAIVER.—

(1) IN GENERAL.—The President may waive the application of subsection (a)(1) if, not less than 10 days before the waiver is to take effect, the President determines and certifies in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is necessary to the national interests of the United States.

(2) ADDITIONAL REQUIREMENT.—If the President waives the application of subsection (a)(1) pursuant to paragraph (1), the President shall include in the written certification under paragraph (1) a detailed description of the facts that support the determination to waive the application of subsection (a)(1).

(3) SUBMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, the written certification under paragraph (1), or appropriate parts thereof, may be submitted in classified form.

(c) PERIODIC REPORTS.—The President shall, every 180 days after the transmission of the written certification under subsection (b)(1), prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a description of the extent to which the requirements of subparagraphs (A) and (B) of subsection (b)(1) are being met.

SEC. 4. REPORT ON THE CLOSING OF THE INTELLIGENCE FACILITY AT LOURDES, CUBA.

Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until the President makes a certification under section 3, the President shall submit to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate a report (with a classified annex) detailing—

(1) the actions taken by the Government of the Russian Federation to terminate its presence and activities at the intelligence facility at Lourdes, Cuba; and

(2) the efforts by each appropriate Federal department or agency to verify the actions described in paragraph (1).●

ADDITIONAL COSPONSORS

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of 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.

S. 1668

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 2018

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2396

At the request of Mr. BENNETT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2396, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2420

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2510

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2510, a bill to establish the Social Security Protection, Preservation, and Reform Commission.

S. 2617

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2617, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 2641

At the request of Mr. CLELAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2645

At the request of Mr. THOMPSON, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2745

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2745, a bill to provide for grants to assist value-added agricultural businesses.

S. 2746

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2746, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property.

S. RES. 254

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. L. CHAFFEE), the Senator from Georgia (Mr. CLELAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Res. 254, a resolution supporting the goals and ideals of the Olympics.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month''.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Thursday, June 29, 2000, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing to conduct oversight on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan Amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basic Ecosystem Management Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, July 12, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, July 26, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JUNE 19, 2000

The PRESIDING OFFICER. Acting in my role as the Senator from Kansas, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Without objection, it is so ordered.

Thereupon, the Senate, at 12:34 p.m., adjourned until Monday, June 19, 2000, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 2000:

DEPARTMENT OF THE TREASURY

RUTH MARTHA THOMAS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE LINDA LEE ROBERTSON, RESIGNED.

FEDERAL HOUSING FINANCE BOARD

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2007, VICE BRUCE A. MORRISON, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM T. HOBBINS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TOME H. WALTERS, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DONALD L. KERRICK, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN B. NATHMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL G. GAFFNEY II, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL D. HASKINS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 2000:

THE JUDICIARY

BEVERLY B. MARTIN, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

JAY A. GARCIA-GREGORY, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.

LAURA TAYLOR SWAIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 16, 2000, withdrawing from further Senate consideration the following nomination:

FEDERAL HOUSING FINANCE BOARD

Bruce A. Morrison, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2007 (Reappointment), which was sent to the Senate on October 29, 1999.